

WEST VIRGINIA LEGISLATURE  
**SENATE JOURNAL**

EIGHTY-SECOND LEGISLATURE  
REGULAR SESSION, 2015  
FIFTY-SIXTH DAY

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Charleston, W. Va., Tuesday, March 10, 2015

The Senate met at 10:30 a.m.

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

Prayer was offered by the Reverend John Hagan, St. Matthew's Episcopal Church, Charleston, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Mark R. Maynard, a senator from the sixth district.

Pending the reading of the Journal of Monday, March 9, 2015,

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

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

The Senate then proceeded to the third order of business.

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

**Enr. Com. Sub. for Senate Bill No. 6**, Relating to medical professional liability.

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:

**Enr. Com. Sub. for Senate Bill No. 6**—An Act to amend and reenact §55-7B-1, §55-7B-2, §55-7B-7, §55-7B-8, §55-7B-9, §55-7B-9a, §55-7B-9c, §55-7B-10 and §55-7B-11 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto two new sections, designated §55-7B-7a and §55-7B-9d, all relating to medical professional liability generally; providing additional legislative findings and purposes related to medical professional liability; amending existing definitions of “collateral source”, “health care”, “health care facility”, “health care provider” and “medical professional liability” and creating a new definition for “related entity” all of which expand the scope of the Medical Professional Liability Act; modifying the qualifications for the competency of experts who testify in medical professional liability actions; providing rebuttable presumptions and evidentiary requirements relating to state and federal reports, disciplinary actions, accreditation reports, assessments and staffing; modifying the maximum amount of recovery for, and availability of,

noneconomic damages; clarifying amounts of medical professional liability insurance coverage that must exist to receive noneconomic damages limitations; clarifying that a health care provider is not vicariously liable unless the alleged agent does not maintain certain insurance; clarifying eligibility for, and application of, emergency medical services caps; providing a methodology for determining the amount of trauma care caps to account for inflation; providing certain limitations of verdicts for past medical expenses of the plaintiff; establishing effective date; and providing for severability.

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

Enrolled Committee Substitute for Senate Bill No. 6, 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, Mullins, Nohe, Palumbo, Plymale, Prezioso, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (Mr. President)—31.

The nays were: Romano and Snyder—2.

Absent: Miller—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Enr. Com. Sub. for S. B. No. 6) passed with its House of Delegates amended 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: Beach, Blair, Boley, Boso, Carmichael, Facemire, Ferns, Gaunch, D. Hall, M. Hall, Karnes,

Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Mullins, Nohe, Palumbo, Plymale, Prezioso, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (Mr. President)—31.

The nays were: Romano and Snyder—2.

Absent: Miller—1.

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. 6) takes effect from passage.

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

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

**Eng. Com. Sub. for Com. Sub. for Senate Bill No. 277**, Requiring issuance of certificate of birth resulting in stillbirth.

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. 421**, Relating to punitive damages in civil actions.

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 the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §55-7-27, to read as follows:

**ARTICLE 7. ACTIONS FOR INJURIES.**

**§55-7-27. Limitations on punitive damages.**

(a) An award of punitive damages may only occur in a civil action against a defendant if a plaintiff establishes by clear and convincing evidence that the damages suffered were the result of the conduct that was carried out by the defendant with actual malice toward the plaintiff or a conscious, reckless and outrageous indifference to the health, safety and welfare of others.

(b) Any civil action tried before a jury involving punitive damages ~~shall~~ may, upon request of any defendant, be conducted in a bifurcated trial in accordance with the following guidelines:

(1) In the first stage of a bifurcated trial, the jury shall determine liability for compensatory damages and the amount of compensatory damages, if any.

(2) If the jury finds during the first stage of a bifurcated trial that a defendant is liable for compensatory damages, then the court shall determine whether sufficient evidence exists to proceed with a consideration of punitive damages.

(3) If the court finds that sufficient evidence exists to proceed with a consideration of punitive damages, the same jury shall determine if a defendant is liable for punitive damages in the second stage of a bifurcated trial and may award such damages.

(4) If the jury returns an award for punitive damages that exceeds the amounts allowed under subsection (c) of this section, the court shall reduce any such award to comply with the limitations set forth therein.

(c) The amount of punitive damages that may be awarded in a civil action may not exceed the greater of four times the amount of compensatory damages or \$500,000, whichever is greater.

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

Engrossed Committee Substitute for Senate Bill No. 421, 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, Kirkendoll, Leonhardt, Maynard, Mullins, Nohe, Palumbo, Plymale, Prezioso, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel and Cole (Mr. President)—27.

The nays were: Facemire, Kessler, Laird, Romano, Snyder and Yost—6.

Absent: Miller—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. No. 421) passed with its title.

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

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. 532**, Relating to civil liability immunity for clinical practice plans and medical and dental school personnel.

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:

**ARTICLE 7E. IMMUNITY FROM CIVIL LIABILITY FOR  
CLINICAL PRACTICE PLANS AND  
PERSONNEL ASSOCIATED WITH MEDICAL  
AND DENTAL SCHOOLS.**

**§55-7E-1. Findings and declaration of public purpose.**

The Legislature finds and declares:

That the citizens of this state have been and should continue to be well served by physicians and dentists educated and trained at the Marshall University School of Medicine, the West Virginia School of Osteopathic Medicine, the West Virginia University School of Medicine and the West Virginia University School of Dentistry;

That the state's medical and dental schools play a vital role in ensuring an adequate supply of qualified and trained physicians throughout the state;

That the education, training and research provided at the state's medical and dental schools is and state medical schools are an essential governmental function in which the state has a substantial and compelling interest;

That the provision of clinical services to patients by faculty members, ~~resident physicians~~, residents, fellows and students of the state's medical and dental schools and state medical school, is an inseparable component of the aforementioned education, training and research;

That the provision of the clinical services significantly contributes to the ongoing quality, effectiveness and scope of the state's health care delivery system;

That the provision of the clinical services also raises the public profile and reputation of the respective institutions both regionally and nationally, thereby facilitating the recruitment of talented faculty, residents, fellows and students to their programs of study;

That the provision of the clinical services generates additional revenues needed to fund faculty salaries and other costs associated with the overall operation of the state medical school and state's medical and dental schools;

That the continued availability of the revenues to the state medical school and state's medical and dental schools is necessary to their ongoing operation and delivery of the benefits described above;

That the continued availability of the revenues is compromised by the cost of medical professional liability insurance, the cost of defending medical professional liability claims, and the cost of compensating patients who suffer medical injury or death;

That the state concurrently has an interest in providing a system that makes available adequate and fair compensation to those individual patients who suffer medical injury or death;

That it is the duty and responsibility of the Legislature to balance the rights of individual patients to obtain adequate and fair compensation, with the substantial and compelling state interests set forth herein supporting the need for a financially viable system of medical and dental schools;

That, in balancing these important state interests, the Legislature acknowledges the sovereign immunity set forth in the West Virginia Constitution under Article VI, Section 35, to prevent the diversion of state moneys from legislatively appropriated purposes;

That, in conjunction with the provision of clinical services to patients by faculty members, ~~resident physicians~~, residents, fellows



and students of the state's medical and dental schools, or state medical school, it is a common practice both here and in other states to create one or more clinical practice plans as nonprofit corporations;

That the clinical practice plans, among other things, administratively support clinical activities by holding real and personal property, offering personnel and financial management, providing billing and collection for services rendered, and disbursing excess revenues back to the respective medical and dental schools;

That the clinical practice plans become integrated with their respective state medical school and state's medical and dental schools and exclusively serve the interests of these schools and their faculty;

That any moneys the clinical practice plans expend for the defense, settlement, and satisfaction of medical professional liability claims inevitably result in a shortfall of funds available to the medical and dental schools for faculty compensation and other operational purposes, thereby undermining the sovereign immunity otherwise granted to state institutions by the West Virginia Constitution;

That it is therefore reasonable and appropriate for the Legislature to provide immunity from civil liability to clinical practice plans and their respective directors, officers, employees and agents given the substantial and compelling state interests being served; and

That it is further reasonable and appropriate to require the state's medical and dental schools to maintain a level of medical professional liability insurance to adequately and fairly compensate patients who suffer medical injuries or death.

**§55-7E-2. Definitions.**

For purposes of this article:

(1) “Clinical practice plan” means any of the nonprofit corporations that are operated to assist the state medical school and state’s medical and dental schools in providing clinical services to patients and which are controlled by governing boards all the voting members of which are faculty members or university officials. Clinical practice plans as defined herein shall be considered agents of the state.

(2) “Contractor” means an independent contractor, whether compensated or not, who is licensed as a health care professional under chapter thirty of this code, ~~and~~ who is acting within the scope of his or her authority for a state medical school, state’s medical and dental schools or a clinical practice plan, and is a member of the faculty of a state’s medical and dental schools or state medical school.

(3) “Employee” means a director, officer, employee, agent or servant, whether compensated or not, who is licensed as a health care professional under chapter thirty of this code and who is acting within the scope of his or her authority or employment for a state’s medical and dental schools, a state medical school or a clinical practice plan.

(4) “Health care” means any act or treatment performed or furnished, or which should have been performed or furnished, by any director, officer, employee, agent or contractor of a state medical school, state’s medical and dental schools or a clinical practice plan for, to or on behalf of a patient during the patient’s medical care, treatment or confinement.

(5) “Medical injury” means injury or death to a patient arising or resulting from the rendering or failure to render health care.

(6) “Medical professional liability insurance” means a contract of insurance, or any self-insurance retention program established under the provisions of section ten, article five, chapter eighteen-b of this code, that pays for the legal liability arising from a medical injury.

(7) “Patient” means a natural person who receives or should have received health care from a director, officer, employee, agent or contractor of a state medical school, state’s medical and dental schools or a clinical practice plan under a contract, express or implied.

(8) “Scope of authority or employment” means performance by a director, officer, employee, agent or contractor acting in good faith within the duties of his or her office, employment or contract with a state medical school, state’s medical and dental schools or a clinical practice plan, but does not include corruption or fraud.

(9) “State’s medical and dental schools” or “state medical school” means the Marshall University School of Medicine, the West Virginia School of Osteopathic Medicine, the West Virginia University School of Medicine and the West Virginia University School of Dentistry.

**§55-7E-3. Immunity for clinical practice plans and their directors, officers, employees, agents and contractors.**

Notwithstanding any other provision of this code, all clinical practice plans, and all employees and contractors of a state’s medical and dental schools state medical school or a clinical practice plan, ~~are not liable for~~ are only liable up to the limits of insurance coverage procured through the State Board of Risk and Insurance Management in accordance with section four, article seven-e, chapter fifty-five of this code, arising from a medical injury to a patient, including death resulting, in whole or in part, from the medical injury, either through act or omission, or whether actual or imputed, while acting within the scope of their authority or employment for a state’s medical and dental schools, state medical school or a clinical practice plan. The provisions of this article apply to the acts and omissions of all full-time, part-time, visiting and volunteer directors, officers, faculty members, ~~resident physicians~~ residents, fellows, students, employees, agents and contractors of a state’s medical and dental schools, state medical school or a clinical practice plan, regardless of whether the persons are engaged in

teaching, research, clinical, administrative or other duties giving rise to the medical injury, regardless of whether the activities were being performed on behalf of a state's medical and dental schools, state medical school or on behalf of a clinical practice plan and regardless of where the duties were being carried out at the time of the medical injury.

**§55-7E-4. Medical professional liability insurance for state's medical and dental schools and state medical schools.**

The State Board of Risk and Insurance Management shall provide medical professional liability insurance to all of the state's medical and dental schools, state medical school, all of their clinical practice plans and all of their directors, officers, employees, agents and contractors in an amount to be determined by the State Board of Risk and Insurance Management, but in no event less than ~~\$1~~ \$1.5 million for each occurrence, to increase to account for inflation by an amount equal to the consumer price index published by the United States department of labor, up to \$2 million for each occurrence. The clinical practice plans shall pay for this insurance. The provision of professional liability insurance is not a waiver of immunity that any of the foregoing entities or persons may have pursuant to this article or under any other law. Any judgment obtained for a medical injury to a patient as a result of health care performed or furnished, or which should have been performed or furnished, by any employee or contractor of a state's medical and dental school, state medical school or clinical practice plan shall not exceed the limits of medical professional liability insurance coverage provided by the State Board of Risk and Insurance Management pursuant to this section.

**§55-7E-5. Applicability of provisions.**

The provisions of this article are applicable prospectively to all civil actions commenced on or after July 1, 2015.

**§55-7E-6. Construction.**

The provisions of this article operate in addition to, and not in derogation of, any of the provisions contained in article seven-b of this chapter.

On motion of Senator Carmichael, the following amendment to the House of Delegates amendment to the bill (Eng. S. B. No. 532) was reported by the Clerk and adopted:

On page six, section four, after the words “\$1.5 million for each occurrence” by inserting the words “after July 1, 2015” ;

And,

On page seven, section five, by striking out the words “civil actions” and inserting in lieu thereof the words “claims that occur and are”.

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

Engrossed Senate Bill No. 532, 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, Mullins, Nohe, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (Mr. President)—33.

The nays were: None.

Absent: Miller—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. No. 532) 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 concurrence by that body in the Senate amended title, passage as amended, of

**Eng. House Bill No. 2272**, Relating to the authority of the Board of Pharmacy.

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

**Eng. Com. Sub. for House Bill No. 2766**—A Bill 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.

At the request of Senator Carmichael, and by unanimous consent, the message was taken up for immediate consideration, the bill was read a first time, ordered to second reading, and then referred to the Committee on Finance.

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

**Eng. Com. Sub. for House Bill No. 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.

At the request of Senator Carmichael, and by unanimous consent, the message was taken up for immediate consideration, the bill was read a first time, ordered to second reading, and then referred to the Committee on Finance.

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

**Eng. Com. Sub. for House Bill No. 2772**—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 \$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.

At the request of Senator Carmichael, and by unanimous consent, the message was taken up for immediate consideration, the bill was read a first time, ordered to second reading, and then referred to the Committee on Finance.

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

**Eng. House Bill No. 2776**, Relating to prescribing hydrocodone combination drugs for a duration of no more than three days.

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. 2999**, Relating to neonatal abstinence centers.

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

**Eng. House Bill No. 3020**—A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Military Affairs and Public Safety, Division of Corrections - Correctional Units, fund 0450, fiscal year 2015, organization 0608, by supplementing and

amending the appropriations for the fiscal year ending June 30, 2015.

At the request of Senator Carmichael, and by unanimous consent, the message was taken up for immediate consideration, the bill was read a first time, ordered to second reading, and then referred to the Committee on Finance.

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

**Eng. House Bill No. 3021**—A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Health and Human Resources, Division of Health, Central Office, fund 0407, fiscal year 2015, organization 0506, and to the Department of Health and Human Resources, Division of Human Services, fund 0403, fiscal year 2015, organization 0511, by supplementing and amending the appropriations for the fiscal year ending June 30, 2015.

At the request of Senator Carmichael, and by unanimous consent, the message was taken up for immediate consideration, the bill was read a first time, ordered to second reading, and then referred to the Committee on Finance.

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

**Eng. House Bill No. 3022**—A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Treasurer's Office, fund 0126, fiscal year 2015, organization 1300, to the State Board of Education

- State FFA-FHA Camp and Conference Center, fund 0306, fiscal year 2015, organization 0402, to the State Board of Education - West Virginia Schools for the Deaf and the Blind, fund 0320, fiscal year 2015, organization 0403, to Mountwest Community and Technical College, fund 0599, fiscal year 2015, organization 0444, to the West Virginia School of Osteopathic Medicine, fund 0336, fiscal year 2015, organization 0476, and to West Virginia State University, fund 0373, fiscal year 2015, organization 0490, by supplementing and amending the appropriations for the fiscal year ending June 30, 2015.

At the request of Senator Carmichael, and by unanimous consent, the message was taken up for immediate consideration, the bill was read a first time, ordered to second reading, and then referred to the Committee on Finance.

At the request of Senator Kessler, 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.

### **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 6, 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. 2010 on technical grounds.

First, §3-1-17(b) appears to be missing the words, “There shall be elected” at the beginning of the subsection. Without this phrase, this subsection is incomplete. Likewise, §3-4A-11a(b)(3) is ambiguous and appears to be missing language. As a result, the provisions of this section are unclear, leaving the reader to make assumptions about the instructions provided in this section.

Next, §3-10-3(c) addressing appointment of a magistrate when a vacancy occurs, contains an incorrect reference to section one, article six, chapter fifty, related to enforcement of judgments.

Moreover, the bill’s title may be inadequate. The title does not provide notice of the changes to the West Virginia Supreme Court of Appeals Public Campaign Financing Program in article twelve, chapter three. Specifically, the title simply provides for the “continuing applicability” of the program; however, the title does not give notice of the revision in the amount of financing available to a candidate running in a contested election or the removal of funding available to a candidate running in an uncontested election. Additionally, the title contains the following duplicative provisions, “providing for the commencement of terms of office” and “providing the timing of commencement of terms of office for justices of the Supreme Court of Appeals, circuit judge, family court judge and magistrate.”

Further, §3-5-13a, page 19, line 11, contains an extra comma after “Attorney General” and line 12 contains an extra comma after “House of Delegates.” Likewise, §6-5-1, page 36, line 11, contains an extra comma after “clerks of the circuit.”

Additionally, §3-5-13(5) contains references to the Board of Education that are inconsistently and incorrectly capitalized. Page

18, lines 131-132, state “board of Education” and line 136 states “board of education”; these references should be capitalized. Similarly, §6-5-1 contains inconsistent capitalization on page 36, lines 3-5, referring to the state superintendent of free schools, treasurer, and commissioner of agriculture; all these titles should be capitalized. Finally, §3-12-14(a)(6), page 33, line 26, contains reference to the auditor; Auditor should be capitalized. These titles are correctly capitalized throughout the remainder of the bill, consistent with established legislative bill drafting guidelines.

Lastly, §6-5-1, page 36, line 9, states “judges of the Supreme Court of Appeals”; this should state “justices” instead of “judges.”

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. 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.

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. 2010),

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. 2010, 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 §3-1-16 and §3-1-17 of the Code of West Virginia, 1931, as amended, be amended and reenacted; that §3-4A-11a of said code be amended and reenacted; that §3-5-4 of said code be amended and reenacted; that said code be amended by adding thereto four new sections, designated §3-5-6a, §3-5-6b, §3-5-6c and §3-5-6d; that §3-5-7, §3-5-13 and §3-5-13a of said code be amended and reenacted; that §3-10-3 of said code be amended and reenacted; that §3-12-3, §3-12-6, §3-12-10, §3-12-11, §3-12-12 and §3-12-14 of said code be amended and reenacted; that §6-5-1 of said code be amended and reenacted; that §50-1-1 and §50-1-6 of said code be amended and reenacted; that §51-1-1 of said code be amended and reenacted; and that §51-2A-5 of said code be amended and reenacted, all to read as follows:

### **CHAPTER 3. ELECTIONS.**

#### **ARTICLE 1. GENERAL PROVISIONS AND DEFINITIONS.**

##### **§3-1-16. Election of state officers.**

(a) At the general election to be held in 1968, and every fourth year thereafter, there shall be elected a Governor, Secretary of State, Treasurer, Auditor, Attorney General and Commissioner of Agriculture. At the general election in 1968, and every second year thereafter, there shall be elected a member of the State Senate for

each senatorial district, and a member or members of the House of Delegates of the state from each county or each delegate district.

(b) At the time of the primary election to be held in the year 2016, and every twelfth year thereafter, there shall be elected one justice of the Supreme Court of Appeals, and at the time of the primary election to be held in 2020, and every twelfth year thereafter, two justices of the Supreme Court of Appeals and at the time of the primary election to be held in 2024, and every twelfth year thereafter, two justices of the Supreme Court of Appeals. Effective with the primary election held in the year 2016, the election of justices of the Supreme Court of Appeals shall be on a nonpartisan basis and by division as set forth more fully in article five of this chapter.

**§3-1-17. Election of circuit judges; county and district officers; magistrates.**

(a) There shall be elected, at the time of the primary election to be held in 2016, and every eighth year thereafter, one judge of the circuit court of every judicial circuit entitled to one judge, and one judge for each numbered division of the judicial circuit in those judicial circuits entitled to two or more circuit judges; and at the time of the primary election to be held in 2016, and in every fourth year thereafter, the number of magistrates prescribed by law for the county. Beginning with the election held in the year 2016, an election for the purpose of electing judges of the circuit court, or an election for the purpose of electing magistrates, shall be upon a nonpartisan ballot printed for the purpose.

(b) There shall be elected, at the general election to be held in 1992, and every fourth year thereafter, a sheriff, prosecuting attorney, surveyor of lands, and the number of assessors prescribed by law for the county; and at the general election to be held in 1990, and every second year thereafter, a commissioner of the county commission for each county; and at the general election to be held in 1992, and every sixth year thereafter, a clerk of the county commission and a clerk of the circuit court for each county.



(c) Effective with the primary election of 2016, all elections for judge of the circuit courts in the respective circuits and magistrates in each county will be elected on a nonpartisan basis and by division as set forth more fully in article five of this chapter.

#### **ARTICLE 4A. ELECTRONIC VOTING SYSTEMS.**

##### **§3-4A-11a. Ballots tabulated electronically; arrangement, quantity to be printed, ballot stub numbers.**

(a) The board of ballot commissioners in counties using ballots upon which votes may be recorded by means of marking with electronically sensible ink or pencil and which marks are tabulated electronically shall cause the ballots to be printed or displayed upon the screens of the electronic voting system for use in elections.

(b) (1) For the primary election, the heading of the ballot, the type faces, the names and arrangement of offices and the printing of names and arrangement of candidates within each office are to conform as nearly as possible to sections thirteen and thirteen-a, article five of this chapter.

(2) For the general election, the heading of the ballot, the straight ticket positions, the instructions to straight ticket voters, the type faces, the names and arrangement of offices and the printing of names and the arrangement of candidates within each office are to conform as nearly as possible to section two, article six of this chapter, except as otherwise provided in this article.

(3) Effective with the primary election held in 2016, and thereafter, the following nonpartisan elections are to be separated from the partisan ballot and separately headed in display type with a title clearly identifying the purpose of the election and constituting a separate ballot wherever a separate ballot is required under this chapter:

(A) Nonpartisan elections for judicial offices, by division, of:

- (i) Justice of the Supreme Court of Appeals;
  - (ii) Judge of the circuit court;
  - (iii) Family court judge; and
  - (iv) Magistrate;
- (B) Nonpartisan elections for Board of Education; and
- (C) Any question to be voted upon;

(4) Both the face and the reverse side of the ballot may contain the names of candidates only if means to ensure the secrecy of the ballot are provided and lines for the signatures of the poll clerks on the ballot are printed on a portion of the ballot which is deposited in the ballot box and upon which marks do not interfere with the proper tabulation of the votes.

(5) The arrangement of candidates within each office is to be determined in the same manner as for other electronic voting systems, as prescribed in this chapter. On the general election ballot for all offices, and on the primary election ballot only for those offices to be filled by election, except delegate to national convention, lines for entering write-in votes are to be provided below the names of candidates for each office, and the number of lines provided for any office shall equal the number of persons to be elected, or three, whichever is fewer. The words "WRITE-IN, IF ANY" are to be printed, where applicable, directly under each line for write-ins. The lines are to be opposite a position to mark the vote.

(c) Except for electronic voting systems that utilize screens upon which votes may be recorded by means of a stylus or by means of touch, the primary election ballots are to be printed in the color of ink specified by the Secretary of State for the various political parties, and the general election ballot is to be printed in black ink.

For electronic voting systems that utilize screens upon which votes may be recorded by means of a stylus or by means of touch, the primary ballots and the general election ballot are to be printed in black ink. All ballots are to be printed, where applicable, on white paper suitable for automatic tabulation and are to contain a perforated stub at the top or bottom of the ballot, which is to be numbered sequentially in the same manner as provided in section thirteen, article five of this chapter, or are to be displayed on the screens of the electronic voting system upon which votes are recorded by means of a stylus or touch. The number of ballots printed and the packaging of ballots for the precincts are to conform to the requirements for paper ballots provided in this chapter.

(d) In addition to the official ballots, the ballot commissioners shall provide all other materials and equipment necessary to the proper conduct of the election.

**ARTICLE 5. PRIMARY ELECTIONS AND NOMINATING PROCEDURES.**

**§3-5-4. Nomination of candidates in primary elections.**

(a) At each primary election, the candidate or candidates of each political party for all offices to be filled at the ensuing general election by the voters of the entire state, of each congressional district, of each state senatorial district, of each delegate district, and of each county in the state shall be nominated by the voters of the different political parties, except that no presidential elector shall be nominated at a primary election.

(b) In primary elections a plurality of the votes cast shall be sufficient for the nomination of candidates for office. Where only one candidate of a political party for any office in a political division, including party committeemen and delegates to national conventions, is to be chosen the candidate receiving the highest number of votes therefor in the primary election shall be declared the party nominee for such office. Where two or more such candidates are to be chosen in the primary election, the candidates

constituting the proper number to be so chosen who shall receive the highest number of votes cast in the political division in which they are candidates shall be declared the party nominees and choices for such offices, except that:

(1) Candidates for the office of commissioner of the county commission shall be nominated and elected in accordance with the provisions of section ten, article nine of the Constitution of the State of West Virginia and the requirements of section one-b, article one, chapter seven of this code;

(2) Members of county boards of education shall be elected at primary elections in accordance with the provisions of sections five and six of this article;

(3) Candidates for the House of Delegates shall be nominated and elected in accordance with the residence restrictions provided in section two, article two, chapter one of this code.

(c) In case of tie votes between candidates for party nominations or elections in primary elections, the choice of the political party shall be determined by the executive committee of the party for the political division in which such persons are candidates.

**§3-5-6a. Election of justices of the Supreme Court of Appeals.**

(a) An election for the purpose of electing a justice or justices of the Supreme Court of Appeals shall be held on the same date as the primary election, as provided by law, upon a nonpartisan ballot by division printed for this purpose. For election purposes, in each election at which shall be elected more than one justice of the Supreme Court of Appeals, the election shall be by numbered division corresponding to the number of justices being elected. Each justice shall be elected at large from the entire state.

(b) In each nonpartisan election by division for a justice of the Supreme Court of Appeals, the candidates for election in each numbered division shall be tallied separately, and the board of

canvassers shall declare and certify the election of the eligible candidate receiving the highest numbers of votes cast within a numbered division to fill any full terms.

(c) In case of a tie vote under this section, section twelve, article six of this chapter controls in breaking the tie vote.

**§3-5-6b. Election of circuit judges.**

(a) An election for the purpose of electing a circuit court judge or judges shall be held on the same date as the primary election in their respective circuits, as provided by law, upon a nonpartisan ballot by division printed for this purpose.

(b) In each nonpartisan election by division for a circuit court judge, the candidates for election in each numbered division shall be tallied separately, and the board of canvassers shall declare and certify the election of the eligible candidate receiving the highest numbers of votes cast within a numbered division to fill any full terms.

(c) In case of a tie vote under this section, section twelve, article six of this chapter controls in breaking the tie vote.

**§3-5-6c. Election of family court judges.**

(a) An election for the purpose of electing a family court judge or judges shall be held on the same date as the primary election in their respective circuits, as provided by law, upon a nonpartisan ballot by division printed for this purpose.

(b) In each nonpartisan election by division for a family court judge, the candidates for election in each numbered division shall be tallied separately, and the board of canvassers shall declare and certify the election of the eligible candidate receiving the highest numbers of votes cast within a numbered division to fill any full terms.

(c) In case of a tie vote under this section, section twelve, article six of this chapter controls in breaking the tie vote.

**§3-5-6d. Election of magistrates.**

(a) An election for the purpose of electing a magistrate or magistrates by division shall be held on the same date as the primary election in their respective circuits, as provided by law, upon a nonpartisan ballot by division printed for this purpose.

(b) In each nonpartisan election by division for a magistrate, the candidates for election in each numbered division shall be tallied separately, and the board of canvassers shall declare and certify the election of the eligible candidate receiving the highest numbers of votes cast within a numbered division to fill any full terms.

(c) In case of a tie vote under this section, section twelve, article six of this chapter controls in breaking the tie vote.

**§3-5-7. Filing announcements of candidacies; requirements; withdrawal of candidates when section applicable.**

(a) Any person who is eligible and seeks to hold an office or political party position to be filled by election in any primary or general election held under the provisions of this chapter shall file a certificate of announcement declaring his or her candidacy for the nomination or election to the office.

(b) The certificate of announcement shall be filed as follows:

(1) Candidates for the House of Delegates, the State Senate, circuit judge, family court judge, and any other office or political position to be filled by the voters of more than one county shall file a certificate of announcement with the Secretary of State.

(2) Candidates for an office or political position to be filled by the voters of a single county or a subdivision of a county, except for candidates for the House of Delegates, State Senate, circuit judge or

family court judge, shall file a certificate of announcement with the clerk of the county commission.

(3) Candidates for an office to be filled by the voters of a municipality shall file a certificate of announcement with the recorder or city clerk.

(c) The certificate of announcement shall be filed with the proper officer not earlier than the second Monday in January before the primary election day and not later than the last Saturday in January before the primary election day and must be received before midnight, eastern standard time, of that day or, if mailed, shall be postmarked by the United States Postal Service before that hour. This includes the offices of justice of the Supreme Court of Appeals, circuit court judge, family court judge and magistrate, which are to be filled on a nonpartisan and division basis at the primary election.

(d) The certificate of announcement shall be on a form prescribed by the Secretary of State on which the candidate shall make a sworn statement before a notary public or other officer authorized to administer oaths, containing the following information:

(1) The date of the election in which the candidate seeks to appear on the ballot;

(2) The name of the office sought; the district, if any; and the division, if any;

(3) The legal name of the candidate and the exact name the candidate desires to appear on the ballot, subject to limitations prescribed in section thirteen, article five of this chapter;

(4) The county of residence and a statement that the candidate is a legally qualified voter of that county; and the magisterial district of residence for candidates elected from magisterial districts or under magisterial district limitations;

(5) The specific address designating the location at which the candidate resides at the time of filing, including number and street or rural route and box number and city, state and zip code;

(6) For partisan elections, the name of the candidate's political party and a statement that the candidate: (A) Is a member of and affiliated with that political party as evidenced by the candidate's current registration as a voter affiliated with that party; and (B) has not been registered as a voter affiliated with any other political party for a period of sixty days before the date of filing the announcement;

(7) For candidates for delegate to national convention, the name of the presidential candidate to be listed on the ballot as the preference of the candidate on the first convention ballot; or a statement that the candidate prefers to remain "uncommitted";

(8) A statement that the person filing the certificate of announcement is a candidate for the office in good faith;

(9) The words "subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_" and a space for the signature of the officer giving the oath.

(e) The Secretary of State or the board of ballot commissioners, as the case may be, may refuse to certify the candidacy or may remove the certification of the candidacy upon receipt of a certified copy of the voter's registration record of the candidate showing that the candidate was registered as a voter in a party other than the one named in the certificate of announcement during the sixty days immediately preceding the filing of the certificate: *Provided*, That unless a signed formal complaint of violation of this section and the certified copy of the voter's registration record of the candidate are filed with the officer receiving that candidate's certificate of announcement no later than ten days following the close of the filing period, the candidate may not be refused certification for this reason.



(f) The certificate of announcement shall be subscribed and sworn to by the candidate before some officer qualified to administer oaths, who shall certify the same. Any person who knowingly provides false information on the certificate is guilty of false swearing and shall be punished in accordance with section three, article nine of this chapter.

(g) Any candidate for delegate to a national convention may change his or her statement of presidential preference by notifying the Secretary of State by letter received by the Secretary of State no later than the third Tuesday following the close of candidate filing. When the rules of the political party allow each presidential candidate to approve or reject candidates for delegate to convention who may appear on the ballot as committed to that presidential candidate, the presidential candidate or the candidate's committee on his or her behalf may file a list of approved or rejected candidates for delegate and the Secretary of State shall list as "uncommitted" any candidate for delegate who is disapproved by the presidential candidate.

(h) A person may not be a candidate for more than one office or office division at any election: *Provided*, That a candidate for an office may also be a candidate for President of the United States, for membership on political party executive committees or for delegate to a political party national convention: *Provided, however*, That an unsuccessful candidate for a nonpartisan office in an election held concurrently with the primary election may be appointed under the provisions of section nineteen of this article to fill a vacancy on the general ballot.

(i) A candidate who files a certificate of announcement for more than one office or division and does not withdraw, as provided by section eleven, article five of this chapter, from all but one office prior to the close of the filing period may not be certified by the Secretary of State or placed on the ballot for any office by the board of ballot commissioners.

**§3-5-13. Form and contents of ballots.**

The following provisions apply to the form and contents of election ballots:

(1) The face of every primary election ballot shall conform as nearly as practicable to that used at the general election.

(2) The heading of every ballot is to be printed in display type. The heading is to contain a ballot title, the name of the county, the state, the words “Primary Election” and the month, day and year of the election. The ballot title of the political party ballots is to contain the words “Official Ballot of the (Name) Party” and the official symbol of the political party may be included in the heading.

(A) The ballot title of any separate paper ballot or portion of any electronic or voting machine ballot for all judicial officer shall commence with the words “Nonpartisan Ballot of Election of Judicial Officers” and each such office shall be listed in the following order:

(i) The ballot title of any separate paper ballot or portion of any electronic or voting machine ballot for all justices of the Supreme Court of Appeals shall contain the words “Nonpartisan Ballot of Election of Justice(s) of the Supreme Court of Appeals of West Virginia”. The names of the candidates for the Supreme Court of Appeals shall be printed by division without references to political party affiliation or registration.

(ii) The ballot title of any separate paper ballot or portion of any electronic or voting machine ballot for all circuit court judges in the respective circuits shall contain the words “Nonpartisan Ballot of Election of Circuit Court Judge(s)”. The names of the candidates for the respective circuit court judge office shall be printed by division without references to political party affiliation or registration.

(iii) The ballot title of any separate paper ballot or portion of any electronic or voting machine ballot for all family court judges in the respective circuits shall contain the words “Nonpartisan Ballot of

Election of Family Court Judge(s)”. The names of the candidates for the respective family court judge office shall be printed by division without references to political party affiliation or registration.

(iv) The ballot title of any separate paper ballot or portion of any electronic or voting machine ballot for all magistrates in the respective circuits shall contain the words “Nonpartisan Ballot of Election of Magistrate(s)”. The names of the candidates for the respective magistrate office shall be printed by division without references to political party affiliation or registration.

(B) The ballot title of any separate paper ballot or portion of any electronic or voting machine ballot for the Board of Education is to contain the words “Nonpartisan Ballot of Election of Members of the \_\_\_\_\_ County Board of Education”. The districts for which less than two candidates may be elected and the number of available seats are to be specified and the names of the candidates are to be printed without reference to political party affiliation and without designation as to a particular term of office.

(C) Any other ballot or portion of a ballot on a question is to have a heading which clearly states the purpose of the election according to the statutory requirements for that question.

(3) (A) For paper ballots, the heading of the ballot is to be separated from the rest of the ballot by heavy lines and the offices shall be arranged in columns with the following headings, from left to right across the ballot: “National Ticket”, “State Ticket”, “County Ticket” and, in a presidential election year, “National Convention” or, in a nonpresidential election year, “District Ticket”. The columns are to be separated by heavy lines. Within the columns, the offices are to be arranged in the order prescribed in section thirteen-a of this article.

(B) For voting machines, electronic voting devices and any ballot tabulated by electronic means, the offices are to appear in the same sequence as prescribed in section thirteen-a of this article and under

the same headings as prescribed in paragraph (A) of this subdivision. The number of pages, columns or rows, where applicable, may be modified to meet the limitations of ballot size and composition requirements subject to approval by the Secretary of State.

(C) The title of each office is to be separated from preceding offices or candidates by a line and is to be printed in bold type no smaller than eight point. Below the office is to be printed the number of the district, if any, the number of the division, if any, and the words "Vote for \_\_\_\_\_" with the number to be nominated or elected or "Vote For Not More Than \_\_\_\_\_" in multicandidate elections. For offices in which there are limitations relating to the number of candidates which may be nominated, elected or appointed to or hold office at one time from a political subdivision within the district or county in which they are elected, there is to be a clear explanation of the limitation, as prescribed by the Secretary of State, printed in bold type immediately preceding the names of the candidates for those offices on the ballot in every voting system. For counties in which the number of county commissioners exceeds three and the total number of members of the county commission is equal to the number of magisterial districts within the county, the office of county commission is to be listed separately for each district to be filled with the name of the magisterial district and the words "Vote for One" printed below the name of the office: *Provided*, That the office title and applicable instructions may span the width of the ballot so as it is centered among the respective columns.

(D) The location for indicating the voter's choices on the ballot is to be clearly shown. For paper ballots, other than those tabulated electronically, the official primary ballot is to contain a square formed in dark lines at the left of each name on the ballot, arranged in a perpendicular column of squares before each column of names.

(4) (A) The name of every candidate certified by the Secretary of State or the board of ballot commissioners is to be printed in capital letters in no smaller than eight point type on the ballot for the appropriate precincts. Subject to the rules promulgated by the

Secretary of State, the name of each candidate is to appear in the form set out by the candidate on the certificate of announcement, but in no case may the name misrepresent the identity of the candidate nor may the name include any title, position, rank, degree or nickname implying or inferring any status as a member of a class or group or affiliation with any system of belief.

(B) The city of residence of every candidate, the state of residence of every candidate residing outside the state, the county of residence of every candidate for an office on the ballot in more than one county and the magisterial district of residence of every candidate for an office subject to magisterial district limitations are to be printed in lower case letters beneath the names of the candidates.

(C) The arrangement of names within each office must be determined as prescribed in section thirteen-a of this article.

(D) If the number of candidates for an office exceeds the space available on a column or ballot page and requires that candidates for a single office be separated, to the extent possible, the number of candidates for the office on separate columns or pages are to be nearly equal and clear instructions given the voter that the candidates for the office are continued on the following column or page.

(5) When an insufficient number of candidates has filed for a party to make the number of nominations allowed for the office or for the voters to elect sufficient members to the Board of Education or to executive committees, the vacant positions on the ballot shall be filled with the words "No Candidate Filed": *Provided*, That in paper ballot systems which allow for write-ins to be made directly on the ballot, a blank line shall be placed in any vacant position in the office of Board of Education or for election to any party executive committee. A line shall separate each candidate from every other candidate for the same office. Notwithstanding any other provision of this code, if there are multiple vacant positions on

a ballot for one office, the multiple vacant positions which would otherwise be filled with the words “No Candidate Filed” may be replaced with a brief detailed description, approved by the Secretary of State, indicating that there are no candidates listed for the vacant positions.

(6) In presidential election years, the words “For election in accordance with the plan adopted by the party and filed with the Secretary of State” is to be printed following the names of all candidates for delegate to national convention.

(7) All paper ballots are to be printed in black ink on paper sufficiently thick so that the printing or marking cannot be discernible from the back: *Provided*, That no paper ballot voted pursuant to the provisions of 42 U. S. C. §1973, *et seq.*, the Uniformed and Overseas Citizens Absentee Voting Act of 1986, or federal write-in absentee ballot may be rejected due to paper type, envelope type, or notarization requirement. Ballot cards and paper for printing ballots using electronically sensible ink are to meet minimum requirements of the tabulating systems and are to conform in size and weight to ensure ease in tabulation.

(8) Ballots are to contain perforated tabs at the top of the ballots and are to be printed with unique sequential numbers from one to the highest number representing the total number of ballots printed. On paper ballots, the ballot is to be bordered by a solid line at least one sixteenth of an inch wide and the ballot is to be trimmed to within one-half inch of that border.

(9) On the back of every official ballot or ballot card the words “Official Ballot” with the name of the county and the date of the election are to be printed. Beneath the date of the election there are to be two blank lines followed by the words “Poll Clerks”.

(10) The face of sample paper ballots and sample ballot labels are to be like other official ballots or ballot labels except that the word “sample” is to be prominently printed across the front of the ballot

in a manner that ensures the names of candidates are not obscured and the word “sample” may be printed in red ink. No printing may be placed on the back of the sample.

**§3-5-13a. Order of offices and candidates on the ballot; uniform drawing date.**

(a) The order of offices for state and county elections on all ballots within the state shall be as prescribed herein. When the office does not appear on the ballot in an election, then it shall be omitted from the sequence. When an unexpired term for an office appears on the ballot along with a full term, the unexpired term shall appear immediately below the full term.

NATIONAL TICKET: President (and Vice President in the general election), United States Senator, member of the United States House of Representatives

STATE TICKET: Governor, Secretary of State, Auditor, Treasurer, Commissioner of Agriculture, Attorney General, State Senator, member of the House of Delegates, any other multicounty office, state executive committee.

COUNTY TICKET: Clerk of the circuit court, county commissioner, clerk of the county commission, prosecuting attorney, sheriff, assessor, surveyor, congressional district executive committee, senatorial district executive committee in multicounty districts, delegate district executive committee in multicounty districts.

NATIONAL CONVENTION: Delegate to the national convention – at-large, delegate to the national convention – congressional district

DISTRICT TICKET: County executive committee.

(b) Except for office divisions in which no more than one person has filed a certificate of announcement, the arrangement of names

for all offices shall be determined by lot according to the following provisions:

(1) On the fourth Tuesday following the close of the candidate filing, beginning at nine o'clock a. m., a drawing by lot shall be conducted in the office of the clerk of the county commission in each county. Notice of the drawing shall be given on the form for the certificate of announcement and no further notice shall be required. The clerk of the county commission shall superintend and conduct the drawing and the method of conducting the drawing shall be prescribed by the Secretary of State.

(2) Except as provided herein, the position of each candidate within each office division shall be determined by the position drawn for that candidate individually: *Provided*, That if fewer candidates file for an office division than the total number to be nominated or elected, the vacant positions shall appear following the names of all candidates for the office.

(3) Candidates for delegate to national convention who have filed a commitment to a candidate for president shall be listed alphabetically within the group of candidates committed to the same candidate for president and uncommitted candidates shall be listed alphabetically in an uncommitted category. The position of each group of committed candidates and uncommitted candidates shall be determined by lot by drawing the names of the presidential candidates and for an uncommitted category.

(4) A candidate or the candidate's representative may attend the drawings.

#### **ARTICLE 10. FILLING VACANCIES.**

##### **§3-10-3. Vacancies in offices of state officials, United States Senators and judges.**

(a) Any vacancy occurring in the offices of Secretary of State, Auditor, Treasurer, Attorney General, Commissioner of Agriculture,



or in any office created or made elective to be filled by the voters of the entire state, is filled by the Governor of the state by appointment and subsequent election to fill the remainder of the term, if required by section one of this article.

(b) Any vacancy occurring in the offices of Justice of the Supreme Court of Appeals, judge of a circuit court or judge of a family court is filled by the Governor of the state by appointment and subsequent election to fill the remainder of the term, as required by subsection (d) of this section. If an election is required under subsection (d) of this section, the Governor, circuit court or the chief judge thereof in vacation, is responsible for the proper proclamation by order and notice required by section one of this article.

(c) Any vacancy in the office of magistrate is appointed according to the provisions of section six, article one, chapter fifty of this code, and subsequent election to fill the remainder of the term, as required by subsection (d) of this section.

(d) (1) When the vacancy in Justice of the Supreme Court of Appeals, judge of the circuit court, judge of a family court or magistrate occurs after the eighty-fourth day before a general election, and the affected term of office ends on the thirty-first day of December following the next election, the person appointed to fill the vacancy shall continue in office until the completion of the term.

(2) When the vacancy occurs before the close of the candidate filing period for the primary election, the vacancy shall be filled by election in the nonpartisan judicial election held concurrently with the primary election, and the appointment shall continue until a successor is elected and certified.

(3) When the vacancy occurs after the close of candidate filing for the primary election and not later than eighty-four days before the general election, the vacancy shall be filled by election in a nonpartisan judicial election held concurrently with the general

election, and the appointment shall continue until a successor is elected and certified.

(e) When an election to fill a vacancy is required to be held at the general election according to the provisions of subsection (d) of this section, a special candidate filing period shall be established. Candidates seeking election to any unexpired term for Justice of the Supreme Court of Appeals, judge of a circuit court, judge of the family court or magistrate shall file a certificate of announcement and pay the filing fee no earlier than the first Monday in August and no later than seventy-seven days before the general election.

**ARTICLE 12. WEST VIRGINIA SUPREME COURT OF APPEALS  
PUBLIC CAMPAIGN FINANCING PILOT  
PROGRAM.**

**§3-12-3. Definitions.**

As used in this article, the following terms and phrases have the following meanings:

(1) “Candidate’s committee” means a political committee established with the approval of or in cooperation with a candidate or a prospective candidate to explore the possibilities of seeking a particular office or to support or aid his or her nomination or election to an office in an election cycle. If a candidate directs or influences the activities of more than one active committee in a current campaign, those committees shall be considered one committee for the purpose of contribution limits.

(2) “Certified candidate” means an individual seeking election to the West Virginia Supreme Court of Appeals who has been certified in accordance with section ten of this article as having met all of the requirements for receiving public campaign financing from the fund.

(3) “Contribution” means a gift subscription, assessment, payment for services, dues, advance, donation, pledge, contract, agreement, forbearance or promise of money or other tangible thing

of value, whether conditional or legally enforceable, or a transfer of money or other tangible thing of value to a person, made for the purpose of influencing the nomination, election or defeat of a candidate. An offer or tender of a contribution is not a contribution if expressly and unconditionally rejected or returned. A contribution does not include volunteer personal services provided without compensation: *Provided*, That a nonmonetary contribution is to be considered at fair market value for reporting requirements and contribution limitations.

(4) “Exploratory contribution” means a contribution of no more than \$1,000 made by an individual adult, including a participating candidate and members of his or her immediate family, during the exploratory period but prior to filing the declaration of intent. Exploratory contributions may not exceed \$20,000 in the aggregate.

(5) “Exploratory period” means the period during which a participating candidate may raise and spend exploratory contributions to examine his or her chances of election and to qualify for public campaign financing under this article. The exploratory period begins on January 1 the year before the election in which the candidate may run for Justice of the Supreme Court of Appeals and ends on the last Saturday in January of the election year.

(6) “Financial agent” means any individual acting for and by himself or herself, or any two or more individuals acting together or cooperating in a financial way to aid or take part in the nomination or election of any candidate for public office, or to aid or promote the success or defeat of any political party at any election.

(7) “Fund” means the Supreme Court of Appeals Public Campaign Financing Fund created by section five of this article.

(8) “Immediate family” or “immediate family members” means the spouse, parents, step-parents, siblings and children of the participating candidate.

(9) “Nonparticipating candidate” means a candidate who is:

(A) Seeking election to the Supreme Court of Appeals;

(B) Is neither certified nor attempting to be certified to receive public campaign financing from the fund; and

(C) Has an opponent who is a participating or certified candidate.

(10) “Nonpartisan judicial election campaign period” means the period beginning on the first day of the primary election filing period, as determined under section seven, article five of this chapter, and ending on the day of the nonpartisan judicial election.

(11) “Participating candidate” means a candidate who is seeking election to the Supreme Court of Appeals and is attempting to be certified in accordance with section ten of this article to receive public campaign financing from the fund.

(12) “Person” means an individual, partnership, committee, association and any other organization or group of individuals.

(13) “Qualifying contribution” means a contribution received from a West Virginia registered voter of not less than \$1 nor more than \$100 in the form of cash, check or money order, made payable to a participating candidate or the candidate’s committee, or in the form of an electronic payment or debit or credit card payment, received during the qualifying period.

(14) “Qualifying period” means the period during which participating candidates may raise and spend qualifying contributions in order to qualify to receive public campaign financing.

For candidates seeking to be placed on the nonpartisan judicial election ballot, the qualifying period begins on September 1 preceding the election year and ends on the last Saturday in January of the election year.

**§3-12-6. Sources of revenue for the fund.**

Revenue from the following sources shall be deposited in the fund:

(1) All exploratory and qualifying contributions in excess of the established maximums;

(2) Money returned by participating or certified candidates who fail to comply with this article;

(3) Unspent or unobligated moneys allotted to certified candidates and remaining unspent or unobligated on the date of the nonpartisan judicial election for which the money was distributed;

(4) If a certified candidate loses, all remaining unspent or unobligated moneys;

(5) Civil penalties levied by the State Election Commission against candidates for violations of this article;

(6) Civil penalties levied by the Secretary of State pursuant to section seven, article eight of this chapter;

(7) Voluntary donations made directly to the fund;

(8) Any interest income or other return earned on the money's investment;

(9) On or before July 1, 2010, and for two successive years thereafter, the State Auditor shall authorize the transfer of the amount of \$1 million from the Purchasing Card Administration Fund established in section ten-d, article three, chapter twelve of this code to the fund created by this article;

(10) On or before July 1, 2015, the state Auditor shall authorize the transfer of the amount of \$400,000 from the Purchasing Card Administration Fund established in section ten-d, article three, chapter twelve of this code to the fund created by this article; and

(11) Money appropriated to the fund.

**§3-12-10. Certification of candidates.**

(a) To be certified, a participating candidate shall apply to the State Election Commission for public campaign financing from the fund and file a sworn statement that he or she has complied and will comply with all requirements of this article throughout the applicable campaign.

(b) Upon receipt of a notice from the Secretary of State that a participating candidate has received the required number and amount of qualifying contributions, the State Election Commission shall determine whether the candidate or candidate's committee:

(1) Has signed and filed a declaration of intent as required by section seven of this article;

(2) Has obtained the required number and amount of qualifying contributions as required by section nine of this article;

(3) Has complied with the contribution restrictions of this article;

(4) Is eligible, as provided in section nine, article five of this chapter, to appear on the nonpartisan judicial election ballot; and

(5) Has met all other requirements of this article.

(c) The State Election Commission shall process applications in the order they are received and shall verify a participating candidate's compliance with the requirements of subsection (b) of this section by using the verification and sampling techniques approved by the State Election Commission.

(d) The State Election Commission shall determine whether to certify a participating candidate as eligible to receive public campaign financing no later than three business days after the candidate or the candidate's committee makes his or her final report

of qualifying contributions or, if a challenge is filed under subsection (g) of this section, no later than six business days after the candidate or the candidate's committee makes his or her final report of qualifying contributions. A certified candidate shall comply with this article through the nonpartisan judicial election campaign period.

(e) No later than two business days after the State Election Commission certifies that a participating candidate is eligible to receive public campaign financing under this section, the State Election Commission, acting in concert with the State Auditor's office and the State Treasurer's office, shall cause a check to be issued to the candidate's campaign depository account an amount equal to the public campaign financing benefit for which the candidate qualifies under section eleven of this article, minus the candidate's qualifying contributions, and shall notify all other candidates for the same office of its determination.

(f) If the candidate desires to receive public financing benefits by electronic transfer, the candidate shall include in his or her application sufficient information and authorization for the State Treasurer to transfer payments to his or her campaign depository account.

(g) Any person may challenge the validity of any contribution listed by a participating candidate by filing a written challenge with the State Election Commission setting forth any reason why the contribution should not be accepted as a qualifying contribution. If a contribution is challenged under this subsection, the State Election Commission shall decide the validity of the challenge no later than the end of the next business day after the day that the challenge is filed, unless the State Election Commission determines that the candidate whose contribution is challenged has both a sufficient qualifying number and amount of qualifying contributions to be certified as a candidate under this section without considering the challenge. Within five business days of a challenge, the candidate or candidate's committee who listed any contribution that is the subject of a challenge may file a report with the State Election Commission

of an additional contribution collected pursuant to section nine of this article for consideration as a qualifying contribution.

(h) A candidate's certification and receipt of public campaign financing may be revoked by the State Election Commission, if the candidate violates this article. A certified candidate who violates this article shall repay all moneys received from the fund to the State Election Commission.

(i) The determination of any issue before the State Election Commission is the final administrative determination. Any meetings conducted by the State Elections Commission to certify a candidate's eligibility to receive funds under this article shall not be subject the public notice and open meeting requirements of article nine-a, chapter six of this code, but the commission shall concurrently provide public notice of any decision and determination it makes which impacts the candidate's eligibility to receive funds pursuant to this article. Any person adversely affected by a decision of the State Election Commission under this article may appeal that decision to the circuit court of Kanawha County.

(j) A candidate may withdraw from being a certified candidate and become a nonparticipating candidate at any time with the approval of the State Election Commission. Any candidate seeking to withdraw shall file a written request with the State Election Commission, which shall consider requests on a case-by-case basis. No certified candidate may withdraw until he or she has repaid all moneys received from the fund: *Provided*, That the State Election Commission may, in exceptional circumstances, waive the repayment requirement. The State Election Commission may assess a penalty not to exceed \$10,000 against any candidate who withdraws without approval.

**§3-12-11. Schedule and amount of Supreme Court of Appeals Public Campaign Financing Fund payments.**

(a) The State Election Commission, acting in concert with the State Auditor's office and the State Treasurer's office, shall have a



check issued within two business days after the date on which the candidate is certified, to make payments from the fund for the nonpartisan judicial election campaign period available to a certified candidate.

In a contested nonpartisan judicial election, a certified candidate shall receive \$525,000 in campaign financing from the fund, minus the certified candidate's qualifying contributions.

(b) The State Election Commission shall authorize the distribution of campaign financing moneys to certified candidates in equal amounts. The commission shall propose a legislative rule on distribution of funds.

(c) The State Election Commission may not authorize or direct the distribution of moneys to certified candidates in excess of the total amount of money deposited in the fund pursuant to section six of this article. If the commission determines that the money in the fund is insufficient to totally fund all certified candidates, the commission shall authorize the distribution of the remaining money proportionally, according to each candidate's eligibility for funding. Each candidate may raise additional money in the same manner as a nonparticipating candidate for the same office up to the unfunded amount of the candidate's eligible funding.

**§3-12-12. Restrictions on contributions and expenditures.**

(a) A certified candidate or his or her committee may not accept loans or contributions from any private source, including the personal funds of the candidate and the candidate's immediate family, during the nonpartisan judicial election campaign period except as permitted by this article.

(b) After filing the declaration of intent and during the qualifying period, a participating candidate may not spend or obligate more than he or she has collected in exploratory and qualifying contributions. After the qualifying period and through the nonpartisan judicial election campaign period, a certified candidate

may spend or obligate any unspent exploratory or qualifying contributions and the moneys he or she receives from the fund under the provisions of section eleven of this article.

(c) A participating or certified candidate may expend exploratory and qualifying contributions and funds received from the fund only for lawful election expenses as provided in section nine, article eight of this chapter. Moneys distributed to a certified candidate from the fund may be expended only during the nonpartisan judicial election campaign period for which funds were dispersed. Money from the fund may not be used:

(1) In violation of the law;

(2) To repay any personal, family or business loans, expenditures or debts; or

(3) To help any other candidate.

(d) A certified candidate or his or her committee shall return to the fund any unspent and unobligated exploratory contributions, qualifying contributions or moneys received from the fund within forty-eight hours after the date on which the candidate ceases to be certified.

(e) A certified candidate or his or her committee shall return to the fund any unspent or unobligated public campaign financing funds no later than five business days after the nonpartisan judicial election.

(f) A contribution from one person may not be made in the name of another person.

(g) A participating or certified candidate or his or her committee receiving qualifying contributions or exploratory contributions from a person not listed on the receipt required by sections eight and nine of this article is liable to the State Election Commission for the entire amount of that contribution and any applicable penalties.

(h) A certified candidate accepting any benefits under the provisions of this article shall continue to comply with all of its provisions throughout the nonpartisan judicial election campaign period.

(i) A participating or certified candidate or his or her financial agent shall provide the Secretary of State with all requested campaign records, including all records of exploratory and qualifying contributions received and campaign expenditures and obligations, and shall fully cooperate with any audit of campaign finances requested or authorized by the State Election Commission.

**§3-12-14. Duties of the State Election Commission; Secretary of State.**

(a) In addition to its other duties, the State Election Commission shall carry out the duties of this article and complete the following as applicable:

(1) Prescribe forms for reports, statements, notices and other documents required by this article;

(2) Make an annual report to the Legislature accounting for moneys in the fund, describing the State Election Commission's activities and listing any recommendations for changes of law, administration or funding amounts;

(3) Propose emergency and legislative rules for legislative approval, in accordance with article three, chapter twenty-nine-a of this code, as may be necessary for the proper administration of this article;

(4) Enforce this article to ensure that moneys from the fund are placed in candidate campaign accounts and spent as specified in this article;

(5) Monitor reports filed pursuant to this article and the financial records of candidates to ensure that qualified candidates receive funds promptly and to ensure that moneys required by this article to be paid to the fund are deposited in the fund;

(6) Cause an audit of the fund to be conducted by independent certified public accountants ninety days after a nonpartisan judicial election. The State Election Commission shall cooperate with the audit, provide all necessary documentation and financial records to those persons conducting the audit and shall maintain a record of all information supplied by the audit;

(7) In consultation with the State Treasurer and the State Auditor, develop a rapid, reliable method of conveying funds to certified candidates. In all cases, the commission shall distribute funds to certified candidates in a manner that is expeditious, ensures accountability and safeguards the integrity of the fund;

(8) Regularly monitor the receipts, disbursements, obligations and balance in the fund to determine whether the fund will have sufficient moneys to meet its obligations and sufficient moneys available for disbursement during the nonpartisan judicial election campaign period; and

(9) Transfer a portion of moneys maintained in the fund to the West Virginia Investment Management Board for their supervised investment, after consultation with the State Treasurer, the State Auditor and the West Virginia Investment Management Board.

(b) In addition to his or her other duties, the Secretary of State shall carry out the duties of this article and complete the following as applicable:

(1) Prescribe forms for reports, statements, notices and other documents required by this article;

(2) Prepare and publish information about this article and provide it to potential candidates and citizens of this state;

(3) Prepare and publish instructions setting forth methods of bookkeeping and preservation of records to facilitate compliance with this article and to explain the duties of candidates and others participating in elections under this article;

(4) Propose emergency and legislative rules for legislative approval in accordance with article three, chapter twenty-nine-a of this code as may be necessary for the proper administration of this article;

(5) Enforce this article to ensure that moneys from the fund are placed in candidate campaign accounts and spent as specified in this article;

(6) Monitor reports filed pursuant to this article and the financial records of candidates to ensure that qualified candidates receive funds promptly and to ensure that moneys required by this article to be paid to the fund are deposited in the fund;

(7) Ensure public access to the campaign finance reports required pursuant to this article, and whenever possible, use electronic means for the reporting, storing and display of the information; and

(8) Prepare a voters' guide for the general public listing the names of each candidate seeking election to the Supreme Court of Appeals. Both certified and nonparticipating candidates shall be invited by the State Election Commission to submit a statement, not to exceed five hundred words in length, for inclusion in the guide. The guide shall identify the candidates that are certified candidates and the candidates that are nonparticipating candidates. Copies of the guide shall be posted on the website of the Secretary of State, as soon as may be practical.

(c) To fulfill their responsibilities under this article, the State Election Commission and the Secretary of State may subpoena witnesses, compel their attendance and testimony, administer oaths and affirmations, take evidence and require, by subpoena, the production of any books, papers, records or other items material to the performance of their duties or the exercise of their powers.

(d) The State Election Commission may also propose and adopt procedural rules to carry out the purposes and provisions of this

article and to govern procedures of the State Election Commission as it relates to the requirements of this article.

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

### **ARTICLE 5. TERMS OF OFFICE; MATTERS AFFECTING THE RIGHT TO HOLD OFFICE.**

#### **§6-5-1. When terms of office to begin.**

The terms of officers, except when elected or appointed to fill vacancies, shall begin respectively as follows: That of Governor, Secretary of State, State Superintendent of Free Schools, Treasurer, Auditor, Attorney General and Commissioner of Agriculture, on the first Monday after the second Wednesday of January next after their election; that of a member of the Legislature, on December 1, next after his or her election; and that of the justices of the Supreme Court of Appeals, the judges of the several circuit courts, the judges of the family and other inferior courts, the county commissioners, prosecuting attorneys, surveyors of land, assessors, sheriffs, clerks of the circuit, or other inferior courts, clerks of the county commissions, magistrates, on January 1, next after their election.

Whenever a person is elected or appointed to fill a vacancy, his or her term shall be as prescribed by chapter three of this code.

## **CHAPTER 50. MAGISTRATE COURTS.**

### **ARTICLE 1. COURTS AND OFFICERS.**

#### **§50-1-1. Magistrate court created.**

There is hereby created in each county of this state a magistrate court with such numbers of magistrates for each court as are hereafter provided. There shall be elected by the voters of each county, at the general election to be held in 1976, and in every fourth year thereafter, such number of magistrates as is provided in section

two of this article. The filing fee for the office of magistrate shall be one percent of the annual salary. The term of magistrates shall be for four years and shall begin on January 1, of the year following the year of election.

Effective with the primary election of 2016, all elections for magistrates will be on a nonpartisan basis by division. Beginning in 2016, there will no longer be primary elections held for magistrates and all elections for magistrates are to be held in the nonpartisan judicial election as set forth in article five, chapter three of this code. All indications of party identification on election ballots for magistrate shall be omitted.

**§50-1-6. Vacancy in office of magistrate.**

Subject to the provisions of section one, article ten, chapter three of this code, when a vacancy occurs in the office of magistrate, the judge of the circuit court, or the chief judge thereof if there is more than one judge of the circuit court, shall fill the same by appointment.

At a nonpartisan judicial election in which a magistrate is elected for an unexpired term, the circuit judge, or the chief judge thereof if there is more than one judge of the circuit court, shall cause a notice of such election to be published prior to such election as a Class II-0 legal advertisement in compliance with the provisions of article three, chapter fifty-nine of this code, and the publication area for such publication shall be the county involved.

**CHAPTER 51. COURTS AND THEIR OFFICERS.**

**ARTICLE 1. SUPREME COURT OF APPEALS.**

**§51-1-1. Justices.**

The Supreme Court of Appeals shall consist of five justices, elected and qualified according to the Constitution and the laws of this state, any three of whom shall constitute a quorum. Effective

with the primary election of 2016, all elections for justices will be on a nonpartisan basis by division. Beginning in 2016, there will no longer be primary elections held for the office of justice and all elections for justice are to be held in the nonpartisan judicial election as set forth in article five, chapter three of this code. All indications of party identification on election ballots for that office shall be omitted.

#### **ARTICLE 2A. FAMILY COURTS.**

##### **§51-2A-5. Term of office of family court judge; initial appointment; elections.**

(a) Beginning with the election to be conducted in the year 2016, family court judges shall be elected. In family court circuits having two or more family court judges there shall be, for election purposes, numbered divisions corresponding to the number of family court judges in each area. Each family court judge shall be elected at large by the entire family court circuit. In each numbered division of a family court circuit, the candidates for nomination or election shall be voted upon and the votes cast for the candidates in each division shall be tallied separately from the votes cast for candidates in other numbered divisions within the family court circuit. The candidate or candidates receiving the highest number of the votes cast within a numbered division shall be nominated or elected, as the case may be. Effective with the primary election of 2016, all elections for family court judges in the respective circuits will be on a nonpartisan basis by division. Beginning in 2016, there will no longer be primary elections held for family court judges and all elections for family court judges are to be held in the nonpartisan judicial election as set forth in article five, chapter three of this code. All indications of party identification on election ballots for family court judge shall be omitted.

(b) The term of office for all family court judges elected in 2002 shall be for six years, commencing on January 1, 2003, and ending on December 31, 2008. Subsequent terms of office for family court judges elected thereafter shall be for eight years.;



And,

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

**Enr. Com. Sub. for House Bill No. 2010**—An Act to amend and reenact §3-1-16 and §3-1-17 of the Code of West Virginia, 1931, as amended; to amend and reenact §3-4A-11a of said code; to amend and reenact §3-5-4 of said code; to amend said code by adding thereto four new sections, designated §3-5-6a, §3-5-6b, §3-5-6c and §3-5-6d; to amend and reenact §3-5-7, §3-5-13 and §3-5-13a of said code; to amend and reenact §3-10-3 of said code; to amend and reenact §3-12-3, §3-12-6, §3-12-10, §3-12-11, §3-12-12 and §3-12-14 of said code; to amend and reenact §6-5-1 of said code; to amend and reenact §50-1-1 and §50-1-6 of said code; to amend and reenact §51-1-1 of said code; and to amend and reenact §51-2A-5 of said code, all relating to electoral reforms of the West Virginia judiciary generally; requiring the election of justices of the Supreme Court of Appeals, circuit court judges, family court judges and magistrates be on a nonpartisan basis; requiring that elections to certain offices be on a division basis when more than one justice of the Supreme Court of Appeals, circuit judge, family court judge or magistrate is to be elected; providing for the timing and frequency of election; providing for the commencement of terms of office; establishing ballot design and printing; providing that elections for justice of the Supreme Court of Appeals, circuit judge, family court judge or magistrate are to be held on the same date as the primary election; requiring nonpartisan ballots be used; establishing filing announcement of candidacies, including the timing, location and information necessary thereto; providing for the order of appearance of offices on the ballot; establishing ballot content; providing the procedures for the filling of vacancies in the offices of justices of the Supreme Court of Appeals, circuit judge, family court judge or magistrate; providing occasions for special elections to be held to fill vacancies; providing that unsuccessful nonpartisan candidates can be selected to fill ballot vacancies in a general election; providing for the continuing applicability of the West Virginia Supreme Court

of Appeals Public Campaign Financing Program; modifying the amount of public campaign financing available to qualifying candidates in a contested election; and removing public campaign financing from qualifying candidates in an uncontested election.

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, Mullins, Nohe, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (Mr. President)—33.

The nays were: None.

Absent: Miller—1.

So a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Enr. Com. Sub. for H. B. No. 2010) 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.

The Senate proceeded to the fourth order of business.

Senator Sypolt, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

**Eng. Com. Sub. for House Bill No. 2160**, WV Schools for the Deaf and Blind eligible for School Building Authority funding.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Dave Sypolt,  
*Chair.*

At the request of Senator Carmichael, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. No. 2160) contained in the preceding report from the Committee on Education was taken up for immediate consideration, read a first time, ordered to second reading and, under the original double committee reference, was then referred to the Committee on Finance.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

**Eng. House Bill No. 2224**, Providing that historical reenactors are not violating the provision prohibiting unlawful military organizations.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

At the request of Senator Carmichael, unanimous consent being granted, the bill (Eng. H. B. No. 2224) contained in the preceding

report from the Committee on the Judiciary was taken up for immediate consideration, read a first time and ordered to second reading.

The Senate proceeded to the sixth order of business.

Senators Kirkendoll and Stollings offered the following resolution:

**Senate Concurrent Resolution No. 60**—Requesting the Division of Highways name bridge number 10368 (37.780331, -81.940756), which is currently under construction in Logan County and will carry West Virginia Route 10 over Madison Branch and County Route 10/17, the “U. S. Army SGT Bernard C. Maynard Memorial Bridge”.

Whereas, Bernard C. Maynard was born on May 18, 1918, and was raised by his grandmother. He died on June 27, 2010; and

Whereas, Bernard C. Maynard served in the United States Army from June 15, 1942, until November 29, 1944, and was a Tech 4 Grade with the 185th Chemical Company; and

Whereas, Bernard C. Maynard was awarded the World War II Victory Medal, Philippine Liberation Ribbon, two Bronze Stars, American Theater Ribbon, Asiatic Pacific Theater Ribbon and a Good Conduct Medal; and

Whereas, Bernard C. Maynard married Maggie Hatfield in 1946. They had seven children, adopted two other children and also took in three other children in need of a home. All of the children are surviving except for one. There are twenty-three grandchildren and thirty-four great grandchildren; and

Whereas, Bernard C. Maynard worked in the coal mines, had black lung and retired from the board of education after ten years as a custodian. He helped with the recovery after the Buffalo Creek

flood, attended Madison Creek Church until it flooded and then attended Neibert Missionary Baptist. He was also a member of a ham radio club; and

Whereas, It is only fitting that we so honor Bernard C. Maynard for his dedicated and selfless service to his country and for his contributions to Logan County; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 10368 (37.780331, -81.940756), which is currently under construction in Logan County and will carry West Virginia Route 10 over Madison Branch and County Route 10/17, the “U. S. Army SGT Bernard C. Maynard Memorial Bridge”; and, be it

*Further Resolved,* That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “U. S. Army SGT Bernard C. Maynard Memorial Bridge”; and, be it

*Further Resolved,* That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Secretary of the Department of Transportation and to the surviving children and relatives of Bernard C. Maynard.

Which, under the rules, lies over one day.

Senators D. Hall, Miller, Plymale, Stollings and Yost offered the following resolution:

**Senate Resolution No. 52**—Recognizing May 4, 2015, as National FPIES Awareness Day.

Whereas, Food Protein Induced Enterocolitis Syndrome, also known as FPIES, is a clinically documented medical condition known to occur in infants and young children, with potentially life-

threatening consequences if not properly diagnosed and managed;  
and

Whereas, FPIES has been diagnosed in a small, but statistically significant, portion of infants and, because this condition is frequently misdiagnosed, it is likely to occur in greater numbers than currently known; and

Whereas, FPIES and other gastrointestinal hypersensitivity disorders are easily misdiagnosed because they do not present the same symptoms as more commonly understood allergic reactions and there are, as yet, no diagnostic tests that are specific for FPIES and similar disorders; and

Whereas, FPIES is a disease that can only be managed, as there is no cure and no treatment for its symptoms; and

Whereas, The management of FPIES and the care of an afflicted patient often requires strict adherence to a diet of chemically modified formula in infants and specially manufactured, elemental foods for older children that may cost thousands of dollars per month; and

Whereas, Knowledge of the nature of FPIES and other gastrointestinal hypersensitivity disorders has been slow to spread and these disorders are little known outside a small community of specialists; and

Whereas, This lack of knowledge and understanding has adversely affected patients in emergency departments and urgent care centers and has resulted in inconsistent and long-delayed responses from many insurance providers; therefore, be it

*Resolved by the Senate:*

That the Senate hereby recognizes May 4, 2015, as National FPIES Awareness Day; and, be it

*Further Resolved*, That greater awareness of Food Protein Induced Enterocolitis Syndrome and other gastrointestinal hypersensitivity disorders be fostered through appropriate research, public hearings and public information initiatives; and, be it

*Further Resolved*, That the Senate encourages our medical community, insurance industry, dietitians, nutritionists, educators and child care workers to learn the symptoms and characteristics of gastrointestinal hypersensitivity disorders and to develop greater understanding of the accommodations needed to care for those with these disorders; and, be it

*Further Resolved*, That the Clerk is hereby directed to forward a copy of this resolution to appropriate representatives from National FPIES Awareness Day.

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

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

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

Senators Prezioso, Stollings, Palumbo, Williams, Leonhardt and Yost offered the following resolution:

**Senate Resolution No. 53**—Recognizing Major General James A. Hoyer for winning the 2015 Spirit of the Mountains - Lewis N. McManus Youth Leadership Association Service Award.

Whereas, The Youth Leadership Association's Youth in Government program, created in 1958 by the late Governor Cecil Underwood, will celebrate its 58th Anniversary with the Youth in Government Student Legislature and Supreme Court at the Capitol in these chambers on April 24 - 26, 2015; and

Whereas, The student officers of the Youth Leadership Association's Youth in Government program represents hundreds of young West Virginians preparing for lifelong citizenship and taking volunteer actions today to build better futures all across the Mountain State; and

Whereas, The Youth Leadership Association's Youth in Government program has established the Spirit of the Mountains - Lewis N. McManus Youth Leadership Association Service Award to annually recognize a person whose life reflects the values of the Youth Leadership Association and the life of former House Speaker McManus; and

Whereas, The winner of the Spirit of the Mountains - Lewis N. McManus Youth Leadership Association Service Award demonstrates a lifelong commitment to helping others, hard work, education, responsible citizenship and building futures for all, especially youth; and

Whereas, Former winners of the Spirit of the Mountains - Lewis N. McManus Youth Leadership Association Service Award include: Jessica Lynch (2004), Cecil Underwood (2005), Ed Maier (2006), David and Susan Hardesty (2007), John D. Rockefeller, IV (2008), Bill Raney (2009), Gayle Manchin (2010), James "Buck" Harless (2011), David King (2012), Gaston Caperton (2013) and Sylvia Mathews Burwell (2014); and

Whereas, The winner of the 2015 Spirit of the Mountains - Lewis N. McManus Youth Leadership Association Service Award is Major General James A. Hoyer, Adjutant General of the West Virginia Joint Forces Headquarters; and

Whereas, Major General Hoyer is a former senior staff member to the Speaker of the House of Delegates; and

Whereas, Major General Hoyer received his undergraduate degree from the University of Charleston and was commissioned



through a joint Reserve Officer Training Corps program with West Virginia State University; and

Whereas, Major General Hoyer began his military career in the West Virginia National Guard as a Calvary Officer, attended the Special Forces Officer Qualification course, and spent more than 14 years with the 2nd Battalion, 19th Special Forces group; and

Whereas, Major General Hoyer led the development of the West Virginia National Guard Counterdrug Task Force and the Joint Interagency Training and Education Center and its Center for National Response; and

Whereas, Major General Hoyer is an extraordinary leader of his agency's Mountaineer Challenge Academy, which focuses on training and mentoring at-risk youth in a tough environment, and has given 3,000 cadets the opportunity to become contributing members of society through a 22-week residential and one-year post-residential follow-up quasi military program of lifestyle changes, respect, teamwork, peer counseling, education and just plain hard work; and

Whereas, Major General Hoyer currently provides command guidance and vision to the West Virginia Army and Air National Guard of more than 6,000 Citizen Soldiers and Airmen, and supervises the day-to-day operation and management of the readiness, fiscal, personnel, equipment and real property resources; and

Whereas, The Senate appreciates the outstanding contributions of Major General Hoyer to the State of West Virginia as an advocate for helping others, hard work, education, responsible citizenship and building futures for all, especially youth; therefore, be it

*Resolved by the Senate:*

That the Senate hereby recognizes Major General James A. Hoyer for winning the 2015 Spirit of the Mountains - Lewis N. McManus Youth Leadership Association Service Award; and, be it

*Further Resolved*, That the Clerk is hereby directed to forward a copy of this resolution to the appropriate officials of the Youth Leadership Association and to Major General James A. Hoyer.

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

Thereafter, at the request of Senator Blair, and by unanimous consent, the remarks by Senator Prezioso regarding the adoption of Senate Resolution No. 53 were ordered printed in the Appendix to the Journal.

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

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

Senators D. Hall, Stollings, Palumbo, Prezioso, Yost and Williams offered the following resolution:

**Senate Resolution No. 54**—Designating the month of March, 2015, as American Red Cross Month.

Whereas, Founded in 1881 and chartered by Congress in 1905, the American Red Cross acts in times of need in West Virginia, this country and around the world; and

Whereas, The American Red Cross is one of the most recognized humanitarian organizations and provides compassionate care to those who suffer disasters and life-altering emergencies; and

Whereas, When an injured service member ends up in a hospital far from home, the Red Cross offers comfort. When a hospital patient needs blood, American Red Cross blood donors help them. When a lifeguard jumps in to save a drowning child or someone steps up to help a heart attack victim, the American Red Cross is there; and

Whereas, American Red Cross volunteers have provided food, clothing, shelter and mental health support to victims of disasters every year including 1,252 West Virginia families last year who experienced a disaster; and

Whereas, The generous contributions of time and money by the people of West Virginia help the American Red Cross alleviate human suffering and restore vital services to families in our state in times of need; therefore, be it

*Resolved by the Senate:*

That the Senate hereby designates the month of March, 2015, as American Red Cross Month; and, be it

*Further Resolved,* That the Senate hereby recognizes the American Red Cross for its contributions to the State of West Virginia, the United States and the world; and, be it

*Further Resolved,* That the Clerk is hereby directed to forward a copy of this resolution to the West Virginia chapter of the American Red Cross.

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

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

Upon expiration of the recess, the Senate reconvened and proceeded to the seventh order of business.

**Senate Concurrent Resolution No. 13,** Urging Congress propose balanced budget amendment.

On unfinished business, coming up in regular order, was reported by the Clerk.

Senator Snyder moved that the resolution be referred to the Committee on the Judiciary.

Following discussion,

The question being on the adoption of Senator Snyder's aforesaid motion, the same was put and prevailed.

The resolution (S. C. R. No. 13) was then referred to the Committee on the Judiciary.

Thereafter, at the request of Senator Plymale, and by unanimous consent, the remarks by Senator Woelfel regarding the adoption of the motion to refer Senate Concurrent Resolution No. 13 to the Committee on the Judiciary were ordered printed in the Appendix to the Journal.

**House Concurrent Resolution No. 91**, Designating days for the display of the Honor and Remember Flag.

On unfinished business, coming up in regular order, was reported by the Clerk.

The following amendment to the resolution, from the Committee on Military, was reported by the Clerk and adopted:

On page one, in the second Whereas clause, by striking out the word "passed" and inserting in lieu thereof the word "introduced".

The question being on the adoption of the resolution (H. C. R. No. 91), as amended, the same was put and prevailed.

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

The Senate proceeded to the eighth order of business.

**Eng. Com. Sub. for House Bill No. 2368**, Relating to child welfare.

On third reading, coming up in regular order, with the unreported Health and Human Resources committee amendment pending, and with the right having been granted on Sunday, March 8, 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 Health and Human Resources, was reported by the Clerk:

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

**ARTICLE 7. GENERAL PROVISIONS.**

**§49-7-37. Annual report to Legislature.**

The Commissioner of the Bureau for Children and Families shall make a child fatality and new fatality report to the Legislative Oversight Commission on Health and Human Resources Accountability. The first report shall be due by July 1, 2015, and is due on July 1 annually thereafter. The report shall be based upon public proceedings, records, reports, case histories and other documents of the Division of Child Protective Services.

On motion of Senator Plymale, the following amendment to the Health and Human Resources committee amendment to the bill (Eng. Com. Sub. for H. B. No. 2368) was reported by the Clerk and adopted:

On page one, before line one, by inserting the following:

**CHAPTER 5. GENERAL POWERS AND AUTHORITY OF  
THE GOVERNOR, SECRETARY OF STATE AND  
ATTORNEY GENERAL; BOARD OF PUBLIC WORKS;  
MISCELLANEOUS AGENCIES, COMMISSIONS,  
OFFICES, PROGRAMS, ETC.**

**ARTICLE 30. EARLY CHILDHOOD ADVISORY COUNCIL.**

**§5-30-1. Legislative findings.**

The Legislature hereby finds that:

(1) Early childhood development is of critical importance to children, families, communities, the education system, employers and the economy; and

(2) The first three years of life are the peak time for development of the brain's architecture for vision, hearing, language and other cognitive functions. This is what sets the stage for all later learning and why nurturing relationships and environments are crucial in early childhood; and

(3) Thirty percent of West Virginia boys and girls under age six live in poverty. Research in brain development shows that social, emotional and cognitive development is shaped in early childhood and has a lifelong effect. Children who live in poverty are five times more likely to have children outside marriage, twice as likely to be arrested, and nearly three times as likely to have severe health problems. Children who live in poverty also end up earning incomes less than half those of their counterparts; and

(4) The West Virginia prison population has tripled in the last twenty years, and our state spends more than \$23,000 on each inmate, which is roughly the cost of providing full-time quality child care to five young children. Taking care of our most vulnerable children is not only the right thing to do; it is the best way to help our state's health, welfare, and economy in the long run; and

(5) Returns on investments in human development are the highest during the first three years of life, according to Nobel-winning economist James Heckman and other researchers. Children who participate in high-quality early care and education are more likely to succeed in school and adult life. Better child outcomes lead to a host of societal benefits, including fewer costs for remedial programs, higher college-going rates and a stronger workforce; and

(6) In West Virginia, the long-term economic benefit of high-quality early childhood programs is estimated at \$5.20 for each dollar invested, according to a 2005 study by the Center for Business and Economic Research at Marshall University. The study identified four major benefits to West Virginia's families and economy: (A) Increasing the capacity of children to become more productive workers and citizens; (B) providing quality child care so that parents can work; (C) providing a major industry with a significant number of jobs; and (D) producing returns on investment to public and private money in excess of returns to other economic development programs; and

(7) The highest quality home visiting programs, over time, yield returns of up to \$5.70 per taxpayer dollar spent in reduced mental health and criminal justice costs, decreased dependence on public assistance programs, and increased employment, L. A. Karoly, M. R. Kilburn and J. S. Cannon. (2005). "Early Childhood Interventions: Proven Results, Future Promise." Santa Monica, CA: The RAND Corporation; and

(8) John Pepper, former Chief Executive Officer of Procter & Gamble, has stated that business leaders "are powerful allies in the effort to invest scarce public dollars in high-quality home visiting programs. We have seen compelling evidence that home visitation provides dramatic and cost-effective improvements in helping children enter kindergarten ready to learn. There is no better investment for our future than this."; and

(9) Despite extensive efforts to improve childhood well-being, West Virginia was ranked thirty-seventh in the nation in the “2014 Kids County Data Book,” published by the Annie E. Casey foundation, based in part on risk factors related to the high rate of poverty in the state; and

(10) West Virginia is committed to evidence-based early childhood programs that promote prenatal and child health, early learning, social and emotional abilities, and family engagement and well-being; and

(11) Early childhood programs must be of sufficiently high quality to achieve positive outcomes, with qualified staff, a healthy learning environment, evidence-based services, strong parent involvement and effective collaboration among the various programs serving pregnant women, young children and their families. Quality also depends on state-level support for professional development, data for planning and evaluation, quality improvement systems and sufficient program funding; and

(12) Research has shown that prevention, early identification, effective interventions and appropriate support can help avoid or reduce adverse experiences and promote healthy development. The Strengthening Families framework, used in West Virginia and nationally, focuses on building five protective factors: Parental resilience, social connections, knowledge of parenting and child development, concrete support in times of need and social and emotional competence of children; and

(13) Improvements in wages, benefits and opportunities for advancement in the early childhood field are needed in order to recruit and retain qualified workers and provide the positive, stable relationships that help children thrive. Reimbursement rates for West Virginia child care providers serving subsidized children have not been raised since 2009 and are significantly below seventy-five percent of market rate, the minimum recommended by the federal child care and development block grant; and



(14) Health care providers play a pivotal role in early development. Beyond the health services they provide, many serve as the gateway to other child development services and are instrumental in statewide efforts to prevent and reduce substance abuse during pregnancy; and

(15) Effective governance is needed for the overall early childhood system that ensures coordination, alignment, efficiency and accountability; and

(16) West Virginia's current early childhood data systems are insufficient to provide for effective system planning, evaluation and accountability, and the creation of a system that links program-specific data systems is needed; and

(17) Recognizing the importance of the earliest years of a child's life, Governor Tomblin created the West Virginia Early Childhood Planning Task Force in May 2013 (2013 W.V. Executive Order No. 5); and

(18) The task force conducted extensive research and released a development plan for the state's early childhood system. The task force's findings confirm that West Virginia will benefit from the development and implementation of a comprehensive plan for early childhood development that clearly defines the services and programs most likely to advance the health, development and school readiness of young children. The purpose of this article is to implement recommendations from the task force report "Building a System for Early Success: A Development Plan for Early Childhood in West Virginia" and to fully invest in the health, development and well-being of the state's young children.

**§5-30-2. Definitions.**

(a) "Early Childhood Advisory Council" or "Council" means the council created by the Governor by 2010 W.V. Executive Order No. 9-10 and codified in section three of this article.

(b) “Early childhood system” includes, but is not limited to, West Virginia Birth to Three, West Virginia Home Visitation Program, West Virginia PreK, Head Start and Early Head Start federal grantees in West Virginia, child care programs, Family Resource and Starting Points Centers, Family Resource Networks and County Collaborative Early Childhood Teams.

**§5-30-3. Continuation of West Virginia Early Childhood Advisory Council.**

(a) The Legislature hereby continues the West Virginia Early Childhood Advisory Council, created by 2010 W.V. Executive Order No. 9-10, and amended thereafter, consisting of the following current members:

(1) The Director of the Division of Early Care and Education, Bureau for Children and Families, Department of Health and Human Resources;

(2) A representative of the department of education;

(3) A representative of local educational agencies;

(4) A representative of institutions of higher education in the state;

(5) A representative of local child care providers of early childhood education and development services;

(6) A representative from Head Start agencies located in the state;

(7) The State Director of Head Start Collaboration;

(8) A representative of Early Head Start Programming;

(9) A representative of the West Virginia Department of Education Office of Special Programs, as established under Section 629 of the IDEA;

(10) The Director of West Virginia Birth to Three, Office of Maternal Child and Family Health, Bureau for Public Health, Department of Health and Human Resources, as established under Part C of the Individuals with Disabilities Education Act (IDEA);

(11) A representative of in-home family education;

(12) A representative of the early childhood advocate community;

(13) A representative of the business community;

(14) A representative of the Office of Maternal Child and Family Health, Bureau for Public Health, Department of Health and Human Resources;

(15) A representative of the Governor's Office;

(16) A representative of labor;

(17) The Director of WV Home Visitation Program, Office of Maternal Child and Family Health, Department of Health and Human Services;

(18) A representative of the pediatric community;

(19) A representative of the child welfare community;

(20) A representative of the family child care community; and

(21) The Secretary of the Department of Education and the Arts, who is the chairperson.

(b) All current representatives on the council shall remain on the council until the expiration of their terms, unless they otherwise resign or are removed.

(c) Any vacancy on the council shall be filled by appointment by the Governor and that new appointee shall serve for three years from the date of appointment. Any representative on the council may be reappointed by the Governor for additional three year terms of service.

(d) The council shall continue to have the duties and responsibilities set forth in 2010 W.V. Executive Order No. 9-10 and its bylaws.

(e) As necessary to fulfill the priorities of this article, the council may submit reports to the Governor and the Legislative Joint Committee on Government and Finance. The Joint Committee on Government and Finance shall distribute any such reports to the West Virginia Legislative Oversight Commission on Education Accountability and the West Virginia Legislative Oversight Commission on Health and Human Resources Accountability.

(f) Members of the council receive no compensation. Each state employee member of the council is entitled to be reimbursed by their employing agency for reasonable actual and necessary expenses incurred for each day or portion thereof engaged in the discharge of official duties in a manner consistent with guidelines of the travel management office of the Department of Administration.

**§5-30-4. Priorities of the Early Childhood Advisory Council.**

In order to provide greater guidance and focus, the Legislature concludes that the Council will be guided by the following priorities:

(1) Create an integrated data system across all early childhood programs;

(2) Statewide expansion of West Virginia home visitation program;

(3) Expanded eligibility definition for West Virginia birth to three;

(4) Implementation of quality rating and improvement system, including incentive payments;

(5) Raising family income limits for child care subsidies and increasing provider reimbursement rates for subsidized children;

(6) Implementing a statewide full-day, high-quality early learning and child care program for three-year-olds;

(7) Improving system planning, evaluation, development and governance;

(8) Expanding perinatal drug abuse prevention and treatment; and

(9) Providing quality tax credits for early childhood programs, staff and families.

#### **CHAPTER 49. CHILD WELFARE.**

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

On motion of Senator Plymale, the following amendment to the bill (Eng. Com. Sub. for H. B. No. 2368) was next reported by the Clerk and adopted:

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

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new article, designated §5-30-1, §5-30-2, §5-30-3 and §5-30-4; and that said code be amended by adding thereto a new section, designated §49-7-37, all to read as follows:

There being no further amendments offered,

Having been engrossed, the bill (Eng. Com. Sub. for H. B. No. 2368), 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: None.

Absent: Miller—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. No. 2368) passed.

On motion of Senator Plymale, the following amendment to the title of the bill was reported by the Clerk and adopted:

**Eng. Com. Sub. for House Bill No. 2368**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5-30-1, §5-30-2, §5-30-3 and §5-30-4; and to amend said code by adding thereto a new section, designated §49-7-37, all relating to child welfare; declaring legislative findings relating to child welfare and development; defining terms; continuing the West Virginia Early Childhood Advisory Council; establishing priorities for the West Virginia Early Childhood Advisory Council; permitting certain reports by the West Virginia Early Childhood Advisory Council; and requiring certain annual reports by the Commissioner of the Bureau for Children and Families.

*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. 2562**, Relating to sales tax increment financing.

On third reading, 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. 2562) 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. 2562) 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. 2586**, Allowing for an alternative form of service of process in actions against nonresident persons by petitioners seeking domestic violence or personal safety relief.

On third reading, 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. 2586) 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. 2914**, Providing for voluntary dissolution of resort area district.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: 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. 2914) 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. 2914**—A Bill to amend and reenact §7-25-6, §7-25-11 and §7-25-15 the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto two new sections, designated §7-25-7a and §7-25-27, all relating generally to resort area districts; providing for voluntary dissolution of a resort area district; establishing a procedure for a dissolution; permitting nominations for resort area board members be made by mail or electronic means; permitting property owners to make nominations; providing for election of board members by plurality vote instead of by a majority vote; limiting the amount of assessments that may be levied against a parcel of real property; establishing a procedure for assessments proposed by a board on its own initiative; and providing for the effect of 2015 amendments.

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

The Senate proceeded to the ninth order of business.

**Eng. Com. Sub. for House Bill No. 2011**, Relating to disbursements from the Workers' Compensation Fund where an injury is self inflicted or intentionally caused by the employer.

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

The following amendment to the bill, from the Committee on the Judiciary, was reported by the Clerk:

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

**ARTICLE 4. DISABILITY AND DEATH BENEFITS.**

**§23-4-2. Disbursement where injury is self-inflicted or intentionally caused by employer; legislative declarations and findings; “deliberate intention” defined.**

(a) Notwithstanding anything contained in this chapter, no employee or dependent of any employee is entitled to receive any sum under the provisions of this chapter on account of any personal injury to or death to any employee caused by a self-inflicted injury or the intoxication of the employee. Upon the occurrence of an injury which the employee asserts, or which reasonably appears to have, occurred in the course of and resulting from the employee’s employment, the employer may require the employee to undergo a blood test for the purpose of determining the existence or nonexistence of evidence of intoxication: *Provided*, That the employer must have a reasonable and good faith objective suspicion of the employee’s intoxication and may only test for the purpose of determining whether the person is intoxicated. If any blood test for intoxication is given following an accident, at the request of the employer or otherwise, and if any of the following are true, the employee is deemed intoxicated and the intoxication is the proximate cause of the injury:

(1) If a blood test is administered within two hours of the accident and evidence that there was, at that time, more than five hundredths of one percent, by weight, of alcohol in the employee’s blood; or

(2) If there was, at the time of the blood test, evidence of either on or off the job use of a nonprescribed controlled substance as

defined in the West Virginia Uniform Controlled Substances Act, West Virginia Code §60A-2-201, *et seq.*, Schedules I, II, III, IV and V.

(b) For the purpose of this chapter, the commission may cooperate with the Office of Miners' Health, Safety and Training and the State Division of Labor in promoting general safety programs and in formulating rules to govern hazardous employments.

(c) If injury results to any employee from the deliberate intention of his or her employer to produce the injury or death, the employee, or, if the employee has been found to be incompetent, his or her conservator or guardian, may recover under this chapter and bring a cause of action against the employer, as if this chapter had not been enacted, for any excess of damages over the amount received or receivable in a claim for benefits under this chapter. If death results to any employee from the deliberate intention of his or her employer to produce the injury or death, the representative of the estate may recover under this chapter and bring a cause of action, pursuant to section six, article seven of chapter fifty-five of this code, against the employer, as if this chapter had not been enacted, for any excess of damages over the amount received or receivable in a claim for benefits under this chapter. To recover under this section, the employee, the employee's representative or dependent, as defined under this chapter, must, unless good cause is shown, have filed a claim for benefits under this chapter.

(d) (1) It is declared that enactment of this chapter and the establishment of the workers' compensation system in this chapter was and is intended to remove from the common law tort system all disputes between or among employers and employees regarding the compensation to be received for injury or death to an employee except as expressly provided in this chapter and to establish a system which compensates even though the injury or death of an employee may be caused by his or her own fault or the fault of a co-employee; that the immunity established in sections six and six-a, article two of

this chapter is an essential aspect of this workers' compensation system; that the intent of the Legislature in providing immunity from common lawsuit was and is to protect those immunized from litigation outside the workers' compensation system except as expressly provided in this chapter; that, in enacting the immunity provisions of this chapter, the Legislature intended to create a legislative standard for loss of that immunity of more narrow application and containing more specific mandatory elements than the common law tort system concept and standard of willful, wanton and reckless misconduct; and that it was and is the legislative intent to promote prompt judicial resolution of the question of whether a suit prosecuted under the asserted authority of this section is or is not prohibited by the immunity granted under this chapter.

(2) The immunity from suit provided under this section and under sections six and six-a, article two of this chapter may be lost only if the employer or person against whom liability is asserted acted with "deliberate intention". This requirement may be satisfied only if:

(A) It is proved that the employer or person against whom liability is asserted acted with a consciously, subjectively and deliberately formed intention to produce the specific result of injury or death to an employee. This standard requires a showing of an actual, specific intent and may not be satisfied by allegation or proof of: (i) Conduct which produces a result that was not specifically intended; (ii) conduct which constitutes negligence, no matter how gross or aggravated; or (iii) willful, wanton or reckless misconduct; or

(B) The trier of fact determines, either through specific findings of fact made by the court in a trial without a jury, or through special interrogatories to the jury in a jury trial, that all of the following facts are proven:

(i) That a specific unsafe working condition existed in the workplace which presented a high degree of risk and a strong probability of serious injury or death;

(ii) That the employer, prior to the injury, had actual knowledge of the existence of the specific unsafe working condition and of the high degree of risk and the strong probability of serious injury or death presented by the specific unsafe working condition.

(I) In every case actual knowledge must specifically be proven by the employee or other person(s) seeking to recover under this section, and shall not be deemed or presumed: *Provided*, That actual knowledge may be shown by evidence of intentional and deliberate failure to conduct an inspection, audit or assessment required by state or federal statute or regulation and such inspection, audit or assessment is specifically intended to identify each alleged specific unsafe working condition.

(II) Actual knowledge is not established by proof of what an employee's immediate supervisor or management personnel should have known had they exercised reasonable care or been more diligent.

(III) Any proof of the immediate supervisor or management personnel's knowledge of prior accidents, near misses, safety complaints or citations from regulatory agencies must be proven by documentary or other credible evidence.

(iii) That the specific unsafe working condition was a violation of a state or federal safety statute, rule or regulation, whether cited or not, or of a commonly accepted and well-known safety standard within the industry or business of the employer.

(I) If the specific unsafe working condition relates to a violation of a commonly accepted and well-known safety standard within the industry or business of the employer, that safety standard must be a consensus written rule or standard promulgated by the industry or business of the employer, such as an organization comprised of industry members: *Provided*, That the National Fire Protection Association Codes and Standards or any other industry standards for Volunteer Fire Departments shall not be cited as an industry

standard for Volunteer Fire Departments, Municipal Fire Departments and Emergency Medical Response Personnel as an unsafe working condition as long as the Volunteer Fire Departments, Municipal Fire Departments and the Emergency Medical Response Personnel have followed the Rules that have been promulgated by the Fire Commission.

(II) If the specific unsafe working condition relates to a violation of a state or federal safety statute, rule or regulation that statute, rule or regulation:

(a) Must be specifically applicable to the work and working condition involved as contrasted with a statute, rule, regulation or standard generally requiring safe workplaces, equipment or working conditions;

(b) Must be intended to address the specific hazard(s) presented by the alleged specific unsafe working condition; and,

(c) The applicability of any such state or federal safety statute, rule or regulation is a matter of law for judicial determination.

(iv) That notwithstanding the existence of the facts set forth in subparagraphs (i) through (iii), inclusive, of this paragraph, the person or persons alleged to have actual knowledge under subparagraph (ii) nevertheless intentionally thereafter exposed an employee to the specific unsafe working condition; and

(v) That the employee exposed suffered serious compensable injury or compensable death as defined in section one, article four, chapter twenty-three as a direct and proximate result of the specific unsafe working condition. For the purposes of this section, serious compensable injury may only be established by one of the following four methods:

(I) It is shown that the injury, independent of any preexisting impairment:

(a) Results in a permanent physical or combination of physical and psychological injury rated at a total whole person impairment level of at least thirteen percent (13%) as a final award in the employees workers' compensation claim; and

(b) Is a personal injury which 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

(II) Written certification by a licensed physician that the employee is suffering from an injury or condition that is caused by the alleged unsafe working condition and is likely to result in death within eighteen (18) months or less from the date of the filing of the complaint. The certifying physician must be engaged or qualified in a medical field in which the employee has been treated, or have training and/or experience in diagnosing or treating injuries or conditions similar to those of the employee and must disclose all evidence upon which the written certification is based, including, but not limited to, all radiographic, pathologic or other diagnostic test results that were reviewed.

(III) If the employee suffers from an injury for which no impairment rating may be determined pursuant to the rule or regulation then in effect which governs impairment evaluations pursuant to this chapter, serious compensable injury may be established if the injury meets the definition in subclause (I)(b).

(IV) If the employee suffers from an occupational pneumoconiosis, the employee must submit written certification by a board certified pulmonologist that the employee is suffering from complicated pneumoconiosis or pulmonary massive fibrosis and that the occupational pneumoconiosis has resulted in pulmonary impairment as measured by the standards or methods utilized by the West Virginia Occupational Pneumoconiosis Board of at least

fifteen percent (15%) as confirmed by valid and reproducible ventilatory testing. The certifying pulmonologist must disclose all evidence upon which the written certification is based, including, but not limited to, all radiographic, pathologic or other diagnostic test results that were reviewed: *Provided*, That any cause of action based upon this subdivision must be filed within one year of the date the employee meets the requirements of the same.

(C) In cases alleging liability under the provisions of paragraph (B) of this subdivision:

(i) The employee, the employee's guardian or conservator, or the representative of the employee's estate shall serve with the complaint a verified statement from a person with knowledge and expertise of the workplace safety statutes, rules, regulations and consensus industry safety standards specifically applicable to the industry and workplace involved in the employee's injury, setting forth opinions and information on:

(I) The person's knowledge and expertise of the applicable workplace safety statutes, rules, regulations and/or written consensus industry safety standards;

(II) The specific unsafe working condition(s) that were the cause of the injury that is the basis of the complaint; and

(III) The specific statutes, rules, regulations or written consensus industry safety standards violated by the employer that are directly related to the specific unsafe working conditions: *Provided, however*, That this verified statement shall not be admissible at the trial of the action and the Court, pursuant to the Rules of Evidence, common law and subclause two-c, subparagraph (iii), paragraph (B), subdivision (2), subsection (d), section two, article four, chapter twenty-three of this code, retains responsibility to determine and interpret the applicable law and admissibility of expert opinions.



(ii) No punitive or exemplary damages shall be awarded to the employee or other plaintiff;

(iii) Notwithstanding any other provision of law or rule to the contrary, and consistent with the legislative findings of intent to promote prompt judicial resolution of issues of immunity from litigation under this chapter, the employer may request and the court shall give due consideration to the bifurcation of discovery in any action brought under the provisions of subparagraphs (i) through (v), of paragraph (B) such that the discovery related to liability issues be completed before discovery related to damage issues. The court shall dismiss the action upon motion for summary judgment if it finds pursuant to rule 56 of the rules of civil procedure that one or more of the facts required to be proved by the provisions of subparagraphs (i) through (v), inclusive, paragraph (B) of this subdivision do not exist, and the court shall dismiss the action upon a timely motion for a directed verdict against the plaintiff if after considering all the evidence and every inference legitimately and reasonably raised thereby most favorably to the plaintiff, the court determines that there is not sufficient evidence to find each and every one of the facts required to be proven by the provisions of subparagraphs (i) through (v), inclusive, paragraph (B) of this subdivision; and

(iv) The provisions of this paragraph and of each subparagraph thereof are severable from the provisions of each other subparagraph, subsection, section, article or chapter of this code so that if any provision of a subparagraph of this paragraph is held void, the remaining provisions of this act and this code remain valid.

(e) Any cause of action brought pursuant to this section shall be brought either in the circuit court of the county in which the alleged injury occurred or the circuit court of the county of the employer's principal place of business. With respect to causes of action arising under this chapter, the venue provisions of this section shall be exclusive of and shall supersede the venue provisions of any other West Virginia statute or rule.

(f) The reenactment of this section in the regular session of the Legislature during the year 2015 does not in any way affect the right of any person to bring an action with respect to or upon any cause of action which arose or accrued prior to the effective date of the reenactment.

(g) The amendments to this section enacted during the 2015 session of the Legislature shall apply to all injuries occurring on or after July 1, 2015.

On motion of Senator Trump, the following amendment to the Judiciary committee amendment to the bill (Eng. Com. Sub. for H. B. No. 2011) was reported by the Clerk and adopted:

On page seven, section two, subsection (d), subdivision (2), paragraph (B), subparagraph (v), clause (IV), by striking out the word “subdivision” and inserting in lieu thereof the word “clause”.

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. 2011), as amended, was then ordered to third reading.

**Eng. Com. Sub. for House Bill 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.

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

The following amendment to the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

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

**ARTICLE 6. CRIMES AGAINST THE PEACE.****§61-6-19. Willful disruption of governmental processes; offenses occurring at State Capitol Complex; penalties.**

(a) If any person willfully interrupts or molests the orderly and peaceful process of any department, division, agency or branch of state government or of its political subdivisions, he or she is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$100, or ~~imprisoned in the county or regional~~ confined in jail not more than six months, or both fined and imprisoned confined: *Provided*, That any assembly in a peaceable, lawful and orderly manner for a redress of grievances shall not be a violation of this section.

(b) It is unlawful for any person to bring upon the State Capitol Complex any weapon as defined ~~by the provisions of~~ in section two, article seven of this chapter: *Provided*, That a person who holds a valid, current concealed weapons permit issued by a sheriff of this state or the appropriate authority of another jurisdiction may keep a firearm in his or her motor vehicle upon the State Capitol Complex if the vehicle is locked and the weapon is out of normal view. It is unlawful for any person to willfully deface any trees, wall, floor, stairs, ceiling, column, statue, monument, structure, surface, artwork or adornment in the State Capitol Complex. It is unlawful for any person or persons to willfully block or otherwise willfully obstruct any public access, stair or elevator in the State Capitol Complex after being asked by a law-enforcement officer acting in his or her official capacity to desist: *Provided*, That, in order to preserve the constitutional right of the people to assemble, it is not willful blocking or willful obstruction for persons gathered in a group or crowd if the persons move to the side or part to allow other persons to pass by the group or crowd to gain ingress or egress: *Provided, however*, That this subsection ~~shall~~ does not apply to a law-enforcement officer acting in his or her official capacity.

Any person who violates ~~any provision of~~ this subsection is guilty of a misdemeanor and, upon conviction thereof, shall be fined not

less than \$100 or confined in ~~the county or regional~~ jail not more than six months, or both.

The bill (Eng. Com. Sub. for H. B. No. 2128), as amended, was then ordered to third reading.

**Eng. Com. Sub. for House Bill No. 2283**, Authorizing the Department of Environmental Protection to promulgate legislative rules.

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. 2381**, Providing a teacher mentoring increment for classroom teachers with national board certification who teach and mentor at certain schools.

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. 2478**, Relating to public school finance.

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

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

**Eng. Com. Sub. for House Bill No. 2502**, Possessing deadly weapons on school buses or on the premises of educational facilities.

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. 2536**, Relating to travel insurance limited lines producers.

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

The following amendment to the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

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

**ARTICLE 12. INSURANCE PRODUCERS AND SOLICITORS.**

**§33-12-32b. Travel Insurance Entity Producer Limited License Act.**

(a) *Definitions.* – For purposes of this section:

(1) A “group policy” means a policy issued to:

(A) A railroad company, steamship company, carrier by air, public bus carrier or other common carrier of passengers, which is considered the policyholder, where the policy insures its passengers;  
or

(B) Any other group if the commissioner has determined by rule that the members are engaged in a common enterprise or have an economic or social affinity or relationship, and that issuance of the policy would not be contrary to the best interests of the public.

(2) “Offer and disseminate” means providing general information, including descriptions of coverage and price, processing applications, collecting premiums and performing other activities permitted in this state without a license issued by the commissioner.

(3) “Travel insurance” means:

(A) An individual or group policy of insurance that provides coverage for personal risks incident to planned travel, including, but not limited to:

- (i) Interruption or cancellation of a trip or event;
- (ii) Loss of baggage or personal effects;
- (iii) Damages to accommodations or rental vehicles; or
- (iv) Sickness, accident, disability or death occurring during travel.

(B) “Travel insurance” does not include major medical plans that provide comprehensive medical protection for travelers with trips lasting six months or longer, including, but not limited to, those working overseas as expatriates or military personnel deployed overseas.

(4) “Travel insurance entity producer” means an entity which is licensed under this section, is appointed by an insurer, and has the duties set forth in subsection (d) of this section.

(5) “Travel retailer” means an entity that makes, arranges or offers travel services, which may offer and disseminate travel insurance on behalf of and under the direction of a travel insurance entity producer.

(b) *License requirements.* – Notwithstanding any other provision of law:

(1) The commissioner may issue a travel insurance entity producer license, which authorizes the sale, solicitation or negotiation of travel insurance issued by a licensed insurer, to a person meeting the requirements of this section.

(2) An entity seeking a license under this section shall apply on a form and in a manner prescribed by the commissioner.

(3) The annual fee for a travel insurance entity producer license is \$200.

(c) *Conditions for travel retailers.* – A travel retailer may offer and disseminate travel insurance policies under a license issued to a travel insurance entity producer only if all of the following conditions are met:

(1) The travel retailer agrees that it is bound by all applicable provisions of this section and that no employee or authorized representative, who is not licensed as an individual insurance producer, may:

(A) Evaluate or interpret the technical terms, benefits, and conditions of the offered travel insurance coverage;

(B) Evaluate or provide advice concerning a prospective purchaser's existing insurance coverage; or

(C) Hold himself or herself out as a licensed insurer, licensed producer, or insurance expert.

(2) The travel retailer makes available to prospective purchasers brochures or other written materials that:

(A) State the identity and contact information of the insurer and the travel insurance entity producer;

(B) Describe the material terms, or contain the actual material terms, of the travel insurance coverage;

(C) Describe the process for filing a claim under the travel insurance policy;

(D) Describe the review and cancellation processes for the travel insurance policy;

(E) Explain that the purchase of travel insurance is not required in order to purchase any other product or service from the travel retailer; and

(F) Explain that a travel retailer not licensed by the commissioner may provide general information about the travel insurance offered, including a description of the coverage and price, but is not qualified or authorized to answer technical questions about the travel insurance or to evaluate the adequacy of a prospective purchaser's existing insurance coverage.

(3) The travel retailer ensures that each employee and authorized representative of the travel retailer whose duties include offering and disseminating travel insurance successfully completed the training required by this section.

(d) *Conditions for travel insurance entity producers.* – A travel insurance entity producer may offer and disseminate travel insurance policies through a travel retailer only if all of the following conditions are met:

(1) On a form prescribed by the commissioner, the travel insurance entity producer establishes, maintains and updates annually a register of all travel retailers that offer travel insurance on behalf of the travel insurance entity producer:

(A) The register shall include the name, address, and contact information of each travel retailer and of the person who directs or controls the travel retailer's operations, and the travel retailer's federal tax identification number;

(B) The travel insurance entity producer shall certify that the register complies with 18 U. S. C. §1033; and

(C) The travel insurance entity producer shall submit the register to the commissioner within thirty days upon request.



(2) The travel insurance entity producer designates one of its employees who is a licensed individual producer as the responsible producer for the travel insurance entity producer's compliance with this section and any rules promulgated under this section.

(3) The designated responsible producer, and the president, secretary, treasurer and any other person who directs or controls the travel insurance entity producer's insurance operations, comply with the fingerprinting requirements applicable to insurance producers in the resident state of the travel insurance entity producer.

(4) The travel insurance entity producer pays all applicable insurance producer licensing fees set forth in this chapter or rules promulgated under this chapter.

(5) The travel insurance entity producer requires each employee and authorized representative of the travel retailer whose duties include offering and disseminating travel insurance to receive a program of instruction or training, which the commissioner may review and approve or disapprove. The training program shall, at a minimum, contain instructions on the types of insurance offered, ethical sales practices and required disclosures to prospective customers.

(e) A licensee under this section, and those registered under its license pursuant to subdivision one, subsection (d) of this section, are exempt from examination under section five of this article and from continuing education requirements under section eight of this article.

(f) A licensee under this section is subject to the provisions of section six-b of this article as if it were an insurance agency.

(g) *License renewal.* – The commissioner shall annually renew, on the expiration date as provided in this subsection, the license of a licensee who qualifies and applies for renewal on a form prescribed by the commissioner and pays the fee set forth in

subdivision three, subsection (b) of this section: *Provided*, That the commissioner may fix the dates of expiration of travel insurance entity producer licenses as he or she considers advisable for efficient distribution of the workload of his or her office:

(1) If the fixed expiration date would upon first occurrence shorten the period for which a license fee has been paid, no refund of unearned fee shall be made;

(2) If the fixed expiration date would upon first occurrence lengthen the period for which a license fee has been paid, the commissioner shall charge no additional fee for the lengthened period;

(3) If a date is not fixed by the commissioner, each license shall, unless continued as provided in this subsection, expire at midnight on June 30 following issuance; and

(4) A licensee that fails to timely renew its license may reinstate its license, retroactive to the expiration date, upon submission of the renewal application within twelve months after the expiration date and payment of a penalty in the amount of \$50.

(h) *Appointment.* – A travel insurance entity producer may not act as an agent of an insurer unless the insurer appoints the travel insurance entity producer as its agent, as follows:

(1) The insurer shall file, in a format approved by the commissioner, a notice of appointment within fifteen days from the date the agency contract is executed and shall pay a nonrefundable appointment processing fee in the amount of \$25: *Provided*, That an insurer may elect to appoint a travel insurance entity producer to all or some insurers within the insurer's holding company system or group by filing a single notice of appointment;

(2) Upon receipt of a notice of appointment, the commissioner shall verify within a reasonable time, not to exceed thirty days, that

the travel insurance entity producer is eligible for appointment: *Provided*, That the commissioner shall notify the insurer within five days of a determination that the travel insurance entity producer is ineligible for appointment; and

(3) The insurer shall remit, no later than midnight on May 31 annually and in a manner prescribed by the commissioner, a renewal appointment fee for each appointed travel insurance entity producer in the amount of \$25; and

(4) The insurer shall maintain a current list of travel insurance entity producers appointed to accept applications on behalf of the insurer, and shall make the list available to the commissioner upon reasonable request for purposes of conducting investigations and enforcing the provisions of this chapter.

(i) *Effect of registration.* – Notwithstanding any other provision of law, if a travel retailer’s insurance-related activities, and those of its employees and authorized representatives, are limited to offering and disseminating travel insurance on behalf of and under the direction of a licensed travel insurance entity producer, the travel retailer may perform those activities and receive related compensation, upon registration by the travel insurance entity producer pursuant to subdivision one, subsection (d) of this section.

(j) *Liability.* – As the insurer’s appointed agent, the travel insurance entity producer is liable for the acts or omissions of the travel retailer in offering and disseminating travel insurance under the travel insurance entity producer’s license and shall use reasonable means to ensure compliance by the travel retailer with this section.

(k) *Enforcement.* – In enforcing the provisions of this section, the commissioner may use any enforcement mechanisms in this chapter.

(1) If the commissioner determines that a travel retailer or its employee has violated this section, the commissioner may after notice and hearing:

(A) Impose fines not to exceed \$500 per violation or \$5,000 in the aggregate for the conduct; and

(B) Impose other or additional penalties that the commissioner considers necessary and reasonable to carry out the purpose of this section, including but not limited to:

(i) Suspending or revoking the privilege of offering and disseminating travel insurance pursuant to this section by specific business retailers or at specific business retail locations where violations have occurred;

(ii) Suspending or revoking the privilege of individual employees of a travel retailer to act under this section; and

(iii) Placing the travel retailer or its employees on probation under terms and conditions prescribed by the commissioner.

(2) If the commissioner determines that a travel insurance entity producer has failed to perform its duties under this section or has otherwise violated this section, the travel insurance entity producer is subject to the provisions of section twenty-four of this article.

(1) The commissioner may propose rules for legislative approval in accordance with the provisions of article three, chapter twenty-nine-a of this code to implement this section.

The bill (Eng. Com. Sub. for H. B. No. 2536), as amended, was then ordered to third reading.

**Eng. Com. Sub. for House Bill 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.

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

The following amendment to the bill, from the Committee on Banking and Insurance, was reported by the Clerk and adopted:

On page four, section twenty-nine, line fifty-two, after the word “vehicle” by changing the period to a colon and adding the following proviso: *Provided*, That any liability insurance purchased for additional consideration from the rental or leasing company shall be primary to other available insurance.

The bill (Eng. Com. Sub. for H. B. No. 2557), as amended, was then ordered to third reading.

**Eng. House Bill No. 2606**, Clarifying the potential sentence for disorderly conduct.

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

**Eng. House Bill No. 2627**, Providing protection against property crimes committed against coal mines, utilities and other industrial facilities.

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

The following amendment to the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

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

**ARTICLE 3. CRIMES AGAINST PROPERTY.**

**§61-3-29. Damage or destruction of railroad or public utility company property, or real or personal property used for producing, generating, transmitting, distributing, treating or collecting electricity, natural gas, coal, water, wastewater, stormwater, telecommunications or cable service; penalties; restitution.**

(a) Any person who knowingly and willfully damages or destroys any commercial or industrial real or personal property owned by a railroad company, or public utility company, solid waste facility or collection equipment as defined in section two, article fifteen, chapter twenty-two of this code or any real or personal property used for producing, generating, transmitting, distributing, treating, storing or collecting electricity, natural gas, oil, coal, timber, timber processing, water, wastewater, stormwater, telecommunications or cable service, is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$2,000, or confined in jail not more than one year, or both. ~~fined and confined:~~

(b) Any person who knowingly and willfully:—~~(1) Damages~~ damages or destroys any commercial or industrial real or personal property owned by a railroad company, or public utility company, solid waste facility or collection equipment as defined in section two, article fifteen, chapter twenty-two of this code or any real or personal property used for producing, generating, transmitting, distributing, treating, storing, or collecting electricity, natural gas, oil, coal, timber, timber processing, water, wastewater, stormwater, telecommunications or cable service; and ~~(2) thereby~~ creates a substantial risk of serious bodily injury to another or results in the interruption of service to the public is guilty of a felony and, upon conviction thereof, shall be fined not more than \$5,000, or confined in a state correctional facility not less than one nor more than three years, or both. ~~fined and imprisoned:~~

(c) Any person who knowingly and willfully:—~~(1) Damages~~ damages or destroys any commercial or industrial real or personal property owned by a railroad company, or public utility company, solid waste facility or collection equipment as defined in section two, article fifteen, chapter twenty-two of this code, or any real or personal property used for producing, generating, transmitting, distributing, treating, storing or collecting electricity, natural gas, oil, coal, timber, timber processing, water, wastewater, stormwater, telecommunications or cable service; and (2) causes serious bodily injury to another is guilty of a felony and, upon conviction thereof,

shall be fined not less than \$5,000 nor more than \$50,000, or confined in a state correctional facility not less than one nor more than five years, or both. ~~fined and imprisoned.~~

(d) Any person who knowingly and willfully damages or destroys any commercial or industrial real or personal property owned by a railroad company, public utility company, solid waste facility or collection equipment as defined in section two, article fifteen, chapter twenty-two of this code or any real or personal property used for producing, generating, transmitting, distributing, treating, storing or collecting electricity, natural gas, oil, coal, timber, timber processing, water, wastewater, stormwater, telecommunications or cable service; and thereby hinders, impairs or disrupts, directly or indirectly the normal operation of any equipment, device, system or service put in place, in whole or in part, to protect, promote or facilitate the health or safety of any person is guilty of a felony and, upon conviction thereof, shall be fined not less than \$5,000 nor more than \$10,000.

(e) Any person convicted of subsection (a), (b), (c) or (d) of this section shall be subject to the provisions of article eleven-a of this chapter.

~~(d)~~ (f) Nothing in this section may be construed to limit or restrict limits or restricts the ability of an entity referred to in subsection (a), (b), or (c) or (d) of this section or a property owner or other person who has been damaged or injured as a result of a violation of this section from seeking recovery for damages arising from violation of this section.

The bill (Eng. H. B. No. 2627), as amended, was then ordered to third reading.

**Eng. House Bill No. 2628**, Changing the date of filing announcements of candidacies.

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

The following amendment to the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

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

That §3-5-7 and §3-5-19 of the Code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:

**ARTICLE 5. PRIMARY ELECTIONS AND NOMINATING PROCEDURES.**

**§3-5-7. Filing announcements of candidacies; requirements; withdrawal of candidates when section applicable.**

(a) Any person who is eligible and seeks to hold an office or political party position to be filled by election in any primary or general election held under the provisions of this chapter shall file a certificate of announcement declaring his or her candidacy for the nomination or election to the office.

(b) The certificate of announcement shall be filed as follows:

(1) Candidates for the House of Delegates, ~~or~~ the State Senate, circuit judge, family court judge and any other office or political position to be filled by the voters of more than one county shall file a certificate of announcement with the Secretary of State.

(2) Candidates for an office or political position to be filled by the voters of a single county or a subdivision of a county, except for candidates for the House of Delegates, ~~or~~ State Senate, circuit judge or family court judge, shall file a certificate of announcement with the clerk of the county commission.

(3) Candidates for an office to be filled by the voters of a municipality shall file a certificate of announcement with the recorder or city clerk.



(c) The certificate of announcement shall be filed with the proper officer not earlier than the ~~second~~ first Monday ~~in after~~ January 1 next preceding the primary election day, and not later than the last Saturday in January next preceding the primary election day, and must be received before midnight, eastern standard time, of that day or, if mailed, shall be postmarked by the United States Postal Service before that hour. This includes the offices of justice of the Supreme Court of Appeals, circuit court judge, family court judge and magistrate, which are to be filled on a nonpartisan and division basis at the primary election.

(d) The certificate of announcement shall be on a form prescribed by the Secretary of State on which the candidate shall make a sworn statement before a notary public or other officer authorized to administer oaths, containing the following information:

(1) The date of the election in which the candidate seeks to appear on the ballot;

(2) The name of the office sought; the district, if any; and the division, if any;

(3) The legal name of the candidate and the exact name the candidate desires to appear on the ballot, subject to limitations prescribed in section thirteen, article five of this chapter;

(4) The county of residence and a statement that the candidate is a legally qualified voter of that county; and the magisterial district of residence for candidates elected from magisterial districts or under magisterial district limitations;

(5) The specific address designating the location at which the candidate resides at the time of filing, including number and street or rural route and box number and city, state and zip code;

(6) For partisan elections, the name of the candidate's political party and a statement that the candidate: (A) Is a member of and

affiliated with that political party as evidenced by the candidate's current registration as a voter affiliated with that party; and (B) has not been registered as a voter affiliated with any other political party for a period of sixty days before the date of filing the announcement;

(7) For candidates for delegate to national convention, the name of the presidential candidate to be listed on the ballot as the preference of the candidate on the first convention ballot; or a statement that the candidate prefers to remain "uncommitted";

(8) A statement that the person filing the certificate of announcement is a candidate for the office in good faith;

(9) The words "subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_" and a space for the signature of the officer giving the oath.

(e) The Secretary of State or the board of ballot commissioners, as the case may be, may refuse to certify the candidacy or may remove the certification of the candidacy upon receipt of a certified copy of the voter's registration record of the candidate showing that the candidate was registered as a voter in a party other than the one named in the certificate of announcement during the sixty days immediately preceding the filing of the certificate: *Provided*, That unless a signed formal complaint of violation of this section and the certified copy of the voter's registration record of the candidate are filed with the officer receiving that candidate's certificate of announcement no later than ten days following the close of the filing period, the candidate may not be refused certification for this reason.

(f) The certificate of announcement shall be subscribed and sworn to by the candidate before some officer qualified to administer oaths, who shall certify the same. Any person who knowingly provides false information on the certificate is guilty of false swearing and shall be punished in accordance with section three, article nine of this chapter.

(g) Any candidate for delegate to a national convention may change his or her statement of presidential preference by notifying the Secretary of State by letter received by the Secretary of State no later than the third Tuesday following the close of candidate filing. When the rules of the political party allow each presidential candidate to approve or reject candidates for delegate to convention who may appear on the ballot as committed to that presidential candidate, the presidential candidate or the candidate's committee on his or her behalf may file a list of approved or rejected candidates for delegate and the Secretary of State shall list as "uncommitted" any candidate for delegate who is disapproved by the presidential candidate.

(h) A person may not be a candidate for more than one office or office division at any election: *Provided*, That a candidate for an office may also be a candidate for President of the United States, for membership on political party executive committees or for delegate to a political party national convention; *Provided, however*, That an unsuccessful candidate for a nonpartisan office in an election held concurrently with the primary election may be appointed under the provisions of section nineteen of this article to fill a vacancy on the general ballot.

(i) A candidate who files a certificate of announcement for more than one office or division and does not withdraw, as provided by section eleven, article five of this chapter, from all but one office prior to the close of the filing period may not be certified by the Secretary of State or placed on the ballot for any office by the board of ballot commissioners.

~~(j) The provisions of this section enacted during the regular session of the Legislature in the year 1991 shall apply to the primary election held in the year 1992 and every primary election held thereafter. The provisions of this section enacted during the regular session of the Legislature in the year 2009 shall apply to the primary election held in the year 2010 and every primary election held thereafter.~~

**§3-5-19. Vacancies in nominations; how filled; fees.**

(a) If any vacancy occurs in the party nomination of candidates for office nominated at the primary election or by appointment under the provisions of section eleven of this article, the vacancies may be filled, subject to the following requirements and limitations:

(1) Each appointment made under this section shall be made by the executive committee of the political party for the political division in which the vacancy occurs: *Provided*, That if the executive committee holds a duly called meeting in accordance with section nine, article one of this chapter but fails to make an appointment or fails to certify the appointment of the candidate to the proper filing officer within the time required, the chairperson of the executive committee may make the appointment not later than two days following the deadline for the executive committee.

(2) Each appointment made under this section is complete only upon the receipt by the proper filing officer of the certificate of appointment by the executive committee, or its chairperson, as the case may be, the certificate of announcement of the candidate as prescribed in section seven of this article and, except for appointments made under subdivision (4), (5), (6) or (7) of this subsection, the filing fee or waiver of fee as prescribed in section eight or eight-a of this article. The proper filing officer is the officer with whom the original certificate of nomination is regularly filed for that office.

(3) If a vacancy in nomination is caused by the failure of a candidate to file for an office, or by withdrawal of a candidate no later than the third Tuesday following the close of candidate filing pursuant to the provisions of section eleven of this article, a nominee may be appointed by the executive committee and certified to the proper filing officer no later than ~~thirty days after the last day to file a certificate of announcement pursuant to section seven of this article~~ the Thursday preceding the primary election.

(4) If a vacancy in nomination is caused by the disqualification of a candidate and the vacancy occurs not later than eighty-four days before the general election, a nominee may be appointed by the executive committee and certified to the proper filing officer not later than seventy-eight days before the general election. A candidate may be determined ineligible if a written request is made by an individual with information to show a candidate's ineligibility to the State Election Commission no later than eighty-four days before the general election explaining grounds why a candidate is not eligible to be placed on the general election ballot or not eligible to hold the office, if elected. The State Election Commission shall review the reasons for the request. If the commission finds the circumstances warrant the disqualification of the candidate, the commission may authorize appointment by the executive committee to fill the vacancy. Upon receipt of the authorization a nominee may be appointed by the executive committee and certified to the proper filing officer no later than seventy-eight days before the general election.

(5) If a vacancy in nomination is caused by the incapacity of the candidate and if the vacancy occurs not later than eighty-four days before the general election, a nominee may be appointed by the executive committee and certified to the proper filing officer no later than seventy-eight days before the general election.

(6) If a vacancy in nomination is caused by the withdrawal of the candidate no later than eighty-four days before the general election due to extenuating personal circumstances which will prevent the candidate from serving in the office if elected and if the candidate or the chairperson of the executive committee for the political division applies in writing to the State Election Commission no later than eighty-four days before the general election for permission to remove the candidate's name from the general election ballot, the State Election Commission shall review the reasons for the request. If the commission finds the circumstances warrant the withdrawal of the candidate, the commission shall authorize appointment by the executive committee to fill the vacancy. Upon receipt of the authorization, a nominee may be appointed by the executive

committee and certified to the proper filing officer no later than seventy-eight days before the general election.

(7) If a vacancy in nomination is caused by the death of the candidate occurring no later than twenty-five days before the general election, a nominee may be appointed by the executive committee and certified to the proper filing officer no later than twenty-one days following the date of death or no later than twenty-two days before the general election, whichever date occurs first.

(b) Except as otherwise provided in article ten of this chapter, if any vacancy occurs in a partisan office or position other than political party executive committee, which creates an unexpired term for a position which would not otherwise appear on the ballot in the general election, and the vacancy occurs after the close of candidate filing for the primary election but not later than eighty-four days before the general election, a nominee of each political party may be appointed by the executive committee and certified to the proper filing officer no later than seventy-eight days before the general election. Appointments shall be filed in the same manner as provided in subsection (a) of this section, except that the filing fee shall be paid before the appointment is complete.

(c) When a vacancy occurs in the board of education after the close of candidate filing for the primary election but not later than eighty-four days before the general election, a special candidate filing period shall be established. Candidates seeking election to any unexpired term for board of education shall file a certificate of announcement and pay the filing fee to the clerk of the county commission no earlier than the first Monday in August and no later than seventy-seven days before the general election.

The bill (Eng. H. B. No. 2628), as amended, was then ordered to third reading.

**Eng. Com. Sub. for House Bill No. 2652**, Reducing the assessment paid by hospitals to the Health Care Authority.

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

The following amendment to the bill, from the Committee on Finance, was reported by the Clerk and adopted:

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

That §16-29B-8 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

**ARTICLE 29B. HEALTH CARE AUTHORITY.**

**§16-29B-8. Powers generally; budget expenses of the board.**

(a) In addition to the powers granted to the board elsewhere in this article, the board may:

(1) Adopt, amend and repeal necessary, appropriate and lawful policy guidelines and rules in accordance with article three, chapter twenty-nine-a of this code: *Provided*, That subsequent amendments and modifications to any rule promulgated pursuant to this article and not exempt from the provisions of article three, chapter twenty-nine-a of this code may be implemented by emergency rule;

(2) Hold public hearings, conduct investigations and require the filing of information relating to matters affecting the costs of health care services subject to the provisions of this article and may subpoena witnesses, papers, records, documents and all other data in connection therewith. The board may administer oaths or affirmations in any hearing or investigation;

(3) Apply for, receive and accept gifts, payments and other funds and advances from the United States, the state or any other governmental body, agency or agencies or from any other private or public corporation or person (with the exception of hospitals subject to the provisions of this article, or associations representing them,

doing business in the state of West Virginia, except in accordance with subsection (c) of this section), and enter into agreements with respect thereto, including the undertaking of studies, plans, demonstrations or projects. Any such gifts or payments that may be received or any such agreements that may be entered into shall be used or formulated only so as to pursue legitimate, lawful purposes of the board, and shall in no respect inure to the private benefit of a board member, staff member, donor or contracting party;

(4) Lease, rent, acquire, purchase, own, hold, construct, equip, maintain, operate, sell, encumber and assign rights or dispose of any property, real or personal, consistent with the objectives of the board as set forth in this article: *Provided*, That such acquisition or purchase of real property or construction of facilities shall be consistent with planning by the state building commissioner and subject to the approval of the Legislature;

(5) Contract and be contracted with and execute all instruments necessary or convenient in carrying out the board's functions and duties; and

(6) Exercise, subject to limitations or restrictions herein imposed, all other powers which are reasonably necessary or essential to effect the express objectives and purposes of this article.

(b) The board shall annually prepare a budget for the next fiscal year for submission to the governor and the Legislature which shall include all sums necessary to support the activities of the board and its staff.

(c) Each hospital subject to the provisions of this article shall be assessed by the board on a pro rata basis using the ~~gross revenues~~ net patient revenue, as defined under generally accepted accounting principles, of each hospital as reported under the authority of section eighteen of this article as the measure of the hospital's obligation. The amount of such fee shall be determined by the board except that in no case shall the hospital's obligation exceed one tenth of one



percent of its ~~gross net patient~~ revenue. Such fees shall be paid on or before the first day of July in each year and shall be paid into the state treasury and kept as a special revolving fund designated “health care cost review fund”, with the moneys in such fund being expendable after appropriation by the Legislature for purposes consistent with this article. Any balance remaining in said fund at the end of any fiscal year shall not revert to the treasury, but shall remain in said fund and such moneys shall be expendable after appropriation by the Legislature in ensuing fiscal years.

(d) Each hospital’s assessment shall be treated as an allowable expense by the board.

(e) The board is empowered to withhold rate approvals, certificates of need and rural health system loans and grants if any such fees remain unpaid, unless exempted under subsection (g), section four, article two-d of this chapter.

The bill (Eng. Com. Sub. for H. B. No. 2652), as amended, was then ordered to third reading.

**Eng. House Bill No. 2658**, Relating to the inspection and slaughter of nontraditional agriculture.

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

The following amendment to the bill, from the Committee on Agriculture and Rural Development, was reported by the Clerk and adopted:

On page two, section four, line five, after the word “outlets.” by inserting the following: Except for rabbits and game birds, nontraditional agriculture shall be slaughtered in an inspected meat processing facility.

The bill (Eng. H. B. No. 2658), as amended, was then ordered to third reading.

**Eng. Com. Sub. for House Bill No. 2790**, Relating to minimum responsibility limits of car insurance.

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

**Eng. House Bill 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.

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. 2902**, West Virginia ABLE Act.

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

**Eng. Com. Sub. for House Bill No. 2968**, Exempting from property tax certain properties in this state owned by nonprofit youth organizations.

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

The following amendments to the bill, from the Committee on Finance, were reported by the Clerk, considered simultaneously, and adopted:

On page fifteen, section nine, line two hundred fifty-four, by striking out the word "One" and inserting in lieu thereof the word "Twenty-five";

On page fifteen, section nine, line two hundred fifty-eight, by striking out the word "One" and inserting in lieu thereof the word "Twenty-five";

On page sixteen, section nine, line two hundred seventy-one, by striking out the word “Two” and inserting in lieu thereof the word “Fifty”;

And,

On page eighteen, section nine, line three hundred seventeen, by striking out the word “or” and inserting in lieu thereof the word “of”.

The bill (Eng. Com. Sub. for H. B. No. 2968), as amended, was then ordered to third reading.

Pending announcement of meetings of standing committees of the Senate,

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 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 10th 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. 294)**, Eliminating certain unnecessary, inactive or redundant councils, committees and boards.

**(Com. Sub. for S. B. No. 351)**, Relating to charitable organization contribution levels requiring independent audit reports.

**(Com. Sub. for S. B. No. 374)**, Permitting in absentia parole hearings in certain instances.

**(Com. Sub. for S. B. No. 375)**, Specifying who receives parole hearing notices via regular or certified mail.

**(S. B. No. 463)**, Making supplementary appropriation to DHHR, DHS, Health Care Provider Tax, Medicaid State Share Fund.

**(S. B. No. 472)**, Making supplementary appropriation to DOT, DMV, Motor Vehicle Fees Fund.

**(S. B. No. 475)**, Making supplementary appropriation to DMAPS, Division of Corrections, Parolee Supervision Fees, and WV State Police, Motor Vehicle Inspection Fund.

**(S. B. No. 507)**, Relating to monitoring inmates' electronic communications.

And,

**(S. B. No. 508)**, Reorganizing Hatfield-McCoy Regional Recreation Authority.

Respectfully submitted,

Mark R. Maynard,  
*Chair, Senate Committee.*  
John B. McCuskey,  
*Chair, House Committee.*

Senator Walters, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

**Senate Concurrent Resolution No. 51**, Requesting DOH name bridge in Boone County “U. S. Army PFC Samuel C. Ball Memorial Bridge”.

**Senate Concurrent Resolution No. 53**, Requesting DOH name bridge in Randolph County “U. S. Army PFC Samuel Reed Summerfield Memorial Bridge”.

**Senate Concurrent Resolution No. 54**, Requesting DOH name stretch of road in Logan County “USMC LCpl Larry G. Williamson Memorial Highway”.

**Senate Concurrent Resolution No. 55**, Requesting DOH name section of road in Logan County “U. S. Army SP4 Terry Robert Albright Memorial Road”.

And,

**Senate Concurrent Resolution No. 56**, Requesting DOH name section of road in Logan County “U. S. Army Colonel Anna M. Butcher Road”.

And reports the same back with the recommendation that they each be adopted.

Respectfully submitted,

Chris Walters,  
*Chair.*

Senator Sypolt, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

**Senate Concurrent Resolution No. 52**, Requesting Board of Education study teacher preparation programs.

And reports the same back with the recommendation that it be adopted.

Respectfully submitted,

Dave Sypolt,  
*Chair.*

Senator Blair, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

**Eng. Com. Sub. for House Bill No. 2015**, 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.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Craig Blair,  
*Chair.*

At the request of Senator Carmichael, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. No. 2015) contained in the preceding report from the Committee on Government Organization was taken up for immediate consideration, read a first time, ordered to second reading and, under the original double committee reference, was then referred to the Committee on Finance, with amendments from the Committee on Government Organization pending.

Senator Ferns, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

**Eng. Com. Sub. for House Bill No. 2098**, Authorizing those health care professionals to provide services to patients or residents of state-run veterans' facilities without obtaining an authorization to practice.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Ryan J. Ferns,  
*Chair.*

At the request of Senator Carmichael, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. No. 2098) contained in the preceding report from the Committee on Health and Human Resources was taken up for immediate consideration, read a first time and ordered to second reading.

Senator Sypolt, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

**Eng. Com. Sub. for House Bill No 2139**, Relating to employment of retired teachers as substitutes in areas of critical need and shortage for substitutes.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Dave Sypolt,  
*Chair.*

At the request of Senator Carmichael, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. No. 2139) contained in the preceding report from the Committee on Education was taken up for immediate consideration, read a first time and ordered to second reading.

Senator Walters, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

**Eng. Com. Sub. for House Bill No. 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.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Chris Walters,  
*Chair.*

At the request of Senator Carmichael, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. No. 2148) contained in the preceding report from the Committee on Transportation and Infrastructure was taken up for immediate consideration, read a first time and ordered to second reading.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:



Your Committee on the Judiciary has had under consideration

**Eng. House Bill No. 2161**, Adopting the Uniform Act on Prevention of and Remedies for Human Trafficking.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

At the request of Senator Carmichael, unanimous consent being granted, the bill (Eng. H. B. No. 2161) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time, ordered to second reading and, under the original double committee reference, was then referred to the Committee on Finance, with amendments from the Committee on the Judiciary pending.

Senator Blair, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

**Eng. Com. Sub. for House Bill No 2187**, Encouraging public officials to display the national motto on all public property and public buildings.

And,

**Eng. House Bill No. 2625**, Continuing the current hazardous waste management fee.

And reports the same back with the recommendation that they each do pass.

Respectfully submitted,

Craig Blair,  
*Chair.*

At the request of Senator Carmichael, unanimous consent being granted, the bills (Eng. Com. Sub. for H. B. No. 2187 and Eng. H. B. No. 2625) contained in the preceding report from the Committee on Government Organization were each taken up for immediate consideration, read a first time and ordered to second reading.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

**Eng. Com. Sub. for House Bill No. 2366**, Relating generally to the solicitation of minors.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

At the request of Senator Carmichael, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. No. 2366) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time and ordered to second reading.

Senator Sypolt, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

**Eng. House Bill No. 2370**, Increasing the powers of regional councils for governance of regional education service agencies.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Dave Sypolt,  
*Chair.*

At the request of Senator Carmichael, unanimous consent being granted, the bill (Eng. H. B. No. 2370) contained in the preceding report from the Committee on Education was taken up for immediate consideration, read a first time and ordered to second reading.

Senator Sypolt, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

**Eng. Com. Sub. for House Bill No. 2377**, Authorizing State Board of Education to approve certain alternatives with respect to instructional time.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Dave Sypolt,  
*Chair.*

At the request of Senator Carmichael, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. No. 2377) contained in the preceding report from the Committee on Education was taken up for immediate consideration, read a first time and ordered to second reading.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

**Eng. House Bill No. 2461**, Relating to delinquency proceedings of insurers.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

At the request of Senator Carmichael, unanimous consent being granted, the bill (Eng. H. B. No. 2461) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time and ordered to second reading.

Senator Ferns, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

**Eng. Com. Sub. for House Bill No. 2493**, Relating to requirements for insurance policies and contracts providing accident and sickness insurance or direct health care services that cover anti-cancer medications.

**Eng. Com. Sub. for House Bill No. 2496**, Adopting the Interstate Medical Licensure Compact.

**Eng. Com. Sub. for House Bill No. 2662**, Eye Care Consumer Protection Law.

**Eng. House Bill No. 2733**, Removing certain combinations of drugs containing hydrocodone from Schedule III of the controlled substances law.

**Eng. House Bill No. 2797**, Changing the term “mentally retarded” to “intellectually disabled”; and changing the term “handicapped” to “disabled”.

And,

**Eng. House Bill No. 2931**, Adding drugs to the classification of schedule I drugs.

And reports the same back with the recommendation that they each do pass.

Respectfully submitted,

Ryan J. Ferns,  
*Chair.*

At the request of Senator Carmichael, unanimous consent being granted, the bills (Eng. Com. Sub. for H. B. Nos. 2493, 2496 and 2662 and Eng. H. B. Nos. 2733, 2797 and 2931) contained in the preceding report from the Committee on Health and Human Resources were each taken up for immediate consideration, read a first time and ordered to second reading.

Senator Ferns, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

**Eng. House Bill No. 2595**, Relating to certificates of need for the development of health facilities in this state.

Now on second reading, having been read a first time and referred to the Committee on Health and Human Resources on March 6, 2015;

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Ryan J. Ferns,  
*Chair.*

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

**Eng. House Bill No. 2608**, Cleaning up redundant language in the statute relating to misdemeanor offenses for violation of protective orders.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

At the request of Senator Carmichael, unanimous consent being granted, the bill (Eng. H. B. No. 2608) contained in the preceding

report from the Committee on the Judiciary was taken up for immediate consideration, read a first time and ordered to second reading.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

**Eng. House Bill No. 2646**, Legalizing and regulating the sale and use of fireworks.

And reports the same back without recommendation as to passage; but with the recommendation that it first be rereferred to the Committee on the Judiciary.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

At the request of Senator Carmichael, unanimous consent being granted, the bill (Eng. H. B. No. 2646) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time and ordered to second reading.

On motion of Senator Trump, the bill was rereferred to the Committee on the Judiciary.

Senator Sypolt, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

**Eng. House Bill No. 2780**, Enhancing the ability of campus police officers at public colleges to perform their duties.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Dave Sypolt,  
*Chair.*

At the request of Senator Carmichael, unanimous consent being granted, the bill (Eng. H. B. No. 2780) contained in the preceding report from the Committee on Education was taken up for immediate consideration, read a first time and ordered to second reading.

Senator Sypolt, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

**Eng. Com. Sub. for House Bill No. 2793**, Relating to exemptions from mandatory school attendance.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Dave Sypolt,  
*Chair.*

At the request of Senator Carmichael, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. No. 2793) contained in the preceding report from the Committee on Education was taken up for immediate consideration, read a first time and ordered to second reading.



Senator Sypolt, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

**Eng. Com. Sub. for House Bill No. 2867**, Requiring recommendations for higher education course credit transfer.

And has amended same.

Now on second reading, having been read a first time and referred to the Committee on Education on March 6, 2015;

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Dave Sypolt,  
*Chair.*

Senator Sypolt, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

**Eng. House Bill No. 2884**, Modifying training and development requirement for certain members of certain higher education boards.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Dave Sypolt,  
*Chair.*

At the request of Senator Carmichael, unanimous consent being granted, the bill (Eng. H. B. No. 2884) contained in the preceding report from the Committee on Education was taken up for immediate consideration, read a first time and ordered to second reading.

Senator Sypolt, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

**Eng. House Bill No. 2892**, Authorizing certain legislative rules regarding higher education.

. Now on second reading, having been read a first time and referred to the Committee on Education on March 9, 2015;

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Dave Sypolt,  
*Chair.*

Senator Sypolt, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

**Eng. House Bill No. 2976**, Expanding the eligible master's and doctoral level programs for which a Nursing Scholarship may be awarded.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Dave Sypolt,  
*Chair.*

At the request of Senator Carmichael, unanimous consent being granted, the bill (Eng. H. B. No. 2976) contained in the preceding report from the Committee on Education was taken up for immediate consideration, read a first time and ordered to second reading.

Senator Walters, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

**Com. Sub. for House Concurrent Resolution No. 4,** The US Army PFC Clarence Allen Mooney Memorial Bridge.

**Com. Sub. for House Concurrent Resolution No. 9,** The U. S. Air Force Lt. Col. John Richard “Toots” Wilcox Memorial Bridge.

**Com. Sub. for House Concurrent Resolution No. 19,** The U. S. Army SGT Bobby Ray Adkins Memorial Highway.

**Com. Sub. for House Concurrent Resolution No. 28,** The USMC Cpl Marple W. Landes and US Army PV2 Margel S. Landes Memorial Bridge.

And,

**Com. Sub. for House Concurrent Resolution No. 35,** The Historic Blue-Gray Highway.

And reports the same back with the recommendation that they each be adopted.

Respectfully submitted,

Chris Walters,  
*Chair.*

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

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

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

Senator Carmichael requested unanimous consent that the bill (Eng. Com. Sub. for H. B. No. 2939) contained in the preceding report from the Committee on the Judiciary be taken up for immediate consideration.

Which consent was not granted, Senator Unger objecting.

At the request of Senator Carmichael, and by unanimous consent, Senator Carmichael addressed the Senate regarding the Senate Chamber Automation System committee reports list.

Thereafter, on motion of Senator Carmichael, the bill (Eng. Com. Sub. for H. B. No. 2939) was taken up for immediate consideration, read a first time and ordered to second reading.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Miller and D. Hall.

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

The Senate proceeded to the thirteenth order of business.

At the request of Senator Takubo, the name of Senator Takubo was removed as a sponsor of **Senate Concurrent Resolution No. 21** (*Urging Congress call convention for proposal of constitutional amendments imposing fiscal restraints, limiting jurisdiction and setting term limits*).

Pending announcement of meetings of standing committees of the Senate, including the Committee on Rules and a minority party caucus,

On motion of Senator Carmichael, the Senate adjourned until tomorrow, Wednesday, March 11, 2015, at 11 a.m.

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**HISTORY OF BILLS AND RESOLUTIONS  
CONSIDERED BY SENATE  
Includes actions as of March 10, 2015**

**(This symbol \* indicates Committee Substitutes.)**

**(This digest embraces the complete bill list submitted.**

**If passed, all effective ninety days from passage unless otherwise indicated.)**

**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
- \*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
- \*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
- \*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 2/19/15
- \*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 3/6/15
- \*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
- \*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 - On 2nd reading, Special Calendar 3/11/15
- \*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) - 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
- \*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
- \*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
- \*60. By Sen. Williams and Sypolt - **Requiring food handler examinations and cards** - 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 - On 2nd reading, House Calendar 3/11/15
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
- \*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
89. By Sen. Laird and Miller - **Providing Prosecuting Attorneys Institute's council establish Executive Director's salary** - 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
- \*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
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 - On 2nd reading, Special Calendar 3/11/15
- \*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
- \*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 - On 2nd reading, Special Calendar 3/11/15
- \*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
- \*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 - On 2nd reading, Special Calendar 3/11/15
- \*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 - On 2nd reading, Special Calendar 3/11/15
- \*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 - On 2nd reading, Special Calendar 3/11/15
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
- \*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 - On 2nd reading, Special Calendar 3/11/15
- \*234. By Sen. Trump, M. Hall, Blair and Plymale - **Exempting certain water and sewer utilities owned by political subdivisions from PSC jurisdiction** - Introduced 1/15/15 - To Government Organization then Finance - Com. sub. reported 2/19/15 - To Finance 2/19/15 - Passed Senate with amended title 3/4/15 - To House 3/5/15 - To Judiciary
- \*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
- \*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 - On 2nd reading, Special Calendar 3/11/15
- \*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 3/6/15
- \*249. By Sen. Trump, Blair, Ferns, M. Hall and Walters - **Prohibiting straight party voting** - 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
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 3/3/15
- \*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
- \*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 3/3/15
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 2/19/15
- \*273. By Sen. Cole (Mr. President) and Kessler [By Request of the

- Executive] - **Relating to brewer, resident brewer and brewpub 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 3/6/15
- \*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
- \*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
- \*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
283. By Sen. Nohe, Gaunch and Plymale - **Relating to branch banking** (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
- \*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 - On 2nd reading, Special Calendar 3/11/15
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
- \*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 2/27/15
- \*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 - On 2nd reading, Special Calendar 3/11/15
- \*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
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
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 3/3/15
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
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
- \*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
- \*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
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
- \*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
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
- \*323. By Sen. Blair - **Relating to municipal home rule** - 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 3/3/15
- \*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
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
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
- \*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
- \*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 - On 3rd reading, Special Calendar 3/11/15
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 - On 2nd reading, Special Calendar 3/11/15
- \*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 3/11/15
- \*344. By Sen. Trump, Carmichael and Blair - **Relating to limitations on back and front pay and punitive damages** - 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
- \*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 - On 2nd reading, Special Calendar 3/11/15
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
- \*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 - On 2nd reading, Special Calendar 3/11/15
- \*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
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 - On 2nd reading, Special Calendar 3/11/15
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 3/6/15
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
- \*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
370. By Sen. Cole (Mr. President) and Kessler [By Request of the Executive] - **Reorganizing Governor's Committee on Crime, Delinquency and Correction and its 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
- \*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 3/6/15
- \*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
- \*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 - On 2nd reading, Special Calendar 3/11/15
- \*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
- \*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
403. By Sen. Walters and Nohe - **Increasing period during which motor vehicle lien is 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 - On 2nd reading, Special Calendar 3/11/15

- \*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 3/9/15
- \*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 - On 2nd reading, Special Calendar 3/11/15
- \*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
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 - On 2nd reading, Special Calendar 3/11/15
- \*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
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 3/9/15
- \*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
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
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
- \*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
425. By Sen. Plymale, Laird, Kessler, Stollings, Miller, D. Hall, M. Hall, Prezioso, Leonhardt, Walters, Williams and Carmichael - **Providing WVU, MU and WVSOM more authority to invest assets** (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 3/6/15
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 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 - On 2nd reading, Special Calendar 3/11/15
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 3/6/15
- \*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
- \*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 3/9/15
445. By Sen. M. Hall, Stollings, Boley, Boso, Snyder, Facemire and Plymale - **Relating to investment of RJCFA excess funds** - Introduced 2/10/15 - To Finance - Passed Senate 2/24/15 - To House 2/24/15 - To Finance - Passed House 3/10/15
- \*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
- \*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
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
- \*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 3/6/15
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
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 3/9/15
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 - On 2nd reading, Special Calendar 3/11/15
483. By Sen. Gaunch, D. Hall, Karnes, Maynard, Plymale, Sypolt and Woelfel - **Clarifying continuing election of 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 - On 2nd reading, Special Calendar 3/11/15
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
- \*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 - On 1st reading, Special Calendar 3/11/15
- \*488. By Sen. Williams, Prezioso and Stollings - **Reestablishing and modifying Broadband Deployment 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 - On 2nd reading, Special Calendar 3/11/15
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
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, Special Calendar 3/11/15
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
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 - On 3rd reading, House Calendar 3/11/15

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
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
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 - On 2nd reading, Special Calendar 3/11/15
515. By Sen. Gaunch and Plymale - **Allowing Municipal Pensions Oversight Board invest funds with Investment Management Board or Board of Treasury 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 - On 2nd reading, Special Calendar 3/11/15
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 - On 2nd reading, Special Calendar 3/11/15
- \*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 3/6/15
- \*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
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
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
- \*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
- \*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
- \*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
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
- \*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
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 - On 2nd reading, Special Calendar 3/11/15

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
559. By Sen. M. Hall and Ferns - **Relating to social work licensing exemptions** (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
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
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
576. By Sen. Blair, Walters, Williams, Leonhardt, Facemire, Maynard, Yost, Snyder, Ferns, Miller, Gaunch, Mullins, Palumbo and Boso (Originating in Senate Government Organization) - **Prohibiting PSC jurisdiction of internet protocol-enabled service or voice over internet protocol-enabled service and certain telephone company transactions** - Introduced 2/26/15 - Passed Senate 2/28/15 - To House 3/2/15 - To Government Organization - Passed House 3/10/15
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
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
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 - On 2nd reading, Special Calendar 3/11/15
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 Tourism Promotion Fund and Courtesy Patrol Fund** - Introduced 2/28/15 - Passed Senate 3/3/15 - Effective July 1, 2015 - To House 3/4/15 - To Finance - On 2nd reading, Special Calendar 3/11/15
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** - Introduced 3/2/15 - Passed Senate 3/4/15 - Effective from passage - To House 3/5/15 - To Judiciary
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 - On 2nd reading, Special Calendar 3/11/15
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** - Introduced 3/2/15 -

585. Passed Senate 3/4/15 - To House 3/5/15 - To Finance  
 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

### 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
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
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
- \*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 Roads and Transportation 3/5/15
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
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
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

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
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
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
- \*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
- \*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
36. By Sen. Maynard - **Requesting DOH name bridge in McDowell County "Homer Hopkins Bridge"** - Introduced 2/23/15 - To Transportation and Infrastructure
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
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
- 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
- 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
- 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
- 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
- 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
- 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 - On Unfinished Business 3/11/15
- 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 - On Unfinished Business 3/11/15
- 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 - On Unfinished Business 3/11/15
- 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 - On Unfinished Business 3/11/15
- 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 - On Unfinished Business 3/11/15
- 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 - On Unfinished Business 3/11/15
- 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
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 - On Unfinished Business 3/11/15

#### 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. **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. Sybolt, 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

### 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
- \*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 - Amendments pending - 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
- \*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
- \*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 - Motion to advance bill with amendments pending and restricted right to amend by Del. Pasdon rejected - Amendments pending - 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
- \*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
- \*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 amd. & repassed to meet the obj. of the Governor 3/9/15 - Title amended - Senate reconsidered action - Senate concurred in House amendment and repassed bill 3/10/15
- \*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 - On 3rd reading 3/11/15
- \*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
- \*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
- \*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
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 - On 2nd reading 3/11/15
- \*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
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
- \*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
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
- \*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 - On 3rd reading 3/11/15
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
- \*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 - On 2nd reading 3/11/15
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
- \*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 - On

- 2nd reading 3/11/15
- \*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
- \*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
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
- \*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 - On 2nd reading 3/11/15
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
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 amd. & repassed to meet the obj. 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
- \*2202. By Del. Rowan, Romine, Pasdon, Duke, Perry, Moye, Ambler, Butler, Pehhtel, 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
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
- \*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
- \*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 - On 2nd reading 3/11/15
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
- \*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
- \*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
- \*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
- \*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
- \*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
- \*2268. By Del. Hamilton, Evans, A., Lynch, Wagner, Nelson, J., Campbell, Hartman, Sponaugle, 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
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
- \*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 - On 3rd reading 3/11/15
- \*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 - On 2nd reading 3/11/15
- \*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
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 - On 2nd reading 3/11/15
- \*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 - On 2nd reading 3/11/15
- \*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 - On 3rd reading 3/11/15
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
- \*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
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
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 - On 2nd reading 3/11/15
- \*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
- \*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
- \*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 - On 3rd reading with right to amend 3/11/15
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
- \*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
- \*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 - On 2nd reading 3/11/15
- \*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 - On 2nd reading 3/11/15
- \*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 - On 3rd reading 3/11/15
- \*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
- \*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
- \*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
- \*2518. By Del. 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** - 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, Pethel, 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
- \*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
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
- \*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 - On 3rd reading 3/11/15
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
- \*2550. By Del. Cowles, Miller, Householder, Moffatt, McGeehan, Sponaule, 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
- \*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 - On 3rd reading 3/11/15
- \*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
- \*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
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
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
- \*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
- \*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
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 - On 2nd reading 3/11/15
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** - Introduced 2/4/15 - To Education - Passed House 2/20/15 - To Senate 2/23/15 - To Education



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 - On 3rd reading 3/11/15
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
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 - On 2nd reading 3/11/15
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 - On 2nd reading 3/11/15
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
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 - On 3rd reading 3/11/15
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 - On 3rd reading 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
- \*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
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
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 - On 2nd reading to Judiciary 3/10/15
- \*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
- \*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 - On 3rd reading 3/11/15

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
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 - On 3rd reading 3/11/15
- \*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 - On 2nd reading 3/11/15
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
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
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
- \*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
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 - Amendments pending - Motion for previous question on motion to return bill to Special Calendar rejected - Motion to return bill to Special Calendar rejected - 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 - Shall bill be advanced to 3rd Reading with the amendments pending? Rejected - Motion for previous question rejected - Motion for previous question on the motion to limit debate per House Rule 38 adopted - Passed House 3/4/15 - To Senate 3/5/15 - To Judiciary
- \*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
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
- \*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 - On 2nd reading 3/11/15
- \*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
- \*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
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
- \*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 - On 2nd reading to Finance 3/10/15
- \*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 - On 2nd reading to Finance 3/10/15
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
- \*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 - On 2nd reading to Finance 3/10/15

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** - 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
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
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 - On 2nd reading 3/11/15
- \*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 - On 3rd reading 3/11/15
- \*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) - Introduced 2/17/15 - To Education - Passed House 2/28/15 - Effective from passage - To Senate 3/1/15 - To Education - On 2nd reading 3/11/15
- \*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 - On 2nd reading 3/11/15
- \*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 - On 2nd reading to Finance 3/6/15
- \*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
- \*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
- \*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 - On 2nd reading 3/11/15
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
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
- \*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
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
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
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 - On 2nd reading 3/11/15
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 - On 3rd reading 3/11/15
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 - On 2nd reading 3/11/15
- \*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 - On 3rd reading 3/11/15
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
- \*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 - On 2nd reading to Finance 3/6/15
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 - On 2nd reading 3/11/15
2933. By Del. Nelson, E., Anderson, Canterbury, Espinosa, Frich, Hamilton, Westfall, Moyer 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
- \*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
- \*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 - On 2nd reading 3/11/15
- \*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 - On 3rd reading 3/11/15
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 - On 2nd reading 3/11/15
- \*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
- \*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
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 Government Organization 3/6/15
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 - On 2nd reading to Finance 3/10/15
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 - On 2nd reading to Finance 3/10/15
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 - On 2nd reading to Finance 3/10/15

#### 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 - On Unfinished Business 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
- \*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 - On Unfinished Business 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 - On Unfinished Business 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
- \*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
- \*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
- \*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 - On Unfinished Business 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
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
- \*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
- \*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 - On Unfinished Business 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
- \*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.** - Introduced 2/5/15 - To Roads and Transportation then Rules - To House Rules 3/3/15 - Adopted by House 3/10/15
- \*45. By Del. Pethel - **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
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
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
- \*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
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
- \*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
- \*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
- \*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
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
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
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, Sponaule, 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
- \*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
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

### 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 1/29/2015 - To Governor 2/4/15 - Approved by Governor 2/9/15
- \*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 2/23/2015; 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
- \*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 2/12/2015; Effective July 1, 2015 - To Governor 2/19/15 - Approved by Governor 2/24/15
  - \*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 2/18/2015; Effective from passage - To Governor 2/25/15 - Approved by Governor 3/3/15
  - \*175. By Sen. Snyder - **Authorizing DHHR promulgate legislative rules** - Passed 2/28/2015; Effective from passage - To Governor 3/5/15
  - \*187. By Sen. Snyder - **Authorizing Department of Revenue promulgate legislative rules** - Passed 2/28/2015; Effective from passage - To Governor 3/5/15 - Approved by Governor 3/5/15
  - \*237. By Sen. D. Hall, Romano, Snyder, Facemire and Williams - **Creating Captive Cervid Farming Act** (original similar to H. B. No. 2033) - Passed 2/13/2015; Effective from passage - To Governor 2/19/15 - Approved by Governor 2/25/15
  - 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 2/25/2015 - To Governor 3/3/15 - Approved by Governor 3/5/15 - Approved by Governor 3/5/15
  - \*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 2/20/2015 - To Governor 2/27/15 - Approved by Governor 3/3/15
  - 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 2/18/2015 - To Governor 2/25/15 - Approved by Governor 2/25/15
  - \*277. By Sen. Miller, D. Hall, Laird, Williams and Kirkendoll -

- Requiring issuance of certificate of birth resulting in stillbirth** - Passed 3/9/2015
- \*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 1/28/2015; Effective from passage - To Governor 2/2/15 - Approved by Governor 2/4/15
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 3/10/2015
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 3/3/2015 - To Governor 3/10/15
298. By Sen. Gaunch and Trump - **Clarifying funds within Public Employees Retirement Fund** (original same as H. B. No. 2504) - Passed 2/20/2015 - To Governor 2/27/15 - Approved by Governor 3/3/15
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 2/23/2015 - To Governor 2/27/15 - Approved by Governor 3/3/15
302. By Sen. Gaunch and Trump - **Relating to state retirement plans** (original same as H. B. No. 2560) - Passed 2/20/2015 - To Governor 2/27/15 - Approved by Governor 3/3/15
322. By Sen. Nohe, Boley, Palumbo, Leonhardt and Trump - **Eliminating mandatory electronic recount of ballots in recounts** - Passed 3/10/2015
332. By Sen. M. Hall - **Relating to administrative fees for Tax Division, Department of Revenue** (original same as H. B. No. 2538) - Passed 3/10/2015
- \*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 2/12/2015 - 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
- \*344. By Sen. Trump, Carmichael and Blair - **Relating to limitations on back and front pay and punitive damages** -

- Passed 3/10/2015
- \*351. By Sen. Ferns - **Relating to charitable organization contribution levels requiring independent audit reports** (original same as H. B. No. 2716) - Passed 3/6/2015 - To Governor 3/10/15
- \*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 3/3/2015 - To Governor 3/6/15
- \*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 3/4/2015; Effect April, 13, 2015 - To Governor 3/6/15
- \*374. By Sen. Trump and D. Hall - **Permitting in absentia parole hearings in certain instances** (original same as H. B. No. 2703) - Passed 3/6/2015; Effective from passage - To Governor 3/10/15
- \*375. By Sen. Trump - **Specifying who receives parole hearing notices via regular or certified mail** (original same as H. B. No. 2721) - Passed 3/6/2015; Effective from passage - To Governor 3/10/15
- \*378. By Sen. Snyder, Blair, Miller, Kessler, Kirkendoll and Gaunch - **Relicensing electricians without retesting under certain circumstances** - Passed 2/20/2015; Effective from passage - To Governor 2/27/15 - Approved by Governor 3/3/15
382. By Sen. M. Hall and Walters - **Declaring claims against state** - Passed 2/28/2015; Effective from passage - To Governor 3/5/15 - Approved by Governor 3/5/15
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 2/19/2015; Effective from passage - To Governor 2/25/15 - Vetoed by Governor 2/27/15 - Senate reconsidered action 2/28/15 - Senate amended and repassed 1 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
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 2/27/2015; Effective July 1, 2015 - To Governor 3/3/15 - Approved by Governor 3/5/15
- \*421. By Sen. Trump, Carmichael, Blair and Gaunch - **Relating to punitive damages in civil actions** - Passed 3/10/2015
- \*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 3/4/2015 - To Governor 3/9/15
445. By Sen. M. Hall, Stollings, Boley, Boso, Snyder, Facemire and Plymale - **Relating to investment of RJCFA excess funds** - Passed 3/10/2015
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 3/10/2015
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 3/3/2015; Effective from passage - To Governor 3/10/15
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 3/3/2015; Effective from passage - To Governor 3/9/15
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 3/3/2015; Effective from passage - To Governor 3/9/15
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 3/3/2015; Effective from passage - To Governor 3/9/15
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 3/3/2015; Effective from passage - To Governor 3/9/15

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 3/6/2015; Effective from passage - To Governor 3/10/15
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 3/2/2015; Effective from passage - To Governor 3/9/15
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 3/6/2015; Effective from passage - To Governor 3/10/15
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 3/2/2015; Effective from passage - To Governor 3/9/15
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 3/4/2015; Effective from passage - To Governor 3/9/15
489. By Sen. Carmichael - **Imposing statute of limitations on civil actions derived from surveying of real property** - Passed 3/10/2015
507. By Sen. Trump and Plymale - **Relating to monitoring inmates' electronic communications** (original same as H. B. No. 2964) - Passed 3/6/2015; Effective from passage - To Governor 3/10/15
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 3/2/2015 - To Governor 3/10/15
545. By Sen. Nohe, Walters, Palumbo and Gaunch - **Removing certain prior bank overdraft approval by director or executive officer** - Passed 3/10/2015
559. By Sen. M. Hall and Ferns - **Relating to social work licensing exemptions** (original same as H. B. No. 2948) -

- Passed 3/9/2015
576. By Sen. Blair, Walters, Williams, Leonhardt, Facemire, Maynard, Yost, Snyder, Ferns, Miller, Gaunch, Mullins, Palumbo and Boso (Originating in Senate Government Organization) - **Prohibiting PSC jurisdiction of internet protocol-enabled service or voice over internet protocol-enabled service and certain telephone company transactions** - Passed 3/10/2015
578. By Sen. Trump, Carmichael, Ferns, Gaunch, D. Hall, Karnes, Leonhardt, Maynard, Nohe and Williams - **Relating to occupational disease claims** - Passed 3/10/2015

**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
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
31. By Sen. Cole (Mr. President) - **Authorizing meeting of Joint Select Committee on Tax Reform** - Adopted 3/10/15
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**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 1/27/2015; Effective from passage - To Governor 1/29/15 - Approved by Governor 2/3/15
- \*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 2/24/2015 - To Governor 3/2/15 - Approved by Governor 3/5/15
- \*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 2/19/2015; Effective from passage - To Governor 2/25/15 - Approved by Governor 3/3/15
- \*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 2/20/2015; Effective from passage - To Governor 2/25/15 - Approved by Governor 2/25/15
- \*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 2/23/2015 - To Governor 3/2/15 - Vetoed by Governor 3/6/15 - House amd. & repassed to meet the obj. 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
- \*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 2/25/2015 - To Governor 3/2/15 - Approved by Governor 3/3/15
- \*2053. By Del. Shott - **Relating to the form of trust deeds** - Passed

- 3/10/2015
- \*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 2/28/2015 - To Governor 3/9/15
2100. By Del. Williams, Campbell, Ellington, Hamilton, Rowan and Fleischauer - **Caregiver Advise, Record and Enable Act** (original same as S. B. No. 244) - Passed 3/10/2015
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 2/17/2015; Effective from passage - To Governor 2/25/15 - Approved by Governor 2/25/15
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 2/17/2015; Effective from passage - To Governor 2/25/15 - Approved by Governor 2/25/15
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 2/11/2015 - To Governor 2/17/15 - Approved by Governor 2/18/15
- \*2157. By Del. Lane - **Relating to absentee ballot fraud** - Passed 3/3/2015 - To Governor 3/9/15
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 2/16/2015; Effective from passage - To Governor 2/19/15 - Approved by Governor 2/19/15
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 2/16/2015; Effective from passage - To Governor 2/18/15 - Vetoed by Governor 2/24/15 - House amd. & repassed to meet the obj. 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
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 2/25/2015; Effective from passage - To Governor 3/2/15 - Approved by Governor 3/3/15
- \*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 2/10/2015 - To Governor 2/13/15 - Approved by Governor 2/18/15
- \*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 2/11/2015 - To Governor 2/17/15 - Approved by Governor 2/18/15
- \*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 2/25/2015 - To Governor 3/2/15 - Approved by Governor 3/3/15
2272. By Del. Ellington, Householder, Arvon, Howell, Kurcaba, Stansbury, Sobonya and Summers - **Relating to the authority of the Board of Pharmacy** - Passed 3/9/2015
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 2/20/2015 - To Governor 2/25/15 - Approved by Governor 2/25/15
- \*2432. By Del. Ellington, Householder, Arvon, Howell and Stansbury - **Relating to the licensure requirements to practice pharmacist care** - Passed 3/9/2015
- \*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 2/27/2015 - To Governor 3/9/15
- \*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 3/9/2015
- \*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) - Passed 3/9/2015
- \*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) - Passed 3/9/2015
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 2/27/2015 - To Governor 3/9/15
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 3/10/2015
- \*2562. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Relating to sales tax increment financing** - Passed 3/10/2015; Effective from passage
- \*2568. By Del. Sobonya, Arvon, Kessinger, Rowan, Summers, Border, Blair, Espinosa, Waxman, Moye and Eldridge - **The Pain-Capable Unborn Child Protection Act** - Passed 2/25/2015; 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
2626. By Del. Ashley, Ireland and Frich - **Relating to use of the Abandoned Land Reclamation Fund** - Passed 3/9/2015
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 3/9/2015
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 3/9/2015
2669. By Del. Ellington, Householder, Pasdon and Campbell - **Relating to compulsory tuberculosis testing** (original same

- as S. B. No. 424) - Passed 2/25/2015 - To Governor 3/2/15 - Approved by Governor 3/3/15
- \*2702. By Del. Pasdon, Perry, Moye, Hamrick, Campbell, Statler, Rowan and Espinosa - **Redefining service personnel class titles of early childhood classroom assistant teacher** - Passed 3/9/2015; Effective from passage
2726. By Del. Shott, Folk, Overington, Sobonya, Azinger, Deem and Waxman - **Clarifying choice of laws issues in product's liability actions** - Passed 3/3/2015; Effective July 1, 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** - Passed 3/9/2015; Effective from passage
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 3/6/2015; Effective from passage - To Governor 3/9/15
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 3/6/2015; Effective from passage - To Governor 3/9/15
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 3/6/2015; Effective from passage - To Governor 3/9/15
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 3/9/2015
- \*2778. By Del. Gearheart, McCuskey, Storch, Hamrick, Espinosa, Nelson, E., Westfall, Mr. Speaker (Mr. Armstead), O'Neal, Pethel and Ferro - **State Infrastructure Fund Program** (original similar to S. B. No. 379) - Passed 3/9/2015
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** -

- Passed 3/9/2015; Effective from passage
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 3/5/2015 - To Governor 3/9/15
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 3/10/2015
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 3/6/2015; Effective from passage - To Governor 3/9/15
- \*2999. By Del. Miller, Hicks, Hornbuckle, Reynolds, Rohrbach, Rodighiero, Perdue, Campbell, Sobonya, Pushkin and Frich - **Relating to neonatal abstinence centers** - Passed 3/9/2015

#### 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
- \*6. By Del. Smith, R. and Williams - **The Army Air Force SGT Everett Wayne "Bud" Sell Memorial Bridge** - Adopted 3/4/15
- \*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
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
82. By Del. Weld - **Extending the Committee of Conference relating to consideration of Com. Sub. for H. B. 2025** - Adopted 2/20/15

#### SENATE BILLS VETOED 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 2/23/2015; 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
- \*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 2/12/2015 - 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
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 2/19/2015; Effective from passage - To Governor 2/25/15 - Vetoed by Governor 2/27/15 - Senate reconsidered action 2/28/15 - Senate amended and repassed 1 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

#### HOUSE BILLS VETOED 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 2/23/2015 - To Governor 3/2/15 - Vetoed by Governor 3/6/15 - House amd. & repassed to meet the obj. 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
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 2/16/2015; Effective from passage - To Governor 2/18/15 - Vetoed by Governor 2/24/15 - House amd. & repassed to meet the obj. 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
- \*2568. By Del. Sobonya, Arvon, Kessinger, Rowan, Summers, Border, Blair, Espinosa, Waxman, Moye and Eldridge - **The Pain-Capable Unborn Child Protection Act** - Passed 2/25/2015; 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



# **SENATE CALENDAR**

**Wednesday, March 11, 2015**

**10:30 A.M.**

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## **UNFINISHED BUSINESS**

S. C. R. No. 51 - Requesting DOH name bridge in Boone County  
“U. S. Army PFC Samuel C. Ball Memorial Bridge”.

S. C. R. No. 52 - Requesting Board of Education study teacher  
preparation programs.

S. C. R. No. 53 - Requesting DOH name bridge in Randolph County  
“U. S. Army PFC Samuel Reed Summerfield Memorial  
Bridge”.

S. C. R. No. 54 - Requesting DOH name stretch of road in Logan  
County “USMC LCpl Larry G. Williamson Memorial  
Highway”.

S. C. R. No. 55 - Requesting DOH name section of road in Logan  
County “U. S. Army SP4 Terry Robert Albright Memorial  
Road”.

S. C. R. No. 56 - Requesting DOH name section of road in Logan  
County “U. S. Army Colonel Anna M. Butcher Road”.

S. C. R. No. 60 - Requesting DOH name bridge in Logan County  
“U. S. Army SGT Bernard C. Maynard Memorial Bridge”.

Com. Sub. for H. C. R. No. 4 - The US Army PFC Clarence Allen  
Mooney Memorial Bridge.

Com. Sub. for H. C. R. No. 9 - The U. S. Air Force Lt. Col. John  
Richard “Toots” Wilcox Memorial Bridge.

Com. Sub. for H. C. R. No. 19 - The U. S. Army SGT Bobby Ray Adkins Memorial Highway.

Com. Sub. for H. C. R. No. 28 - The USMC Cpl Marple W. Landes and US Army PV2 Margel S. Landes Memorial Bridge.

Com. Sub. for H. C. R. No. 35 - The Historic Blue-Gray Highway.

### **THIRD READING.**

Eng. 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 - (Com. title amend. pending) (original same as S. B. No. 11).

Eng. 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. title amend. pending) (original similar to S. B. No. 118).

Eng. Com. Sub. for H. B. No. 2283 - Authorizing the Department of Environmental Protection to promulgate legislative rules - (Com. title amend. pending). **[PASSAGE]**

Eng. 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. **[JULY 1, 2015]**

Eng. Com. Sub. for H. B. No. 2478 - Relating to public school finance - (Com. amend. and title amend. pending) (With right to amend) (original same as S. B. No. 288). **[JULY 1, 2015]**

Eng. Com. Sub. for H. B. No. 2502 - Possessing deadly weapons on school buses or on the premises of educational facilities.

- Eng. Com. Sub. for H. B. No. 2536 - Relating to travel insurance limited lines producers (original similar to S. B. No. 365).
- Eng. 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. title amend. pending) (original similar to S. B. No. 394).
- Eng. H. B. No. 2606 - Clarifying the potential sentence for disorderly conduct.
- Eng. H. B. No. 2627 - Providing protection against property crimes committed against coal mines, utilities and other industrial facilities - (Com. title amend. pending).
- Eng. H. B. No. 2628 - Changing the date of filing announcements of candidacies - (Com. title amend. pending).
- Eng. Com. Sub. for H. B. No. 2652 - Reducing the assessment paid by hospitals to the Health Care Authority - (Com. title amend. pending). **[PASSAGE]**
- Eng. H. B. No. 2658 - Relating to the inspection and slaughter of nontraditional agriculture.
- Eng. Com. Sub. for H. B. No. 2790 - Relating to minimum responsibility limits of car insurance.
- Eng. 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.
- Eng. Com. Sub. for H. B. No. 2902 - West Virginia ABLE Act.
- Eng. Com. Sub. for H. B. No. 2968 - Exempting from property tax certain properties in this state owned by nonprofit youth organizations.

**SECOND READING**

Eng. 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. amends. and title amend. pending).

Eng. Com. Sub. for H. B. No. 2139 - Relating to employment of retired teachers as substitutes in areas of critical need and shortage for substitutes. **[PASSAGE]**

Eng. 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.

Eng. Com. Sub. for H. B. No. 2187 - Encouraging public officials to display the national motto on all public property and public buildings.

Eng. H. B. No. 2224 - Providing that historical reenactors are not violating the provision prohibiting unlawful military organizations - (Com. title amend. pending). **[PASSAGE]**

Eng. Com. Sub. for H. B. No. 2366 - Relating generally to the solicitation of minors - (Com. amend. and title amend. pending).

Eng. H. B. No. 2370 - Increasing the powers of regional councils for governance of regional education service agencies.

Eng. Com. Sub. for H. B. No. 2377 - Authorizing State Board of Education to approve certain alternatives with respect to instructional time.

- Eng. H. B. No. 2461 - Relating to delinquency proceedings of insurers (original same as S. B. No. 313).
- Eng. 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.
- Eng. Com. Sub. for H. B. No. 2496 - Adopting the Interstate Medical Licensure Compact (original same as S. B. No. 330).
- Eng. H. B. No. 2595 - Relating to certificates of need for the development of health facilities in this state.
- Eng. H. B. No. 2608 - Cleaning up redundant language in the statute relating to misdemeanor offenses for violation of protective orders.
- Eng. H. B. No. 2625 - Continuing the current hazardous waste management fee.
- Eng. Com. Sub. for H. B. No. 2662 - Eye Care Consumer Protection Law.
- Eng. H. B. No. 2733 - Removing certain combinations of drugs containing hydrocodone from Schedule III of the controlled substances law.
- Eng. H. B. No. 2780 - Enhancing the ability of campus police officers at public colleges to perform their duties (original similar to S. B. No. 426).
- Eng. Com. Sub. for H. B. No. 2793 - Relating to exemptions from mandatory school attendance - (Com. amends. and title amend. pending) (original similar to S. B. No. 444).  
**[PASSAGE]**

Eng. H. B. No. 2797 - Changing the term “mentally retarded” to “intellectually disabled;” and changing the term “handicapped” to “disabled”.

Eng. Com. Sub. for H. B. No. 2867 - Requiring recommendations for higher education course credit transfer - (Com. amends. pending).

Eng. H. B. No. 2884 - Modifying training and development requirement for certain members of certain higher education boards.

Eng. H. B. No. 2892 - Authorizing certain legislative rules regarding higher education. **[PASSAGE]**

Eng. H. B. No. 2931 - Adding drugs to the classification of schedule I drugs.

Eng. Com. Sub. for H. B. No. 2939 - Relating to requirements for mandatory reporting of sexual offenses on school premises involving students - (Com. amend. and title amend. pending).

Eng. H. B. No. 2976 - Expanding the eligible master’s and doctoral level programs for which a Nursing Scholarship may be awarded. **[PASSAGE]**

# **ANNOUNCED SENATE COMMITTEE MEETINGS**

**Regular Session 2015**

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**Wednesday, March 11, 2015**

9 a.m. Rules	(Room No. 219M)
9:15 a.m. Finance	(Room No. 451M)
9:15 a.m. Judiciary	(Room No. 208W)
2 p.m. Banking and Insurance	(Room No. 208W)
3 p.m. Finance	(Room No. 451M)

**Thursday, March 12, 2015**

9:30 a.m. Finance	(Room No. 451M)
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