

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



**VOLUME III**  
**REGULAR SESSION, 2015**

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

\*\*\*\*\*

COMPILED AND PUBLISHED  
UNDER THE DIRECTION  
OF  
**STEPHEN J. HARRISON**  
CLERK OF THE HOUSE



**CLERK'S OFFICE LEGISLATIVE GROUP**

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SATURDAY, MARCH 14, 2015

**SIXTIETH DAY**

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

The House of Delegates met at 10:00 A.M., and was called to order by the Honorable Tim Armstead, Speaker.

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

The Clerk proceeded to read the Journal of Friday, March 13, 2015, being the first order of business, when the further reading thereof was dispensed with and the same approved.

At the request of Delegate Cowles, and by unanimous consent, the House of Delegates proceeded to the Seventh Order of Business for the purpose of introducing a resolution.

**RESOLUTIONS INTRODUCED**

Mr. Speaker, Mr. Armstead, on Behalf of all Members of the House of Delegates offered the following resolution, which was read by the Clerk as follows:

**H. R. 22** - "Commemorating the life of H. Laban White."

WHEREAS, That the members of the House of Delegates hereby express their profound sadness at the passing of one of their own, the Honorable H. Laban White who served as the Chairman of the Judiciary Committee of the West Virginia House of Delegates from 1960 to 1969 and was Speaker of the West Virginia House of Delegates from 1964 to 1968; and

WHEREAS, H. Laban White was born on May 1, 1916 in Spencer, West Virginia, the son of the late H. Laban White, Sr. and Nan Leigh (Cox) White and passed away on January 31, 2015 at his home in Clarksburg; and

WHEREAS, H. Laban White married the love of his life, Gwendolyn Beall on December 23, 1943, and they were the parents of three daughters, Patricia Linda (White) Stumpo (deceased), Diana (White) Slaughter and son-in-law, Gary Slaughter and Carol White; grandchildren, Melissa and David McCullough, Joshua Laban and Jaime Gutshall, Lisa Gabielle and Nicholas Cick, Traci Michelle and Joe Terango, Jennifer Careen and Schott Duarte, Tina Nicole Stumpo (deceased); thirteen great grandchildren, Lauren Walatka, Dillon McCullough, Emma McCullough, Hannah Gutshall, Joshua Gutshall, Kobe Vick, Noah Vick, Anthony Terango, Dante Terango, Brock Duarte, Brennan Duarte, Sophia Duarte and Amelia Duarte; and

WHEREAS, H. Laban White entered the United States Army in 1942 as a private and retired from the U. S. Army Reserve as Lieutenant Colonel after thirty-five years in active and reserve service. He was State Commander and National Director of AMVETS and served as America Legion Boys State Counselor for forty-nine consecutive years. Mr. White also served on both the State and National Commissions to hire the handicapped and was the first Chairman of the Clarksburg Human Rights Commission; and

WHEREAS, H. Laban White was a very prominent and active member of his community for the past seventy years. He practiced law from 1942 to 2004, served as President of the Harrison County Bar Association and was the City Attorney of Clarksburg and the Sanitary Board; and

WHEREAS, Among the many honors H. Laban White received were Glenville State College's Alumnus of the year and Distinguished Service Award; the West Virginia Vocational Rehabilitation Division's Distinguished Service Award and the Boy Scouts of America's Distinguished Silver Beaver; and



WHEREAS, H. Laban White was also a member of the Clarksburg Lions, Elks and Moose, and a past president of Clarksburg Lions. He was also a member of the Harrison County, West Virginia and American Bar Associations, the Allohak Council, the Boy Scouts of America, a past president of the Clarksburg-Harrison Cultural Foundation, the Board of Trustees for Alderson-Broaddus College, the American Legion, the Reserve Officers Association and National Conference of State Legislative Leaders where he served as National Vice President; and

WHEREAS, H. Laban White received the Distinguished Legislative Commendation for introducing and procuring the passage of many legislative bills to improve the safety, welfare and human rights of the people of West Virginia, and he holds the highest award of the Lions International, a Fellow of the Melvin Jones Foundation. Mr. White was honored by the Harrison County Commission for significant contributions made to prove that a life well lived can make a great difference by proclaiming July 8, 2004 as H. Laban White Day. He was also honored on July 1, 1996, by the Clarksburg Lions Club “Roast” to commend him for his leadership and participation in the formation of the Scholarship Foundation; and

WHEREAS, H. Laban White also provided counsel and guidance to the Energy Corporation of America since 1973, first as legal adviser and subsequently as a member of the Board of Directors and finally as a Director Emeritus. Mr. White was also a member of the Clarksburg Baptist Church, where he served in many capacities, including being a teacher of forty-six years, a member of the choir and of the board and as the church attorney for many years, therefore, be it

*Resolved by the House of Delegates:*

That the Members of the House of Delegates hereby express their profound sadness at the passing of one of their own, the Honorable H. Laban White who served as the Chairman of the Judiciary Committee of the West Virginia House of Delegates from 1960 to 1964 and was

Speaker of the West Virginia House of Delegates from 1964 to 1968; and, be it

*Further Resolved*, That the House of Delegates hereby commemorates the life and passing of H. Laban White, whose unique abilities touched the lives of many West Virginians and who will be sorely missed by all that knew and loved him.

At the request of Delegate Cowles, and by unanimous consent, reference of the resolution (H. R. 22) to a committee was dispensed with, and it was taken up for immediate consideration.

The question now being on the adoption of the resolution, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 548**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Kelly and L. Phillips.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the resolution (H. R. 22) adopted.

### COMMITTEE REPORTS

Mr. Speaker, Mr. Armstead, Chair of the Committee on Rules, submitted the following report, which was received:

Your Committee on Rules has had under consideration:

**H. R. 11**, For the Lottery Commission to implement creative methods for selling Veteran Lottery tickets to help fund the West Virginia Veterans Home,

**H. C. R. 92**, Requesting the Joint Committee on Government and Finance to study the need to require liability insurance coverage by

businesses licensed to sell alcoholic beverages, nonintoxicating beer or wine on premises,

**H. C. R. 151**, Requesting the Joint Committee on Health authorize a study on the licensure of athletic trainers,

**H. C. R. 152**, Requesting the Joint Committee on Government and Finance to study the long-term needs for maintenance and construction of local public libraries and methods for providing adequate funding to meet those needs,

And,

**S. C. R. 33**, Requesting Joint Committee on Government and Finance study undeveloped land preservation and conservation tax credit program,

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

At the respective requests of Delegate Cowles, and by unanimous consent, the resolutions (H. R. 11, H. C. R. 92, H. C. R. 151, H. C. R. 152 and S. C. R. 33) were each taken up for immediate consideration and adopted.

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

Mr. Speaker, Mr. Armstead, Chair of the Committee on Rules, submitted the following report, which was received:

Your Committee on Rules has had under consideration:

**H. C. R. 8**, The U.S. Air Force Staff Sergeant William Henry “Bill” Whitman Memorial Highway,

**Com. Sub. for H. C. R. 41**, The PFC Donald Ray Cochran Memorial Bridge,

**H. C. R. 52**, The U.S. Army SSG Delmer R. Jones Memorial Bridge,

**Com. Sub. for H. C. R. 57**, The U.S. Army PFC Lowell Roger Groves Memorial Road,

**Com. Sub. for H. C. R. 59**, The U.S. Army PFC Ernest D. Marcum Bridge,

**H. C. R. 64**, The U.S. Army PFC Ray Freeman Meade Memorial Road,

**H. C. R. 76**, The U.S. Army PFC Cornelious Wiley Memorial Bridge,

**Com. Sub. for H. C. R. 78**, The Darrell W. Sanders Memorial Highway,

**H. C. R. 107**, The U.S. Army PFC Edward Lester Memorial Bridge,

**H. C. R. 128**, Requesting the Joint Committee on Government and Finance study the need for the health insurance policies to provide adequate coverage to encourage adoption of abuse deterrent formulation technologies for opioids in order to assist in the state's continuing efforts to eliminate prescription drug abuse,

**H. C. R. 142**, The U.S. Navy PO3 Roy Elmer "Doc" Moon Bridge,

**H. C. R. 144**, The U.S. Army SGT Eugene Dawson Memorial Highway,

**H. C. R. 145**, Requesting the Joint Committee on Government and Finance to study direct primary care,

**S. C. R. 10**, Designating September each year as US Constitution Month,

**S. C. R. 37**, Requesting Joint Committee on Government and Finance to study future legislation relating to the pharmaceutical benefits management industry in the State of West Virginia,

**S. C. R. 51**, The U.S. Army PFC Samuel C. Ball Memorial Bridge,

**S. C. R. 53**, The U.S. Army PFC Samuel Reed Summerfield Memorial Bridge,

**S. C. R. 54**, The USMC Lcpl Larry G. Williamson Memorial Highway,

**S. C. R. 55**, The U.S. Army SP4 Terry Robert Albright Memorial Road,

And,

**S. C. R. 56**, The U.S. Army Colonel Anna M. Butcher Road.

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

At the respective requests of Delegate Cowles, and by unanimous consent, the resolutions (H. C. R. 8, Com. Sub. for H. C. R. 41, H. C. R. 52, Com. Sub. for H. C. R. 57, H. C. R. 59, H. C. R. 64, H. C. R. 76, Com. Sub. for H. C. R. 78, H. C. R. 107, H. C. R. 128, H. C. R. 142, H. C. R. 144, H. C. R. 145, S. C. R. 10, S. C. R. 37, S. C. R. 51, S. C. R. 53, S. C. R. 54, S. C. R. 55 and S. C. R. 56) were each taken up for immediate consideration and adopted.

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

Mr. Speaker, Mr. Armstead, Chair of the Committee on Rules, submitted the following report, which was received:

Your Committee on Rules has had under consideration:

**H. C. R. 110**, Requesting the Joint Committee on Government and Finance to study reducing the State Board of Education budget and redirecting those funds toward increasing teacher salaries,

And reports back a committee substitute therefore, with the same title, as follows:

**Com. Sub. for H. C. R. 110** - "Requesting the Joint Committee on Government and Finance to study reducing the State Board of Education budget and redirecting those funds toward increasing teacher salaries,"

With the recommendation that the committee substitute be adopted.

At the respective requests of Delegate Cowles, and by unanimous consent, the resolution (Com. Sub. for H. C. R. 110) was taken up for immediate consideration and adopted.

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

Mr. Speaker, Mr. Armstead, Chair of the Committee on Rules, submitted the following report, which was received:

Your Committee on Rules has had under consideration:

**S. C. R. 59**, Requesting Joint Committee on Government and Finance study expansion of outcomes of MU Luke Lee Listening, Language and Learning Lab,

And,

**S. C. R. 63**, Urging Board of Coal Mine Health and Safety develop regulations governing movement of underground mining equipment,

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

At the respective requests of Delegate Cowles, and by unanimous consent, the resolutions (S. C. R. 59 and S. C. R. 63) were each taken up for immediate consideration and adopted.

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

### MESSAGES FROM THE EXECUTIVE

Communications were laid before the House from His Excellency, the Governor, as follows:

Mr. Speaker, Mr. Armstead, presented a communication from His Excellency, the Governor, advising that on March 13, 2015, he approved **H. B. 2879, Com. Sub. for S. B. 374, Com. Sub. for S. B. 375 and S. B. 508.**

STATE OF WEST VIRGINIA  
OFFICE OF THE GOVERNOR  
CHARLESTON

March 13, 2015

### EXECUTIVE MESSAGE NO. 3

The Honorable Tim Armstead  
Speaker, House of Delegates  
State Capitol  
Charleston, West Virginia

Dear Speaker Armstead:

Pursuant to the provisions of section twenty, article one, chapter five of the Code of West Virginia, I hereby certify that the following annual reports have been received in the Office of the Governor:

Academy Professional Development Center Post Exchange, West Virginia State Police; Annual Report for June 1, 2012-June 30, 2013; West Virginia Department of Military Affairs and Public Safety

Academy Professional Development Center Post Exchange, West Virginia State Police; Annual Report for July 1, 2013-June 30, 2014; West Virginia Department of Military Affairs and Public Safety

Accountancy, West Virginia Board of; Annual Report for June 30, 2013-June 30, 2014

Adjudicated Juvenile Rehabilitation Review Commission; Annual Report for Fiscal Year 2013; West Virginia Supreme Court of Appeals

Aeronautics Commission, West Virginia; Annual Report for Fiscal Year 2013-2014; West Virginia Department of Transportation

Agriculture Land Protection Authority, West Virginia; Annual Report for Fiscal Year 2014

Alcohol Beverage Control Administration; Annual Report for Fiscal Year 2014; West Virginia Department of Revenue

All Payer Claims Database; Annual Report for 2012 and 2013; West Virginia Insurance Commission, West Virginia Department of Health and Human Resources, West Virginia Health Care Authority

Appalachian Coal Country Team; Annual Report 2013

Attorney General, State of West Virginia; Annual Report for Fiscal Year 2014

Auditor, State of West Virginia; Annual Report for Fiscal Year 2014

Behavioral Health Commission, West Virginia Comprehensive; Annual Report for 2014

Child Care Center, Office of Programs Division of Early Care and Education, Bureau of Children and Families; Annual Report for Fiscal Year 2013; West Virginia Department of Education



Child Support Enforcement, Bureau of; Commission Report for 2015; West Virginia Department of Health and Human Resources

Chiropractic, West Virginia Board of; Annual Report 2013-2014

Citizens Review Panel, West Virginia; Annual Report for 2014

Coal Mine Health and Safety, West Virginia Board of; Annual Report for Fiscal Year 2014

Commercial Motor Vehicle Weight and Safety Enforcement Advisory Committee; Annual Report for 2014

Community Supervision Committee; Justice Reinvestment Act

Consolidated Public Retirement Board, State of West Virginia; Annual Report for Fiscal Year 2014; West Virginia Department of Administration

Consumer Advocates, West Virginia Office of; Annual Report Fiscal Year 2014; West Virginia Office of the Insurance Commissioner

Consumer Protection and Antitrust Division, Office of the Attorney General; Annual Report for November 20, 2013-November 19, 2014

Corrections, Division of; Annual Report for Fiscal Year 2013-2014; West Virginia Department of Military Affairs and Public Safety

Counseling, West Virginia Board of; Annual Report for Fiscal Year 2012-2014

Counties, West Virginia Association of; Annual Report for 2013/2014

Court Systems, West Virginia; Annual Report 2013

Crime, Delinquency and Correction, Governor's Committee, Community Corrections Subcommittee; Annual Report Fiscal Year 2014; Division of Justice and Community Services; West Virginia Department of Military Affairs and Public Safety

Crime, Delinquency and Correction, Governor's Committee, Law Enforcement Professional Standards Subcommittee; Annual Report Fiscal Year 2014; Division of Justice and Community Services; West Virginia Department of Military Affairs and Public Safety

Crime, Delinquency and Correction, Governor's Committee, State Advisory Group Subcommittee; Annual Report Fiscal Year 2014; Division of Justice and Community Services; West Virginia Department of Military Affairs and Public Safety

Deaf and Blind, West Virginia School for the; Annual Report for Fiscal Year 2014

Dentistry, West Virginia Board of; Annual Report for Fiscal Years 2013 & 2014

Employee Suggestion Award Board; Annual Report for Calendar Year 2013

Employee Suggestion Award Board; Annual Report for Calendar Year 2012

Energy, West Virginia Division of; Annual Report for January 1, 2014-November 30, 2014; West Virginia Department of Commerce

Engineers, West Virginia State Board of Registration for Professional; Annual Report for Fiscal Year 2014

Equal Employment Opportunity Office, State of West Virginia; Annual Report for 2014; Office of the Governor

Financial Institutions, West Virginia Division of; 113th Annual Report Fiscal Year ending June 30, 2014

Geological and Economic Survey, West Virginia; Annual Report 2013; West Virginia Department of Commerce

Human Rights Commission, West Virginia; Annual Report for Fiscal Year 2014

Infrastructure and Jobs Development Council, West Virginia; Annual Report

Insurance Commissioner, State of West Virginia; Annual Report for Calendar Year 2013; West Virginia Department of Revenue

Interstate Mining Compact Commission; Annual Report 2013

Justice Reinvestment Initiative, Division of Justice and Community Services; Annual Report for Fiscal Year 2014; West Virginia Department of Military Affairs and Public Safety

Juvenile Services, Division of; Annual Report for Fiscal Year 2013; West Virginia Department of Military Affairs and Public Safety

Juvenile Services, Division of; Annual Report for Fiscal Year 2014; West Virginia Department of Military Affairs and Public Safety

Lottery, West Virginia; Annual Report for Fiscal Year ended June 30, 2014 and 2013; West Virginia Department of Revenue

Marketing and Communication; 2013 SB 393 Status Report; West Virginia Department of Commerce

Maternal Child and Family Health, Office of (regarding birth defects surveillance); Annual Report for January 1, 2011-December 31, 2011; West Virginia Department of Health and Human Resources

Maternal, Child and Family Health, Office of (regarding infant and maternal mortality); Annual Report on Infant Mortality January 1, 2011-December 31, 2011; Annual Report of Maternal Mortality January 1, 2012-December 31, 2012; West Virginia Department of Health and Human Resources

Medical Imaging and Radiation Therapy Technology, West Virginia Board of Examiners for; Annual Report Fiscal Year 2014

Medicine, West Virginia Board of; Annual Report of the Biennium July 1, 2012-June 30, 2014

Miners' Health, Safety and Training, Office of; Annual Report for year ending December 31, 2013; West Virginia Department of Commerce

Minority Affairs, Herbert Henderson Office of; Annual Report for 2014; Office of the Governor

Municipal Bond Commission, West Virginia; Annual Report for Fiscal Year ending June 30, 2014

National Guard, West Virginia; Annual Report for Fiscal Year 2014; West Virginia Department of Military Affairs and Public Safety

Natural Resources, Division of; Annual Report for Fiscal Year 2013-2014; West Virginia Department of Commerce

Neighborhood Investment Program Independent Assessment, Development Office; 2013 Final Report on the Assessment of 2011-2012; West Virginia Department of Commerce

Nursing Home Administrators, West Virginia Licensing Board for; Annual Report for July 1, 2013-June 30, 2014

Optometry, West Virginia Board of; Annual Report for Fiscal Years 2013 & 2014

Osteopathy, West Virginia Board of; Annual Report 2014

Parent/Educator Resource Training Center of Wood County; Annual Report for 2013-2014

Personnel, Division of; Annual Report Fiscal Year 2014; West Virginia Department of Administration

Planning and Development Council, Regional 4; Annual Report for Fiscal Year 2014

Privacy Office, West Virginia State; Annual Report 2014

Public Defender Services; Annual Report for Fiscal Year 2013-2014; West Virginia Department of Administration

Public Employees Grievance Board; Annual Report for Fiscal Year 2014; West Virginia Department of Administration

Purchase of Commodities and Services from the Handicapped, Governor's Committee for the; Annual Report for Fiscal Year 2014; West Virginia Department of Administration

Rea of Hope, Inc.; Annual Report for 2014

Real Estate Commission, State of West Virginia; Annual Report ending June 30, 2014

Reconnecting McDowell, Herbert Henderson Office of Minority Affairs; Annual Report for 2014; Office of the Governor

Registered Professional Nurses, West Virginia Board of Examiners for; Annual Report of the Biennium July 1, 2012-June 30, 2014

Rehabilitation Council, West Virginia State; Annual Report for 2013-2014

Rehabilitation Facilities, Inc., West Virginia Association of; Annual Report for 2013

Rehabilitation Services, West Virginia Division of; Annual Report for Fiscal Year 2014; West Virginia Department of Education and the Arts

Rehabilitation Services, West Virginia Division of; Annual Report for Fiscal Year 2013; West Virginia Department of Education and the Arts

Risk and Insurance Management, Board of; Annual Report Fiscal Year ending June 30, 2014; West Virginia Department of Administration

Ron Yost Personal Assistance Services; Annual Report for July 1, 2013-June 30, 2014

Ron Yost Personal Assistance Services; Annual Report for July 2, 2012-June 30, 2013

Sanitarians, West Virginia State Board of; Annual Report 2014

School Building Authority of West Virginia; Annual Report for year ending June 30, 2014

Senior Services, West Virginia Bureau of; Annual Report Fiscal Year July 1, 2013-June 30, 2014

State Police, West Virginia; Annual Report for July 1, 2013-July 30, 2014; West Virginia Department of Military Affairs and Public Safety

Tourism, West Virginia Division of; Annual Report for 2013; West Virginia Department of Commerce

Treasurer, State of West Virginia; Annual Report for Fiscal Year 2014

Treasury Investments, West Virginia Board of; Annual Report for Fiscal Year ending June 30, 2014

Veterans Assistance, West Virginia Department of; Annual Report 2013

Veterinary Medicine, West Virginia Board of; Annual Report 2014

Water Development Authority, West Virginia; Annual Report for Fiscal Year 2014

West Virginia State University; President's Report 2014

Wheeling National Heritage Area; Annual Report for 2013

Youth Services, Bureau of Children and Families; Annual Report  
Fiscal Year July 1, 2012-June 30, 2013; West Virginia Department of  
Health and Human Resources

Very truly yours,

EARL RAY TOMBLIN,  
*Governor.*

STATE OF WEST VIRGINIA  
OFFICE OF THE GOVERNOR  
CHARLESTON

March 13, 2015

**EXECUTIVE MESSAGE NO. 4**

The Honorable Tim Armstead  
Speaker, House of Delegates  
State Capitol  
Charleston, West Virginia

Dear Speaker Armstead:

In accordance with the provisions of section 11, article 7 of the Constitution of the State of West Virginia, and section 16, article 1, chapter 5 of the Code of West Virginia, I hereby report that I granted no pardons or reprieves, nor commuted punishment to any person, nor remitted any fines or penalties, during the period of March 5, 2014, through March 13, 2015.

Very truly yours,

EARL RAY TOMBLIN,  
*Governor.*

**MESSAGES FROM THE SENATE**

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates and the passage, as amended, of

**Com. Sub. for S. B. 12**, Relating to payment of separated employee's outstanding wages.

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates and the passage, as amended, of

**Com. Sub. for S. B. 19**, Specifying minimum early childhood education program instruction days.

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates and the passage, as amended, to take effect from passage, of

**Com. Sub. for S. B. 182**, Authorizing Department of Military Affairs and Public Safety promulgate legislative rules.

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates and the passage, as amended, to take effect from passage, of

**Com. Sub. for S. B. 243**, Relating to school nutrition standards during state of emergency or preparedness.

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates and the passage, as amended, to take effect from passage, of

**Com. Sub. for S. B. 287**, Providing posthumous high school diplomas.



A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates and the passage, as amended, of

**Com. Sub. for S. B. 347**, Creating Firearms Act of 2015.

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates and the passage, as amended, of

**Com. Sub. for S. B. 352**, Expanding scope of cooperative associations to goods and services including recycling.

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates and the passage, as amended, to take effect from passage, of

**S. B. 370**, Reorganizing Governor's Committee on Crime, Delinquency and Correction and certain subcommittees.

A message from the Senate, by

The Clerk of the Senate, announced that, upon reconsideration the Senate had amended and again passed, to take effect from passage, in an effort to meet the objections of the Governor, and requested the concurrence of the House of Delegates in the same, as to

**S. B. 389**, Relating to Board of Registration for Professional Engineers license renewals and reinstatements.

STATE OF WEST VIRGINIA  
OFFICE OF THE GOVERNOR  
CHARLESTON

March 11, 2015

The Honorable Tim Armstead  
Speaker, House of Delegates

State Capitol  
Charleston, West Virginia 25305

Dear Mr. Speaker:

Pursuant to the provisions of section fourteen, article VII of the Constitution of West Virginia, I again disapprove and return Enrolled Senate Bill No. 389 for technical reasons.

The bill's title is deficient. The title states that the bill is amending and reenacting W. Va. Code §30-13-18, but does not provide that it is also amending and reenacting §30-13-13a and §30-13-17. For this reason, I disapprove and return the bill. I urge the Legislature to correct this technical issue, and to return the bill to my desk for signature.

Sincerely,

EARL RAY TOMBLIN,  
*Governor.*

On motion of Delegate Cowles, the bill was taken up for immediate consideration and the House of Delegates proceeded to reconsider the bill, as amended by the Senate, in an effort to meet the objections of the Governor.

The following Senate title amendment was reported by the Clerk:

**Enr. S. B. 389** - "An Act to amend and reenact §30-13-18 of the Code of West Virginia, 1931, as amended, relating to the Board of Registration for Professional Engineers; changing time period for renewal from fiscal year to calendar year; authorizing renewal notification by mail or electronically; providing for reinstatement of nonrenewed licenses; authorizing annual or biennial renewal periods; providing late fee; and authorizing legislative rules and emergency rules related to renewal and reinstatement."

On motion of Delegate Cowles, the House of Delegates concurred in the Senate amendment.

The Speaker propounded, “Shall the bill pass, in an effort to meet the objections of the Governor?”

On this question, the yeas and nays were taken (**Roll No. 549**), and there were—yeas 100, nays none, absent and not voting none, with the yeas, nays and absent and not voting being as follows:

YEAS: Ambler, Anderson, Arvon, Ashley, Azinger, Bates, Blair, Boggs, Border, Butler, Byrd, Cadle, Campbell, Canterbury, Caputo, Cooper, Cowles, Deem, Duke, Eldridge, Ellington, Espinosa, A. Evans, D. Evans, Faircloth, Fast, Ferro, Fleischauer, Fluharty, Folk, Foster, Frich, Gearheart, Guthrie, Hamilton, Hamrick, Hanshaw, Hartman, Hicks, Hill, Hornbuckle, Householder, Howell, Ihle, Ireland, Kelly, Kessinger, Kurcaba, Lane, Longstreth, Lynch, Manchin, Marcum, McCuskey, McGeehan, Miley, Miller, Moffatt, Moore, Morgan, Moye, E. Nelson, J. Nelson, O’Neal, Overington, Pasdon, Perdue, Perry, Pethtel, L. Phillips, R. Phillips, Pushkin, Reynolds, Rodighiero, Rohrbach, Romine, Rowan, Rowe, Shott, Skinner, P. Smith, R. Smith, Sobonya, Sponaugle, Stansbury, Statler, Storch, Summers, Trecost, Upson, Wagner, Walters, Waxman, Weld, Westfall, B. White, H. White, Williams, Zatezalo and Mr. Speaker (Mr. Armstead).

NAYS: None.

ABSENT AND NOT VOTING: None.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Enr. S. B. 389) passed, as a result of the objections of the Governor.

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

On this question, the yeas and nays were taken (**Roll No. 550**), and there were—yeas 100, nays none, absent and not voting none.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Enr. S. B. 389) takes effect from its passage.

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

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates and the passage, as amended, of

**Com. Sub. for S. B. 390**, Authorizing PSC approve expedited cost recovery of natural gas utility infrastructure projects.

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates and the passage, as amended, to take effect from passage, of

**Com. Sub. for S. B. 430**, Permitting mutual protective orders enjoining certain contact between parties to domestic relations actions.

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the House of Delegates amendment, with amendment, and the passage, as amended of

**Com. Sub. for S. B. 436**, Relating to State Athletic Commission.

On motion of Delegate Cowles, the bill was taken up for immediate consideration.

The following Senate amendment to the House of Delegates amendment was reported by the Clerk:

On page eight, section five, after the words “include all expenses”, by inserting the words “and revenues”.

On pages eight and nine, section six, after the words “officials will be paid only”, by inserting the words “one rate at a minimum of”.

On page ten, section seventeen, subsection (a), by striking out “\$25” and inserting in lieu thereof “\$75”.

And,

On page eleven, section nineteen, by striking out the section caption and inserting in lieu thereof a new section caption, to read as follows:

**“§29-5A-19. Weight of contestants.”**

On motion of Delegate Cowles, the House of Delegates concurred in the Senate amendment to the House amendment.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 551**), and there were—yeas 100, nays none, absent and not voting none.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 436) passed.

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

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendments of the House of Delegates and the passage, as amended, of

**S. B. 481**, Relating to municipal policemen’s and firemen’s pension and relief funds’ investment,

**S. B. 483**, Relating to municipal policemen’s and firemen’s pension and relief funds’ trustees,

**Com. Sub. for S. B. 488**, Creating Broadband Enhancement Council.,

**S. B. 514**, Relating to investments of local policemen's and firemen's pension and relief funds,

And,

**S. B. 515**, Relating to Municipal Pensions Oversight Board fund investments.

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the House of Delegates amendment, with a title amendment, and the passage, as amended, of

**S. B. 574**, Relating to liquor sales by distilleries and mini-distilleries.

On motion of Delegate Cowles, the bill was taken up for immediate consideration.

The following Senate title amendment to the House of Delegates amendment was reported by the Clerk:

**S. B. 574** - "A Bill to amend and reenact §60-3A-17 of the Code of West Virginia, 1931, as amended; and to amend and reenact §60-4-3 and §60-4-3a of said code, all relating to sales of liquor by distilleries and mini-distilleries generally; setting fees; reducing buyback price; setting fees to be paid to the Alcohol Beverage Control Commissioner on sales of liquor to customers from a distillery or a mini-distillery for off-premises consumption; providing that no liquor sold by a distillery or mini-distillery should be priced less than the price set by the commissioner; setting a maximum for market zone payments; and raising the production level allowable for mini-distilleries."

On motion of Delegate Cowles, the House of Delegates concurred in the Senate title amendment.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 552**), and there were—yeas 92, nays 8, absent and not voting none, with the nays being as follows:

NAYS: Mr. Speaker, Mr. Armstead, Azinger, Border, Fast, Householder, Moye, Overington and Sobonya.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 574) passed.

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

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates and the passage, to take effect July 1, 2015, a bill of the House of Delegates as follows:

**Com. Sub. for S. B. 581**, Relating to courtesy patrol program.

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates and the passage, as amended, to take effect July 1, 2015, of

**S. B. 583**, Increasing tax rate on providers of certain nursing facility services.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, to take effect July 1, 2015, a bill of the House of Delegates, as follows:

**Com. Sub. for H. B. 2005**, Relating to alternative programs for the education of teachers.

On motions of Delegate Cowles, the bill was taken up for immediate consideration and the House of Delegates concurred in the following Senate amendments:

On page nineteen, section one-a, lines ten through twelve, by striking out “Under the State Board’s supervision, county boards may offer these programs without a partner pursuant to subsection (d), section one-b of this article.”

On page twenty, section one-a, following line thirty-six, by inserting a new subdivision, designated subdivision (3), to read as follows:

“(3) ‘Area of critical need and shortage’ means an opening in an established, existing or newly-created position which has been posted at least two times in accordance with section seven-a, article four of this chapter and for which no fully-qualified applicant has been employed” and a semicolon.

And,

By renumbering the remaining subdivisions.

On page thirty-eight, section one-c, lines one through three, by striking out all of subsection (a) and inserting in lieu thereof a new subsection, designated subsection (a), to read as follows:

“(a) *Alternative program instruction.* — An alternative program for classroom teachers shall provide, at a minimum, either six credit hours or six staff development hours of instruction in one or more of the following subjects” and a colon.

On page forty-six, section one-f, lines twenty-four through twenty-six, by striking out all of subdivision (7), and inserting in lieu thereof a new subdivision, designated subdivision (7), to read as follows:

“(7) Receive from a county superintendent a formal offer of employment in an area of critical need and shortage and by a school or school district that is a member of an approved educational provider” and a semicolon.



On page forty-six, section one-f, line twenty-nine, after the word “employed”, by changing the semicolon to a period and inserting “For the purposes of this section, ‘reasonably indicate’ means an academic major or occupational area the same as or similar to the subject matter to which the alternative program teacher is being hired to teach” and a semicolon.

On page forty-seven, section one-f, line fifty-five, by striking out the word “including” and inserting in lieu thereof the word “except”.

On page forty-seven, section one-f, line fifty-five, after the word “seniority” and the period, by adding “In no event will an alternative program teacher displace a professional educator as defined in section one, article one of this chapter.”

On page fifty-eight, section two-a, lines one hundred twenty-eight through one hundred twenty-nine, by striking out all of subparagraph (B).

And,

By relettering the remaining subparagraph.

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 553**), and there were—yeas 63, nays 37, absent and not voting none, with the nays being as follows:

NAYS: Bates, Boggs, Byrd, Campbell, Caputo, Eldridge, Fast, Ferro, Fleischauer, Fluharty, Frich, Gearheart, Guthrie, Hamilton, Hicks, Hornbuckle, Longstreth, Lynch, Manchin, Marcum, Miley, Moore, Morgan, Moye, Perdue, Perry, Pethel, L. Phillips, R. Phillips, Pushkin, Rodighiero, Rowe, P. Smith, Sponaule, Trecost, H. White and Williams.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2005) passed.

Delegate Cowles moved that the bill take effect July 1, 2015.

On this question, the yeas and nays were taken (**Roll No. 554**), and there were—yeas 61, nays 39, absent and not voting none, with the nays being as follows:

NAYS: Bates, Boggs, Byrd, Campbell, Caputo, Deem, Eldridge, Fast, Ferro, Fleischauer, Fluharty, Frich, Gearheart, Guthrie, Hamilton, Hicks, Hornbuckle, Longstreth, Lynch, Manchin, Marcum, Miley, Moore, Morgan, Moye, Perdue, Perry, Pethtel, L. Phillips, R. Phillips, Pushkin, Reynolds, Rodighiero, Rowe, P. Smith, Sponaugle, Trecost, H. White and Williams.

So, two thirds of the members elected to the House of Delegates not having voted in the affirmative, the Speaker declared the motion rejected.

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

A message from the Senate, by

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

**H. B. 2140**, Building governance and leadership capacity of county board during period of state intervention.

A message from the Senate, by

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

**H. B. 2492**, Repealing the requirement that an entity charging admission to view certain closed circuit telecast or subscription

television events needs to obtain a permit from the State Athletic Commission.

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the House of Delegates amendment to the Senate amendment, and the passage, as amended, of

**Com. Sub. for H. B. 2527**, Creating a Task Force on Prevention of Sexual Abuse of Children; “Erin Merryn’s Law”.

A message from the Senate, by

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

**H. B. 2627**, Providing protection against property crimes committed against coal mines, utilities and other industrial facilities.

On motions of Delegate Cowles, the bill was taken up for immediate consideration and the House of Delegates concurred in the following Senate amendments:

On page one, 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.”

And,

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

**H. B. 2627** - “A Bill to amend and reenact §61-3-29 of the Code of West Virginia, 1931, as amended, relating to prohibiting damage to property of railroads, public utilities and certain production storage and distribution facilities; adding waste management facilities, storage facilities and timber operations to the protected parties; prohibiting destruction, damage or removal of property resulting in impairment to the normal, safe operation of those facilities; providing criminal

penalties; and clarifying persons convicted of section are subject to restitution.”

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 555**), and there were—yeas 100, nays none, absent and not voting none.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2627) passed.

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

A message from the Senate, by

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

**H. B. 2646**, Legalizing and regulating the sale and use of fireworks.

On motion of Delegate Cowles, the bill was taken up for immediate consideration.

The following Senate amendments were reported by the Clerk:

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

“That §11-12-86 of the Code of West Virginia, 1931, as amended, be repealed; that §29-3-23, §29-3-24, §29-3-25 and §29-3-26 of said code be repealed; that said code be amended by adding thereto a new section, designated §9A-1-11b; that §11-17-3 of said code be amended and reenacted; that §16-2-11 of said code be amended and reenacted; that said code be amended by adding thereto a new section designated §16-2-13a; that said code be amended by adding a new article,

designated §29-3E-1, §29-3E-2, §29-3E-3, §29-3E-4, §29-3E-5, §29-3E-6, §29-3E-7, §29-3E-8, §29-3E-9, §29-3E-10, §29-3E-11, §29-3E-12 and §29-3E-13; and that §61-3E-1 and §61-3E-11 of said code be amended and reenacted, all to read as follows:

## **CHAPTER 9A. VETERANS' AFFAIRS.**

### **ARTICLE 1. DEPARTMENT OF VETERANS' AFFAIRS.**

#### **§9A-1-11b. Establishment of West Virginia Veterans Program Fund.**

There is hereby created in the State Treasury a special revenue fund to be designated and known as the West Virginia Veterans Program Fund, which shall consist of revenues derived from the assessment of the fireworks safety fee, as provided in section seven, article three-e, chapter twenty-nine of this code, to be administered by the Department of Veterans' Affairs and used for funding veterans' programs. Funds may also be derived from any gift, grant, bequest, endowed fund or donation which may be received by any veterans' program created by statute or from any governmental entity or unit or any person, firm, foundation or corporation.

Expenditures from the fund shall be for the purposes set forth in this article and are not authorized from collections but are to be made only in accordance with appropriation by the Legislature and in accordance with the provisions of article three, chapter twelve of this code and upon the fulfillment of the provisions set forth in article two, chapter eleven-b of this code: *Provided*, That for the fiscal year ending June 30, 2016, expenditures are authorized from collections rather than pursuant to an explicit appropriation by the Legislature. Any balance remaining in the fund at the end of any fiscal year shall be reappropriated to the next fiscal year.

## **CHAPTER 11. TAXATION.**

### **ARTICLE 17. TOBACCO PRODUCTS EXCISE TAX ACT.**

**§11-17-3. Levy of tax; ratio; dedication of proceeds.**

(a) *Tax on cigarettes.* — For the purpose of providing revenue for the General Revenue Fund of the state, an excise tax is hereby levied and imposed on sales of cigarettes at the rate of 55¢ on each twenty cigarettes or in like ratio on any part thereof. Only one sale of the same article shall be used in computing the amount of tax due under this subsection: Provided, That effective July 1, 2015, the excise tax imposed by this subsection shall be at the rate of \$1.05 on each twenty cigarettes or in like ratio on any part thereof: Provided, however, That effective July 1, 2016, the excise tax imposed by this subsection shall be at the rate of \$1.55 on each twenty cigarettes or in like ratio on any part thereof: Provided further, That during the period of July 1, 2015 to June 30, 2016, notwithstanding any provision of this code to the contrary, the sum of \$20 million collected shall be dedicated to and paid into the West Virginia Veterans Program Fund created by the provisions of section eleven-b, article one, chapter nine of this code: And provided further, That during the period from July 1, 2016 to June 30, 2017, notwithstanding any provision of this code to the contrary, the sum of \$20 million collected shall be dedicated to and paid into the Consolidated Medical Services Fund, Continuum of Care, for the exclusive purposes of funding controlled substance abuse treatment and facilities; And provided further, That beginning July 1, 2015, and annually thereafter, the sum of \$2 million dollars collected shall be dedicated to and paid into the Fire Protection Fund created in section thirty-three, article three, chapter thirty-three of this code to be distributed annually in equal amounts to all volunteer fire departments to be used in conformity with the provisions of said section.

(b) *Tax on tobacco products other than cigarettes.* - Effective January 1, 2002, an excise tax is hereby levied and imposed on the sale or use of, other than cigarettes, tobacco products at a rate equal to seven percent of the wholesale price of each article or item of tobacco product other than cigarettes sold by the wholesaler or subjobber dealer, whether or not sold at wholesale, or if not sold, then at the same rate upon the use by the wholesaler or dealer. Only one sale of the



same article shall be used in computing the amount of tax due under this subsection. Revenues received from this tax shall be deposited into the General Revenue Fund.

## **CHAPTER 16. PUBLIC HEALTH.**

### **ARTICLE 2. LOCAL BOARDS OF HEALTH.**

#### **§16-2-11. Local board of health; powers and duties.**

(a) Each local board of health created, established and operated pursuant to the provisions of this article shall:

(1) Provide the following basic public health services and programs in accordance with state public health performance-based standards:

(i) Community health promotion including assessing and reporting community health needs to improve health status, facilitating community partnerships including identifying the community's priority health needs, mobilization of a community around identified priorities and monitoring the progress of community health education services;

(ii) Environmental health protection including the promoting and maintaining of clean and safe air, water, food and facilities and the administering of public health laws as specified by the commissioner as to general sanitation, the sanitation of public drinking water, sewage and wastewater, food and milk, and the sanitation of housing, institutions, and recreation; and

(iii) Communicable or reportable disease prevention and control including disease surveillance, case investigation and follow-up, outbreak investigation, response to epidemics, and prevention and control of rabies, sexually transmitted diseases, vaccine preventable diseases, HIV/AIDS, tuberculosis and other communicable and reportable diseases;

(2) Appoint a local health officer to serve at the will and pleasure of the local board of health with approval of the commissioner;

(3) Submit a general plan of operation to the commissioner for approval, if it receives any state or federal money for health purposes. This program plan shall be submitted annually and comply with provisions of the local board of health standards administrative rule;

(4) Provide equipment and facilities for the local health department that are in compliance with federal and state law;

(5) Permit the commissioner to act by and through it, as needed. The commissioner may enforce all public health laws of this state, the rules and orders of the secretary, any county commission orders or municipal ordinances of the board's service area relating to public health, and the rules and orders of the local board within the service area of a local board. The commissioner may enforce these laws, rules and orders when, in the opinion of the commissioner, a public health emergency exists or when the local board fails or refuses to enforce public health laws and rules necessary to prevent and control the spread of a communicable or reportable disease dangerous to the public health. The expenses incurred shall be charged against the counties or municipalities concerned;

(6) Deposit all moneys and collected fees into an account designated for local board of health purposes. The moneys for a municipal board of health shall be deposited with the municipal treasury in the service area. The moneys for a county board of health shall be deposited with the county treasury in the service area. The moneys for a combined local board of health shall be deposited in an account as designated in the plan of combination: *Provided*, That nothing contained in this subsection is intended to conflict with the provisions of article one, chapter sixteen of this code;

(7) Submit vouchers or other instruments approved by the board and signed by the local health officer or designated representative to

the county or municipal treasurer for payment of necessary and reasonable expenditures from the county or municipal public health funds: *Provided*, That a combined local board of health shall draw upon its public health funds account in the manner designated in the plan of combination;

(8) Participate in audits, be in compliance with tax procedures required by the state and annually develop a budget for the next fiscal year;

(9) Perform public health duties assigned by order of a county commission or by municipal ordinance consistent with state public health laws; and

(10) Enforce the public health laws of this state and any other laws of this state applicable to the local board.

(b) Each local board of health created, established and operated pursuant to the provisions of this article may:

(1) Provide primary care services, clinical and categorical programs, and enhanced public health services;

(2) Employ or contract with any technical, administrative, clerical or other persons, to serve as needed and at the will and pleasure of the local board of health. Staff and any contractors providing services to the board shall comply with applicable West Virginia certification and licensure requirements. Eligible staff employed by the board shall be covered by the rules of the Division of Personnel under section six, article ten, chapter twenty-nine of this code. However, any local board of health may, in the alternative and with the consent and approval of the appointing authority, establish and adopt a merit system for its eligible employees. The merit system may be similar to the state merit system and may be established by the local board by its order, subject to the approval of the appointing authority, adopting and making applicable to the local health department all, or any portion of any

order, rule, standard, or compensation rate in effect in the state merit system as may be desired and as is properly applicable;

(3) Adopt and promulgate and from time to time amend rules consistent with state public health laws and the rules of the West Virginia state Department of Health and Human Resources, that are necessary and proper for the protection of the general health of the service area and the prevention of the introduction, propagation and spread of disease. All rules shall be filed with the clerk of the county commission or the clerk or the recorder of the municipality or both and shall be kept by the clerk or recording officer in a separate book as public records;

(4) Accept, receive and receipt for money or property from any federal, state or local governmental agency, from any other public source or from any private source, to be used for public health purposes or for the establishment or construction of public health facilities;

(5) Assess, charge and collect fees for permits and licenses for the provision of public health services: *Provided*, That permits and licenses required for agricultural activities may not be assessed, charged or collected: *Provided, however*, That a local board of health may assess, charge and collect all of the expenses of inspection of the physical plant and facilities of any distributor, producer or pasteurizer of milk whose milk distribution, production or pasteurization facilities are located outside this state but who sells or distributes in the state, or transports, causes or permits to be transported into this state, milk or milk products for resale, use or consumption in the state and in the service area of the local board of health. A local board of health may not assess, charge and collect the expenses of inspection if the physical plant and facilities are regularly inspected by another agency of this state or its governmental subdivisions or by an agency of another state or its governmental subdivisions certified as an approved inspection agency by the commissioner. No more than one local board of health may act as the regular inspection agency of the physical plant and facilities; when two or more include an inspection of the physical plant

and facilities in a regular schedule, the commissioner shall designate one as the regular inspection agency;

(6) Assess, charge and collect fees for services provided by the local health department: *Provided*, That fees for services shall be submitted to and approved by the commissioner;

(7) Contract for payment with any municipality, county or Board of Education for the provision of local health services or for the use of public health facilities. Any contract shall be in writing and permit provision of services or use of facilities for a period not to exceed one fiscal year. The written contract may include provisions for annual renewal by agreement of the parties; and

(8) Retain and make available child safety car seats, collect rental and security deposit fees for the expenses of retaining and making available child safety car seats, and conduct public education activities concerning the use and preventing the misuse of child safety car seats: *Provided*, That this subsection is not intended to conflict with the provisions of section forty-six, article fifteen, chapter seventeen-c of this code: *Provided, however*, That any local board of health offering a child safety car seat program or employee or agent of a local board of health is immune from civil or criminal liability in any action relating to the improper use, malfunction or inadequate maintenance of the child safety car seat and in any action relating to the improper placement, maintenance or securing of a child in a child safety car seat.

(9) In consultation with the State Fire Marshal, develop for distribution to the general public a consumer fireworks safety program in the light of the changes made to the types of fireworks available for sale in this state enacted during the 2015 regular session of the legislature.

(c) The local boards of health are charged with protecting the health and safety, as well as promoting the interests of the citizens of West Virginia. All state funds appropriated by the Legislature for the

benefit of local boards of health shall be used for provision of basic public health services.

**§16-2-13a. Requiring certain facilities to provide for smoking and nonsmoking sections.**

(a) Notwithstanding any provision of law to the contrary, any operational veteran's organization exempt from federal income tax under section 501(c)(19) of the Internal Revenue Code or any facility holding a valid racetrack video lottery license granted by the West Virginia Lottery Commission pursuant to article twenty-two-a, chapter twenty-nine of the code may allow smoking in such facility, but shall provide a smoking and nonsmoking section if smoking is allowed: *Provided*, That if the facility allows smoking then each entrance to the facility shall have posted a sign of no less than eighteen inches by twenty-four inches, which says 'DANGER: THIS PREMISES CONTAINS TOBACCO SMOKE'.

(b) A facility holding a valid racetrack video lottery license granted by th West Virginia Lottery Commission pursuant to article twenty-two-a, chapter twenty-nine of this code must have;

(1) A permanent ventilation system that ensures a minimum air exchange of six times per hour throughout the indoor space and a minimum air exchange of twelve times per hour in the indoor space that serves food, unless the food space is designated nonsmoking;

(2) A smoking area restricted to persons twenty-one years of age or older; and

(3) At least ten percent of the indoor space of the area designated a nonsmoking area.

**CHAPTER 29. MISCELLANEOUS BOARDS AND OFFICERS.**

**ARTICLE 3E. FIREWORKS SAFETY.**

**§29-3E-1. Unlawful acts.**

It is unlawful for a person to manufacture, wholesale, distribute, import, sell or store for the purpose of resale, consumer fireworks, sparkling devices, novelties or toy caps without a license, registration, certificate or permit from the State Fire Marshal.

**§29-3E-2. Definitions.**

As used in this article:

(1) ‘Agricultural and wildlife fireworks’ means fireworks devices distributed to farmers, ranchers and growers through a wildlife management program administered by the United States Department of the Interior or the Department of Natural Resources of this state;

(2) ‘APA Standard 87-1’ means the APA Standard 87-1 published by the American Pyrotechnics Association, as amended, and incorporated by reference into Title 49 of the Code of Federal Regulations;

(3) ‘Articles pyrotechnic’ means pyrotechnic devices for professional use that are similar to consumer fireworks in chemical composition and construction but not intended for consumer use, that meet the weight limits for consumer fireworks but are not labeled as such, and that are classified as UN0431 or UN0432 under 49 C.F.R. §172.101 (2014);

(4) ‘Consumer fireworks’ means small fireworks devices that are designed to produce visible effects by combustion and that are required to comply with the construction, chemical composition and labeling regulations promulgated by the United States Consumer Product Safety Commission under 16 C.F.R. Parts 1500 and 1507 (2014), and that are listed in APA Standard 87-1. Consumer fireworks do not include sparkling devices, novelties and toy caps;

(5) ‘Consumer fireworks certificate’ means a certificate issued under section five of this article;

(6) ‘Display fireworks’ means large fireworks to be used solely by professional pyrotechnicians licensed by the State Fire Marshal and designed primarily to produce visible or audible effects by combustion, deflagration or detonation and includes, but is not limited to, salutes containing more than two grains (one hundred thirty milligrams) of explosive materials, aerial shells containing more than forty grams of pyrotechnic compositions and other display pieces that exceed the limits of explosive materials for classification as consumer fireworks and are classified as fireworks UN0333, UN0334, or UN0335 under 49 C.F.R. §172.101 (2014);

(7) ‘Distributor’ means a person who sells fireworks to wholesalers and retailers for resale;

(8) ‘Division 1.3 explosive’ means that term as defined in 49 C.F.R. §173.50 (2014);

(9) ‘Division 1.4 explosive’ means that term as defined in 49 C.F.R. §173.50 (2014);

(10) ‘Explosive composition’ means a chemical or mixture of chemicals that produces an audible effect by deflagration or detonation when ignited;

(11) ‘Fire marshal’ means the State Fire Marshal;

(12) ‘Firework’ or ‘fireworks’ means any composition or device designed for the purpose of producing a visible or audible effect by combustion, deflagration or detonation. Fireworks include consumer fireworks, display fireworks and special effects. Fireworks does not include sparkling devices, novelties and toy caps and model rockets;

(13) ‘Interstate wholesaler’ means a person who is engaged in interstate commerce selling fireworks;

(14) ‘Model rocket’ means that term as defined in National Fire Protection Association Standard 1122, ‘Code for Model Rocketry’;



(15) ‘New explosive’ means that term as defined in 49 C.F.R. §173.56 (2014);

(16) ‘NFPA 1123’ means that term as defined in National Fire Protection Association Standard 1123, ‘Code for Fireworks Display.’

(17) ‘NFPA 1124’ means that term as defined in National Fire Protection Association Standard 1124, ‘Code for the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic Articles,’ 2006 Edition.

(18) ‘NFPA 1126’ means that term as defined in National Fire Protection Association Standard 1126, ‘Standard for the Use of Pyrotechnics Before a Proximate Audience.’

(19) ‘Novelties’ means that term as defined under APA standard 87-1, section 3.2; but shall not include toy pistols, toy caps, toy canes, toy guns or other similar devices;

(20) ‘Person’ means an individual, or the responsible person for an association, an organization, a partnership, a limited partnership, a limited liability company, a corporation, or any other group or combination acting as a unit;

(21) ‘Pyrotechnic composition’ means a mixture of chemicals that produces a visible or audible effect by combustion rather than deflagration or detonation. A pyrotechnic composition will not explode upon ignition unless severely confined;

(22) ‘Retailer’ means a person who purchases consumer fireworks for resale to consumers;

(23) ‘Sparkling devices’ means ‘ground or handheld sparkling devices’ as that phrase is defined under APA 87-1, sections 3.1.1 and 3.5;

(24) ‘Special effects’ means a combination of chemical elements or chemical compounds capable of burning independently of the

oxygen of the atmosphere and designed and intended to produce an audible, visual, mechanical, or thermal effect as an integral part of a motion picture, radio, television, theatrical, or opera production or live entertainment;

(25) ‘Temporary facility’ means that term as defined in NFPA 1124;

(26) ‘Toy caps’ means that term as defined under APA 87-1, section 3.3; and

(27) ‘Wholesaler’ means any person who sells consumer fireworks to a retailer or any other person for resale and any person who sells articles of pyrotechnics, display fireworks, and special effects to a person licensed to possess and use those devices.

### **§29-3E-3. Production or transportation of fireworks.**

A person may produce or transport a firework that is a new explosive and that is either a division 1.3 explosive or division 1.4 explosive if the person first meets the requirements of 49 C.F.R. §173.56(2)(j) (2014).

### **§29-3E-4. Sparkling devices and novelties registration required.**

(a) A person may not sell sparkling devices, novelties or toy caps without being registered with the State Fire Marshal.

(b) To be registered with the Fire Marshal, the retailer shall:

(1) Submit an application to the Fire Marshal;

(2) Provide a copy of his or her current business registration certificate or his or her certificate to sell sparklers and novelties issued by the State Tax Commission;

(3) Pay the required fee; and

(4) Provide other information as the Fire Marshal may require by legislative rule.

(c) A registration is valid for the calendar year or any fraction thereof and expires on December 31 of each year.

(d) A registration is not transferable.

(e) A person shall post the registration in a conspicuous place at the location of the business.

(f) A separate registration is required for each location.

(g) The fee required in subdivision (3), subsection (b) of this section shall be \$100.00 per retail location.

(h) The fee assessed by this section shall be retained by the Fire Marshal and expended to offset costs incurred in performing the duties imposed by the provisions of this code.

(i) The requirements of NFPA 1124 do not apply to a person only selling sparkling devices, novelties or toy caps.

**§29-3E-5. Consumer fireworks certificate required.**

(a) A retailer may not sell consumer fireworks unless the retailer is certified under this article.

(b) To be certified to sell consumer fireworks a retailer shall:

(1) Submit an application to the Fire Marshal;

(2) Provide a copy of his or her current business registration certificate;

(3) Pay the required fee;

(4) Provide proof that the retailer maintains at all times public liability and product liability insurance with minimum coverage limits

of \$1 million dollars to cover losses, damages or injuries that might result of the license selling consumer fireworks.

(5) Provide other information as the Fire Marshal may require by legislative rule.

(c) A consumer fireworks certificate is valid through December 31 of each year or any fraction thereof.

(d) A consumer fireworks certificate is not transferable.

(e) A retailer shall post the certificate in a conspicuous place at the location of the business.

(f) A separate certificate is required for each location of the business.

(g) A certificate holder may also sell sparkling device and novelties at the same location without additionally obtaining a sparkling devices and novelties registration.

(h) A retailer who sells consumer fireworks shall comply with the regulations provided in NFPA 1124. The State Fire Marshal may, by legislative rule, add to the regulations established in NFPA 1124.

(i) The fees required in subdivision (3), subsection (b) of this section shall be assessed as follows:

(1) Temporary facility sales - \$500.00.

(2) Retail stores and consumer fireworks retail sales facilities - \$1,000.00.

(j) The fees assessed by this section shall be retained by the Fire Marshal and expended to offset that costs incurred by the duties imposed by the provisions of this code.

(k) Consumer fireworks may only be offered for sale at the following locations:

(1) In temporary facilities located on parking lots of operational veterans organizations exempt from federal income tax under section 501(c)(19) of the Internal Revenue Code;

(2) In temporary facilities located on parking lots of licensed retail stores which offer general merchandise for sale and said stores are occupied;

(3) In temporary facilities located on parking lots of facilities holding a valid racetrack video lottery license granted by the West Virginia Lottery Commission pursuant to article twenty-two-A, chapter twenty-nine of this code; and

(4) In permanent structures occupied and operated as licensed retail stores or as a consumer fireworks retail sales facility: *Provided*, That facilities referenced in this subdivision meet the requirements for such structures set forth in NFPA 1124.

**§29-3E-6. Required permit for public fireworks display.**

(a) A municipality, county, fair association, amusement park, and other organizations shall have a permit to present a supervised display of fireworks from the Fire Marshal.

(b) To receive a permit, a municipality, fair association, amusement park, and other organizations shall:

(1) Submit an application to the Fire Marshal;

(2) Pay the required fee;

(3) Furnish proof of financial responsibility to satisfy claims for damages to property or personal injuries arising out of any act or omission on the part of the person or an employee thereof, in the amount, character and form as the Fire Marshal determines to be necessary for the protection of the public; and

(4) Provide any other information as the Fire Marshal may require by legislative rule.

(c) The Fire Marshal may require approval of the local police and fire authorities of the community where the display is proposed to be held.

(d) A permit is not transferable.

(e) The display shall be handled by a competent operator licensed or certified as to competency by the Fire Marshal and shall be of such composition, character, and so located, discharged or fired so as to be safe in the opinion of the chief of the fire department serving the community or area where such display is to be held.

(f) The permittee shall require a bond from the licensee in a sum not less than \$1,000 conditioned on compliance with the provisions of this article and the rules of the Fire Marshal except where the licensee is an insured government entity.

**§29-3E-7. Fireworks safety fee; administration, tax crimes, collections, remittances, deposits, distributions, rules.**

(a) In addition to the sales tax, a fireworks safety fee of ten percent of all sales is levied on retail sales of consumer fireworks in this state. The fee shall be distributed pursuant to the provisions of this section. The fee computation under this section shall be carried to the third decimal place, and the fee rounded up to the next whole cent whenever the third decimal place is greater than four, and rounded down to the lower whole cent whenever the third decimal place is four or less.

(b) A person who purchases consumer fireworks in a retail transaction shall pay to the retailer the amount of the fee levied by this section, which fee is added to and constitutes a part of the sale price, and is collectible by the retailer who shall account to the state for all fees paid by a purchaser. If the retailer fails to collect the fee, or fails

to account to the state for the fees paid by a purchaser, then the retailer is personally liable for the payment of the fee to the state.

(c) A retailer shall remit to the State Tax Commissioner no later than twenty days after the end of each preceding month all monies collected for such preceding month, pursuant to the requirements of this section, and shall report such collections on forms and in the manner prescribed by the State Tax Commissioner.

(d) All monies so remitted, net of refunds and adjustments, shall be paid by the Tax Commissioner into the State General Fund, and the amount thereof shall be distributed and paid quarterly, by the Treasurer, into the funds and to the distributees specified in this subsection.

One hundred percent of fireworks safety fee moneys, net of refunds and adjustments shall be deposited in the West Virginia Veterans Program Fund, established in section eleven-b, article one, chapter nine-a of this code, for expenditure pursuant to the provisions of that section.

(e) Each and every provision of the West Virginia Tax Procedure and Administration Act set forth in article ten, chapter eleven of this code, applies to the fees imposed pursuant to this article, with like effect as if that act were applicable only to the fees imposed by this article and were set forth in extenso in this article.

(f) Each and every provision of the West Virginia Tax Crimes and Penalties Act set forth in article nine, chapter eleven of this code applies to the fees imposed pursuant to this article, with like effect as if that act were applicable only to the fees imposed by this article and were set forth in extenso in this article.

(g) The State Tax Commissioner may make all necessary rules and regulations for the fees to which this article applies as provided in the State Administrative Procedures Act in chapter twenty-nine-a of this code.

(h) Notwithstanding any other provision of this code to the contrary, the State Tax Commissioner may deduct and retain one percent from each payment into the General Fund, as provided in this section, for the benefit of his or her office for general tax administration, from which expenditures are permitted from collections without appropriation by the Legislature.

**§29-3E-8. Rule-making authority.**

(a) The Fire Marshal may propose emergency rules and shall promulgate legislative rules for promulgation, in accordance with the provisions of article three, chapter twenty-nine-a of this code, to implement the provisions of this article, including:

(1) Adopting by reference the 2006 edition of APA Standard 87-1;

(2) Adopting by reference the most recent edition of NFPA 1123, code for fireworks display;

(3) Adopting by reference the most recent edition of NFPA 1124, code for the manufacture, transportation, storage and retail sales of fireworks and pyrotechnic articles;

(4) Adopting by reference the most recent edition of NFPA 1126, standard for the use of pyrotechnics before a proximate audience, as promulgated by the State Fire Commission;

(5) Procedures for the issuance and renewal of a registration, certificate and permit;

(6) A fee schedule;

(7) Establishing insurance or bond requirements;

(8) Establishing additional criteria for the granting of a registration, certificate, or permit under this article; and

(9) Registration of manufacturers, wholesalers and distributors.



**§29-3E-9. Exemptions from article.**

This article does not prohibit any of the following:

(1) The use of fireworks by railroads or other transportation agencies for signal purposes or illumination;

(2) The use of agricultural and wildlife fireworks;

(3) The sale or use of blank cartridges for a theatrical performance, use by military organizations or signal or ceremonial purposes in athletics or sports; or

(4) The possession, sale, or disposal of fireworks incidental to the public display of fireworks by wholesalers or other persons who have a permit to possess, store, and sell explosives from the Bureau of Alcohol, Tobacco, Firearms and Explosives of the United States Department of Justice and the Fire Marshal.

**§29-3E-10. Local municipalities' regulation of consumer fireworks.**

This article does not affect the right of the governing body of a municipality to prohibit the use of consumer fireworks within its boundaries.

**§29-3E-11. Violations of this article.**

(a) A person may not intentionally ignite, discharge or use consumer fireworks or sparkling devices on public property or private property without the express permission of the owner to do so.

(b) A person may not intentionally ignite or discharge any consumer fireworks or sparkling devices within or throw the same from a motor vehicle or building.

(c) A person may not intentionally ignite or discharge any consumer fireworks or sparkling devices into or at a motor vehicle or building, or at any person or group of people.

(d) A person may not intentionally ignite or discharge any consumer fireworks or sparkling devices while the person:

(1) Is under the influence of alcohol;

(2) Is under the influence of any controlled substance;

(3) Is under the influence of any other drug;

(4) Is under the combined influence of alcohol and any controlled substance or any other drug; or

(5) Has an alcohol concentration in his or her blood of eight hundredths of one percent or more by weight.

(e) A person who is less than eighteen years of age may not purchase, nor offer for sale, consumer fireworks: *Provided*, That a person sixteen years of age or older may purchase, offer for sale and possess sparkling devices and novelties.

### **§29-3E-12. Criminal penalties.**

Any person who violates this article or any rules promulgated pursuant to section eight of this article is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$100 nor more than \$500.

### **§29-3E-13. Seizures by the Fire Marshal; enforcement of law.**

(a) The Fire Marshal shall seize, take, remove and dispose of at public auction or destroy, or cause to be seized, taken or removed and disposed of at public auction, or destroyed at the expense of the owner, all stocks of fireworks or combustibles offered or exposed for sale, stored or held in violation of this article or legislative rule.

(b) The West Virginia State Police, sheriffs, municipal police officers and other law-enforcement officers shall assist in the enforcement of this article.

**CHAPTER 61. CRIMES AND THEIR PUNISHMENT.****ARTICLE 3E. OFFENSES INVOLVING EXPLOSIVES.****§61-3E-1. Definitions.**

As used in this article, unless the context otherwise requires:

(a) ‘Destructive device’ means any bomb, grenade, mine, rocket, missile, pipebomb or similar device containing an explosive, incendiary, explosive gas or expanding gas which is designed or so constructed as to explode by such filler and is capable of causing bodily harm or property damage; any combination of parts, either designed or intended for use in converting any device into a destructive device and from which a destructive device may be readily assembled.

‘Destructive device’ does not include a firearm as such is defined in section two, article seven of this chapter, sparkling devices, novelties or model rockets and their components as defined in this section ~~twenty-three, article three, chapter twenty-nine of this code or fireworks as defined in section two, article three-e, chapter twenty-nine of this code, or high power rockets and their components, as defined in this section.~~

(b) ‘Explosive material’ means any chemical compound, mechanical mixture or device that is commonly used or can be used for the purpose of producing an explosion and which contains any oxidizing and combustive units or other ingredients in such proportions, quantities or packaging that an ignition by fire, by friction, by concussion, by percussion, by detonator or by any part of the compound or mixture may cause a sudden generation of highly heated gases. These materials include, but are not limited to, powders for blasting, high or low explosives, blasting materials, blasting agents, blasting emulsions, blasting fuses other than electric circuit breakers, detonators, blasting caps and other detonating agents and black or smokeless powders not manufactured or used for lawful sporting purposes. ~~or fireworks defined in section twenty-three, article three,~~

~~chapter twenty-nine of this code which are not used in violation of this article.~~ Also included are all explosive materials listed annually by the office of the State Fire Marshal and published in the State Register, said publication being hereby mandated.

(c) 'High power rocket' means the term as defined in National Fire Protection Association Standard 1127, 'Code for High Power Rocketry'.

~~(c)~~ (d) 'Hoax bomb' means any device or object that by its design, construction, content or characteristics appears to be, or is represented to be or to contain a destructive device, explosive material or incendiary device as defined in this section, but is, in fact, an inoperative facsimile or imitation of such a destructive device, explosive material or incendiary device.

~~(d)~~ (e) 'Incendiary device' means a container containing gasoline, kerosene, fuel oil, or derivative thereof, or other flammable or combustible material, having a wick or other substance or device which, if set or ignited, is capable of igniting such gasoline, kerosene, fuel oil, or derivative thereof, or other flammable or combustible material: Provided, That no similar device commercially manufactured and used solely for the purpose of illumination shall be deemed to be an incendiary device.

~~(e)~~ (f) 'Legal authority' means that right as expressly stated by statute or law.

(g) 'Model rocket' means the term as defined in National Fire Protection Association Standard 1122, 'Code for Model Rocketry'.

~~(f)~~ (h) 'Person' ~~shall mean~~ means an individual, corporation, company, association, firm, partnership, society or joint stock company.

~~(g)~~ (i) 'Storage magazine' is defined to mean any building or structure, other than an explosives manufacturing building, approved by the legal authority for the storage of explosive materials.

**§61-3E-11. Exemptions.**

(a) Unless specifically prohibited by any provision of this code or the laws of the United States, nothing in this article ~~shall prohibit~~ prohibits the authorized manufacture, sale, transportation, distribution, use or possession of any explosive material by any person holding a permit for such issued by the office of the State Fire Marshal. Any person performing a lawful activity pursuant to or regulated by the terms of a permit issued by the Division of Environmental Protection, or any office thereof, ~~shall be~~ is exempt from the provisions of this article.

(b) Unless specifically prohibited by any other provision of this code or the laws of the United States, nothing in this section ~~shall prohibit~~ prohibits the authorized manufacture, transportation, distribution, use or possession of any explosive, destructive device or incendiary device by a member of the Armed Forces or law-enforcement officers whenever such persons are acting lawfully and in the line of duty; nor shall it prohibit the manufacture, transportation, distribution, use or possession of any explosive material, destructive device or incendiary device to be used solely for lawful scientific research or lawful educational purposes. Any person engaged in otherwise lawful blasting activities failing to obtain a permit or in possession of an expired permit issued by the office of the State Fire Marshal ~~shall not be construed to be~~ is not in violation of the article.

(c) Nothing contained in this article applies to sparkling devices or novelties or to the sale, purchase, possession, use, transportation or storage of fireworks as regulated in article three-e, chapter twenty-nine of this code.”

And,

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

**H. B. 2646** - “A Bill to repeal §11-12-86 of the Code of West Virginia, 1931, as amended; to repeal §29-3-23, §29-3-24, §29-3-25

and §29-3-26 of said code; to amend said code by adding thereto a new section, designated §9A-1-11b; to amend and reenact §11-17-3 of said code; to amend and reenact §16-2-11 of said code; to amend said code by adding a new section, designated §16-2-13a; to amend said code by adding thereto a new article, designated §29-3E-1, §29-3E-2, §29-3E-3, §29-3E-4, §29-3E-5, §29-3E-6, §29-3E-7, §29-3E-8, §29-3E-9, §29-3E-10, §29-3E-11, §29-3E-12 and §29-3E-13; and to amend and reenact §61-3E-1 and §61-3E-11 of said code, all relating to raising funds for veterans' facilities generally, increasing the excise tax on cigarettes by one dollar over a two year period beginning July 1, 2015; dedicating twenty million dollars from cigarette excise taxes collected to the Veterans Program Fund for building a new veteran's facility; creating the West Virginia Veterans' Program Fund in the office of the State Treasurer; dedicating twenty million dollars from cigarette excise taxes collected from July 1, 2016 through June 30, 2017, to the Consolidated Medical Services Fund, Continuum of Care exclusively for purposes of treating controlled substance abuse and operating drug treatment facilities; dedicating two million dollars annually, beginning July 1, 2015 to the Fire Protection Fund for distribution to Volunteer Fire Departments; legalizing and regulating the sale and use of fireworks; eliminating the prohibition on the sale, possession and ignition of fireworks; eliminating the requirement that the State Fire Marshal seize and destroy fireworks and combustibles illegally held; establishing age limitation for purchase and sale of consumer fireworks; eliminating the prohibition on nonresidents without in-state legal counsel to obtain a permit for conducting of a pyrotechnic display; increasing the sparkler and novelty registration fee; eliminating certain defined terms; eliminating exemptions; defining terms relating to consumer fireworks; creating standards for the production and transport of fireworks; establishing registration requirements for sales of sparklers, novelties and toy caps; requiring local boards of health to assist Fire Marshal's office in developing a fireworks safety program; clarifying that certain veterans' organizations and racetrack video lottery facilities may only allow smoking of tobacco products if non-smoking areas are provided;

setting ventilation age and space requirements for racetrack video lottery facilities which allow smoking; creating a certification requirement for the sale of consumer fireworks; limiting sale of consumer fireworks to certain facilities including parking lots of certain veterans' organizations, licensed racetrack video facilities, retail store parking lots and freestanding stores; establishing permit requirements for public fireworks displays; specifying imposition of a fireworks safety fee of ten percent of sales for the retail sale of consumer fireworks dedicated to the West Virginia Veterans' Program Fund; specifying collection and deposit of monies from fees, specifying one percent retainage by Tax Commissioner for administration, designating the allocation and distribution of the fee; creating the West Virginia Veterans Program Fund to be administered by the Department of Veterans' Assistance; regulating public fireworks displays; providing for rules; authorizing seizures by the State Fire Marshal; and providing exemptions; and providing for criminal penalties."

On motion of Delegate Cowles, the House of Delegates refused to concur in the Senate amendments and requested the Senate to recede therefrom.

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

A message from the Senate, by

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

**H. B. 2663**, Creating the Rehabilitation Services Vending Program Fund.

A message from the Senate, by

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

**Com. Sub. for H. B. 2793**, Relating to exemptions from mandatory school attendance.

On motions of Delegate Cowles, the bill was taken up for immediate consideration and the House of Delegates concurred in the following Senate amendments:

On page six, section nine, after line seventy-five, by striking out all of paragraph (B), and inserting in lieu thereof a new paragraph (B), to read as follows:

“(B) With the notice required in paragraph (A) of this subdivision, the person or persons providing home instruction shall submit satisfactory evidence of a high school diploma from a public school, private school or homeschool or the equivalent.”

And,

By relettering the remaining paragraphs.

On page six, section one, line eighty-three, after the word “year”, by inserting the words “and submit the results to the county superintendent”.

On page nine, section one, line one hundred twenty-nine, by striking out “(B)” and inserting in lieu thereof “(C)”.

On page nine, section one, line one hundred forty-one, by striking “(B)” and inserting in lieu thereof “(C)”.

And,

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

**Com. Sub. for H. B. 2793** - “A Bill to amend and reenact §18-8-1 of the Code of West Virginia, 1931, as amended, relating to exemptions from mandatory school attendance; restoring historical



exemption nomenclature; clarifying that parents and guardians of exempt children may not be prosecuted under §18-8-2; clarifying that exempt children are not status offenders; requiring leave of court and probable cause before petition may be filed to deny home schooling; providing for one-time notice of intent to home school and revising notice contents; removing waiting period; providing for notice of termination; providing for notice when children move between counties; modifying provision pertaining to satisfactory evidence of home instructor's diploma; removing requirement to outline a plan of instruction; revising requirements and standards for annual assessments and acceptable progress; removing requirement that parents pay costs of assessments not conducted in public schools; requiring parents to retain copies of assessments; and requiring evaluations for learning disabilities when children fail to make acceptable progress.”

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 556**), and there were—yeas 99, nays 1, absent and not voting none, with the nays being as follows:

NAYS: Lynch.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2793) passed.

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

On this question, the yeas and nays were taken (**Roll No. 557**), and there were—yeas 100, nays none, absent and not voting none.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2793) takes effect from its passage.

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

A message from the Senate, by

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

**Com. Sub. for H. B. 2811**, Deleting obsolete provisions regarding the Physicians' Mutual Insurance Company.

A message from the Senate, by

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

**Com. Sub. for H. B. 2867**, Requiring recommendations for higher education course credit transfer.

On motions of Delegate Cowles, the bill was taken up for immediate consideration and the House of Delegates concurred in the following Senate amendment:

On page two, section two, line twelve, after the word "state", and the period, by inserting "When developing policy regarding transfer affecting private institutions, the commission and council shall consult with at least two representatives from the private higher education institutions."

On page two, section two, line thirteen, after the word "recommendations", by inserting "on public higher education institutions".

And,

On page three, section two, line fifteen, after "2015

"and the period, by inserting "The commission and council shall report the recommendations on private higher education institutions to the Legislative Oversight Commission on Education Accountability by December 1, 2017."

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 558**), and there were—yeas 100, nays none, absent and not voting none.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2867) passed.

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

A message from the Senate, by

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

**Com. Sub. for H. B. 2016**, Budget Bill, making appropriations of public money out of the treasury in accordance with section fifty-one, article six of the Constitution.

On motion of Delegate Cowles, the bill was taken up for immediate consideration.

The following Senate amendment was reported by the Clerk:

On page one, by striking out everything after the enacting clause and inserting in lieu thereof the provisions of Eng. Com. Sub. for Senate Bill No. 233, as follows:

“TITLE I — GENERAL PROVISIONS.

1     **Section 1. General policy.** — The purpose of this bill is to  
2     appropriate money necessary for the economical and efficient  
3     discharge of the duties and responsibilities of the state and its  
4     agencies during the fiscal year 2016.

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

2 'Governor' shall mean the Governor of the State of West  
3 Virginia.

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

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

9 The 'fiscal year 2016' shall mean the period from July 1, 2015,  
10 through June 30, 2016.

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

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

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

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

3 'Personal services' shall mean salaries, wages and other  
4 compensation paid to full-time, part-time and temporary  
5 employees of the spending unit but shall not include fees or

6 contractual payments paid to consultants or to independent  
7 contractors engaged by the spending unit. 'Personal services'  
8 shall include 'annual increment' for 'eligible employees' and  
9 shall be disbursed only in accordance with Article 5, Chapter 5  
10 of the Code.

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

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

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

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

36 Should the appropriation for 'BRIM Premium' be insufficient  
37 to cover such cost, the remainder of such costs shall be paid by

38 each spending unit from its 'unclassified' appropriation, its  
39 'current expenses' appropriation or any other appropriate  
40 appropriation to the Board of Risk and Insurance Management.  
41 Each spending unit is hereby authorized and required to make  
42 such payments. If there is no appropriation for 'BRIM Premium'  
43 such costs shall be paid by each spending unit from its 'current  
44 expenses' appropriation, 'unclassified' appropriation or other  
45 appropriate appropriation.

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

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

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

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

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

69 'Lands' shall mean the purchase of real property or interest in  
70 real property.

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

74 From appropriations made to the spending units of state  
75 government, upon approval of the Governor there may be  
76 transferred to a special account an amount sufficient to match  
77 federal funds under any federal act.

78 Appropriations classified in any of the above categories shall  
79 be expended only for the purposes as defined above and only for  
80 the spending units herein designated: *Provided*, That the  
81 secretary of each department shall have the authority to transfer  
82 within the department those general revenue funds appropriated  
83 to the various agencies of the department: *Provided, however*,  
84 That no more than five percent of the general revenue funds  
85 appropriated to any one agency or board may be transferred to  
86 other agencies or boards within the department: and no funds  
87 may be transferred to a 'personal services and employee  
88 benefits' appropriation unless the source funds are also wholly  
89 from a 'personal services and employee benefits' line, or unless  
90 the source funds are from another appropriation that has  
91 exclusively funded employment expenses for at least twelve  
92 consecutive months prior to the time of transfer and the  
93 position(s) supported by the transferred funds are also  
94 permanently transferred to the receiving agency or board within  
95 the department: *Provided further*, That the secretary of each  
96 department and the director, commissioner, executive secretary,  
97 superintendent, chairman or any other agency head not governed  
98 by a departmental secretary as established by Chapter 5F of the  
99 Code shall have the authority to transfer funds appropriated to  
100 'personal services and employee benefits', 'current expenses',  
101 'repairs and alterations', 'equipment', 'other assets', 'land', and

102 ‘buildings’ to other appropriations within the same account and  
103 no funds from other appropriations shall be transferred to the  
104 ‘personal services and employee benefits’ or the ‘unclassified’  
105 appropriation: *And provided further*, That no authority exists  
106 hereunder to transfer funds into appropriations to which no funds  
107 are legislatively appropriated: *And provided further*, That if the  
108 Legislature by subsequent enactment consolidates agencies,  
109 boards or functions, the secretary or other appropriate agency  
110 head may transfer the funds formerly appropriated to such  
111 agency, board or function in order to implement such  
112 consolidation. No funds may be transferred from a Special  
113 Revenue Account, dedicated account, capital expenditure  
114 account or any other account or fund specifically exempted by  
115 the Legislature from transfer, except that the use of the  
116 appropriations from the State Road Fund for the office of the  
117 Secretary of the Department of Transportation is not a use other  
118 than the purpose for which such funds were dedicated and is  
119 permitted.

120 Appropriations otherwise classified shall be expended only  
121 where the distribution of expenditures for different purposes  
122 cannot well be determined in advance or it is necessary or  
123 desirable to permit the spending unit the freedom to spend an  
124 appropriation for more than one of the above classifications.

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

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



TITLE II — APPROPRIATIONS.  
ORDER OF SECTIONS

- SECTION 1. Appropriations from general revenue.
- SECTION 2. Appropriations from state road fund.
- SECTION 3. Appropriations from other funds.
- SECTION 4. Appropriations from lottery net profits.
- SECTION 5. Appropriations from state excess lottery revenue.
- SECTION 6. Appropriations of federal funds.
- SECTION 7. Appropriations from federal block grants.
- SECTION 8. Awards for claims against the state.
- SECTION 9. Appropriations from general revenue surplus accrued.
- SECTION 10. Appropriations from lottery net profits surplus accrued.
- SECTION 11. Appropriations from state excess lottery revenue surplus accrued.
- SECTION 12. Special revenue appropriations.
- SECTION 13. State improvement fund appropriations.
- SECTION 14. Specific funds and collection accounts.
- SECTION 15. Appropriations for refunding erroneous payment.
- SECTION 16. Sinking fund deficiencies.
- SECTION 17. Appropriations for local governments.
- SECTION 18. Total appropriations.
- SECTION 19. General school fund.

1     **Section 1. Appropriations from general revenue.** — From  
 2 the State Fund, General Revenue, there are hereby appropriated  
 3 conditionally upon the fulfillment of the provisions set forth in  
 4 Article 2, Chapter 11B the following amounts, as itemized, for  
 5 expenditure during the fiscal year 2016.

**LEGISLATIVE**

*1 - Senate*

Fund 0165 FY 2016 Org 2100

	<b>Appro- piation</b>	<b>General Revenue Fund</b>
1 Compensation of Members (R). . . . .	00300	\$ 1,010,000
2 Compensation and Per Diem of Officers 3 and Employees (R). . . . .	00500	3,233,620
4 Employee Benefits (R).. . . . .	01000	777,712
5 Current Expenses and 6 Contingent Fund (R). . . . .	02100	276,392
7 Repairs and Alterations (R). . . . .	06400	50,000
8 Computer Supplies (R).. . . . .	10100	20,000
9 Computer Systems (R).. . . . .	10200	60,000
10 Printing Blue Book (R). . . . .	10300	125,000
11 Expenses of Members (R). . . . .	39900	370,000
12 BRIM Premium (R).. . . . .	91300	<u>29,482</u>
13 Total.. . . . .		\$ 5,952,206

14       The appropriations for the Senate for the fiscal year 2015 are  
15 to remain in full force and effect and are hereby reappropriated  
16 to June 30, 2016. Any balances so reappropriated may be  
17 transferred and credited to the fiscal year 2015 accounts.

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

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

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

46 Officers and Employees or Current Expenses and Contingent  
47 Fund of the Senate.

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

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

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

*2 - House of Delegates*

Fund 0170 FY 2016 Org 2200

1	Compensation of Members (R). . . . . 00300	\$	3,000,000
2	Compensation and Per Diem of Officers		
3	and Employees (R). . . . . 00500		575,000
4	Current Expenses and		
5	Contingent Fund (R). . . . . 02100		3,929,031
6	Expenses of Members (R). . . . . 39900		1,350,000
7	BRIM Premium (R). . . . . 91300		<u>50,000</u>
8	Total. . . . .	\$	8,904,031

9       The appropriations for the House of Delegates for the fiscal  
10 year 2015 are to remain in full force and effect and are hereby  
11 reappropriated to June 30, 2016. Any balances so reappropriated  
12 may be transferred and credited to the fiscal year 2015 accounts.

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

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

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

40       For duties imposed by law and by the House of Delegates,  
41 including salary allowed by law as keeper of the rolls, the Clerk

42 of the House of Delegates shall be paid a monthly salary as  
 43 provided in the House resolution, unless increased between  
 44 sessions under the authority of the Speaker, with the approval of  
 45 the House committee on rules, and payable out of the  
 46 appropriation for Compensation and Per Diem of Officers and  
 47 Employees or Current Expenses and Contingent Fund of the  
 48 House of Delegates.

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

*3 - Joint Expenses*

(WV Code Chapter 4)

Fund 0175 FY 2016 Org 2300

1	Joint Committee on		
2	Government and Finance (R). . . . .	10400	\$ 6,758,015
3	Legislative Printing (R). . . . .	10500	760,000
4	Legislative Rule-Making		
5	Review Committee (R) . . . . .	10600	147,250
6	Legislative Computer System (R). . . . .	10700	902,500
7	BRIM Premium (R). . . . .	91300	<u>27,692</u>
8	Total. . . . .		\$ 8,595,457

9 The appropriations for the joint expenses for the fiscal year  
 10 2015 are to remain in full force and effect and are hereby  
 11 reappropriated to June 30, 2016; Provided, That the amount to be  
 12 reappropriated to Tax Reduction and Federal Funding Increased

13 Compliance (TRAFFIC), (fiscal year 2009, fund 0175,  
 14 appropriation 64200), be reduced by \$1,000,000 and the  
 15 \$1,000,000 so reduced be added and reappropriated to Joint  
 16 Committee on Government and Finance (2014, fund 0175,  
 17 appropriation 10400). Any balances reappropriated may be  
 18 transferred and credited to the fiscal year 2015 accounts.

19 Upon the written request of the Clerk of the Senate, with the  
 20 approval of the President of the Senate, and the Clerk of the  
 21 House of Delegates, with the approval of the Speaker of the  
 22 House of Delegates, and a copy to the Legislative Auditor, the  
 23 Auditor shall transfer amounts between items of the total  
 24 appropriation in order to protect or increase the efficiency of the  
 25 service.

26 The appropriation for the Tax Reduction and Federal  
 27 Funding Increased Compliance (TRAFFIC) (fund 0175,  
 28 appropriation 64200) is intended for possible general state tax  
 29 reductions or the offsetting of any reductions in federal funding  
 30 for state programs.

**JUDICIAL**

*4 - Supreme Court –  
 General Judicial*

Fund 0180 FY 2016 Org 2400

1	Personal Services and		
2	Employee Benefits (R). . . . .	00100	\$ 98,955,687
3	Children’s Protection Act (R). . . . .	09000	2,800,000
4	Current Expenses (R). . . . .	13000	29,465,276
5	Repairs and Alterations (R). . . . .	06400	715,000
6	Equipment (R). . . . .	07000	3,100,000

7	Judges' Retirement System (R) . . . . .	11000	2,845,000
8	Buildings (R). . . . .	25800	100,000
9	Other Assets (R). . . . .	69000	1,200,000
10	BRIM Premium (R). . . . .	91300	<u>391,532</u>
11	Total. . . . .		\$ 139,572,495

12 The appropriations to the Supreme Court of Appeals for the  
 13 fiscal years 2014 and 2015 are to remain in full force and effect  
 14 and are hereby reappropriated to June 30, 2016. Any balances so  
 15 reappropriated may be transferred and credited to the fiscal year  
 16 2015 accounts.

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

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

**EXECUTIVE**

*5 - Governor's Office*

(WV Code Chapter 5)

Fund 0101 FY 2016 Org 0100

1	Personal Services and		
2	Employee Benefits. . . . .	00100	\$ 3,253,530
3	Current Expenses (R). . . . .	13000	1,145,458



2015]	HOUSE OF DELEGATES	2665
4	Repairs and Alterations. . . . . 06400	2,000
5	GO HELP (R)..... 11600	0
6	National Governors Association. . . 12300	60,700
7	Herbert Henderson Office of	
8	Minority Affairs..... 13400	156,726
9	Southern Governors' Association. . 31400	40,000
10	BRIM Premium. . . . . 91300	<u>151,851</u>
11	Total.....	\$ 4,810,265

12 Any unexpended balances remaining in the appropriations  
13 for Unclassified (fund 0101, appropriation 09900), GO HELP  
14 (fund 0101, appropriation 11600), Current Expenses (fund 0101,  
15 appropriation 13000), and JOBS Fund (fund 0101, appropriation  
16 66500) at the close of the fiscal year 2015 are hereby  
17 reappropriated for expenditure during the fiscal year 2016.

18 Included in the above appropriation to Personal Services and  
19 Employee Benefits (fund 0101, appropriation 00100), is  
20 \$150,000 for the Salary of the Governor.

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

*6 - Governor's Office –  
Custodial Fund*

(WV Code Chapter 5)

Fund 0102 FY 2016 Org 0100

1	Personal Services and	
2	Employee Benefits . . . . . 00100	\$ 352,216

3	Current Expenses (R).....	13000	214,166
4	Repairs and Alterations. ....	06400	<u>5,000</u>
5	Total.....		\$ 571,382

6 Any unexpended balance remaining in the appropriation for  
 7 Current Expenses (fund 0102, appropriation 13000) at the close  
 8 of the fiscal year 2015 is hereby reappropriated for expenditure  
 9 during the fiscal year 2016.

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

*7 - Governor's Office –  
 Civil Contingent Fund*

(WV Code Chapter 5)

Fund 0105 FY 2016 Org 0100

1 Any unexpended balances remaining in the appropriations  
 2 for Business and Economic Development Stimulus – Surplus  
 3 (fund 0105, appropriation 08400), Civil Contingent Fund – Total  
 4 (fund 0105, appropriation 11400), 2012 Natural Disasters –  
 5 Surplus (fund 0105, appropriation 13500), Civil Contingent  
 6 Fund – Total – Surplus (fund 0105, appropriation 23800), Civil  
 7 Contingent Fund – Surplus (fund 0105, appropriation 26300),  
 8 Business and Economic Development Stimulus (fund 0105,  
 9 appropriation 58600), Civil Contingent Fund (fund 0105,  
 10 appropriation 61400), and Natural Disasters – Surplus (fund  
 11 0105, appropriation 76400) at the close of the fiscal year 2015  
 12 are hereby reappropriated for expenditure during the fiscal year  
 13 2016.

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

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

*8 - Auditor’s Office –  
General Administration*

(WV Code Chapter 12)

Fund 0116 FY 2016 Org 1200

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 3,160,621
3	Current Expenses (R).....	13000	10,622
4	BRIM Premium. ....	91300	<u>10,451</u>
5	Total.....		\$ 3,181,694

6 Any unexpended balance remaining in the appropriation for  
7 Current Expenses (fund 0116, appropriation 13000) at the close  
8 of the fiscal year 2015 is hereby reappropriated for expenditure  
9 during the fiscal year 2016.

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

*9 - Treasurer’s Office*

(WV Code Chapter 12)

Fund 0126 FY 2016 Org 1300

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 2,534,350
3	Unclassified. . . . .	09900	32,355
4	Current Expenses (R).. . . . .	13000	387,757
5	Abandoned Property Program. . . . .	11800	157,337
6	Other Assets.. . . . .	69000	10,000
7	Tuition Trust Fund (R).. . . . .	69200	73,207
8	BRIM Premium. . . . .	91300	<u>30,809</u>
9	Total.. . . . .		\$ 3,225,815

10 Any unexpended balances remaining in the appropriations  
 11 for Current Expenses (fund 0126, appropriation 13000) and  
 12 Tuition Trust Fund (fund 0126, appropriation 69200) at the close  
 13 of the fiscal year 2015 are hereby reappropriated for expenditure  
 14 during the fiscal year 2016.

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

*10 - Department of Agriculture*

(WV Code Chapter 19)

Fund 0131 FY 2016 Org 1400

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 5,832,272

2015]	HOUSE OF DELEGATES	2669
3	Animal Identification Program. . . . . 03900	184,484
4	State Farm Museum. . . . . 05500	104,500
5	Unclassified (R). . . . . 09900	67,969
6	Current Expenses (R). . . . . 13000	264,826
7	Repairs and Alterations. . . . . 06400	30,000
8	Equipment. . . . . 07000	23,402
9	Gypsy Moth Program (R). . . . . 11900	1,148,890
10	Huntington Farmers Market. . . . . 12800	43,866
11	Black Fly Control. . . . . 13700	532,444
12	Donated Foods Program. . . . . 36300	50,000
13	Predator Control (R). . . . . 47000	200,000
14	Logan Farmers Market. . . . . 50100	46,799
15	Bee Research. . . . . 69100	77,821
16	Charleston Farmers Market. . . . . 74600	84,360
17	Microbiology Program (R). . . . . 78500	115,096
18	Moorefield Agriculture	
19	Center (R). . . . . 78600	1,077,467
20	Chesapeake Bay Watershed. . . . . 83000	125,416
21	Livestock Care Standards Board. . . . . 84300	15,000
22	BRIM Premium. . . . . 91300	120,202

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23	Threat Preparedness..... 94200	82,110
24	WV Food Banks..... 96900	140,000
25	Seniors' Farmers' Market	
26	Nutrition Coupon Program. . . . 97000	<u>62,137</u>
27	Total.....	\$ 10,429,061

28 Any unexpended balances remaining in the appropriations  
29 for Unclassified – Surplus (fund 0131, appropriation 09700),  
30 Unclassified (fund 0131, appropriation 09900), Gypsy Moth  
31 Program (fund 0131, appropriation 11900), Current Expenses  
32 (fund 0131, appropriation 13000), Predator Control (fund 0131,  
33 appropriation 47000), Capital Outlay, Repairs and Equipment –  
34 Surplus (fund 0131, appropriation 67700), Capital Outlay and  
35 Maintenance (fund 0131, appropriation 75500), Microbiology  
36 Program (fund 0131, appropriation 78500), Moorefield  
37 Agriculture Center (fund 0131, appropriation 78600), and  
38 Agricultural Disaster and Mitigation Needs – Surplus (fund  
39 0131, appropriation 85000) at the close of the fiscal year 2015  
40 are hereby reappropriated for expenditure during the fiscal year  
41 2016.

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

45 The above appropriation for Predator Control (fund 0131,  
46 appropriation 47000) is to be made available to the United States  
47 Department of Agriculture, Wildlife Services to administer the  
48 Predator Control Program.

49 A portion of the Unclassified or Current Expenses  
50 appropriation may be transferred to a special revenue fund for  
51 the purpose of matching federal funds for marketing and  
52 development activities.

53 From the above appropriation for WV Food Banks (fund  
 54 0131, appropriation 96900), \$20,000 is for House of Hope and  
 55 the remainder of the appropriation shall be allocated to the  
 56 Huntington Food Bank and the Mountaineer Food Bank in  
 57 Braxton County.

*11 - West Virginia Conservation Agency*

(WV Code Chapter 19)

Fund 0132 FY 2016 Org 1400

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 722,344
3	Unclassified (R).....	09900	83,564
4	Current Expenses (R).....	13000	333,771
5	Repairs and Alterations. ....	06400	10,000
6	Equipment. ....	07000	10,000
7	Soil Conservation Projects (R)....	12000	7,148,899
8	BRIM Premium. ....	91300	<u>26,326</u>
9	Total.....		\$ 8,334,904

10 Any unexpended balances remaining in the appropriations  
 11 for Unclassified (fund 0132, appropriation 09900), Soil  
 12 Conservation Projects (fund 0132, appropriation 12000), and  
 13 Current Expenses (fund 0132, appropriation 13000) at the close  
 14 of the fiscal year 2015 are hereby reappropriated for expenditure  
 15 during the fiscal year 2016.

*12 - Department of Agriculture –  
Meat Inspection Fund*

(WV Code Chapter 19)

Fund 0135 FY 2016 Org 1400

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 618,662
3	Unclassified. . . . .	09900	7,182
4	Current Expenses. . . . .	13000	<u>96,344</u>
5	Total. . . . .		\$ 722,188

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

*13 - Department of Agriculture –  
Agricultural Awards Fund*

(WV Code Chapter 19)

Fund 0136 FY 2016 Org 1400

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

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

(WV Code Chapter 8A)

Fund 0607 FY 2016 Org 1400

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 98,029



2015]	HOUSE OF DELEGATES	2673
3	Unclassified. . . . . 09900	<u>950</u>
4	Total. . . . . \$	98,979

*15 - Attorney General*

(WV Code Chapters 5, 14, 46A and 47)

Fund 0150 FY 2016 Org 1500

1	Personal Services and	
2	Employee Benefits (R). . . . . 00100	\$ 3,062,683
3	Unclassified (R). . . . . 09900	51,867
4	Current Expenses (R). . . . . 13000	590,706
5	Repairs and Alterations. . . . . 06400	7,500
6	Equipment. . . . . 07000	40,000
7	Criminal Convictions and	
8	Habeas Corpus Appeals (R). . . 26000	1,050,739
9	Better Government Bureau. . . . . 74000	270,742
10	BRIM Premium. . . . . 91300	<u>90,000</u>
11	Total. . . . . \$	5,164,237

12 Any unexpended balances remaining in the above  
13 appropriations for Personal Services and Employee Benefits  
14 (fund 0150, appropriation 00100), Employee Benefits (fund  
15 0150, appropriation 01000), Unclassified (fund 0150,  
16 appropriation 09900), Current Expenses (fund 0150,  
17 appropriation 13000), Criminal Convictions and Habeas Corpus  
18 Appeals (fund 0150, appropriation 26000), Agency Client  
19 Revolving Liquidity Pool (fund 0150, appropriation 36200),

20 Equipment – Surplus (fund 0150, appropriation 34100),  
 21 Technology Improvements – Surplus (fund 0150, appropriation  
 22 72500), and Operating Expenses – Surplus (fund 0150,  
 23 appropriation 77900) at the close of the fiscal year 2015 are  
 24 hereby reappropriated for expenditure during the fiscal year  
 25 2016.

26 Included in the above appropriation to Personal Services and  
 27 Employee Benefits (fund 0150, appropriation 00100), is \$95,000  
 28 for the Salary of the Attorney General.

29 When legal counsel or secretarial help is appointed by the  
 30 Attorney General for any state spending unit, this account shall  
 31 be reimbursed from such spending units specifically  
 32 appropriated account or from accounts appropriated by general  
 33 language contained within this bill: *Provided*, That the spending  
 34 unit shall reimburse at a rate and upon terms agreed to by the  
 35 state spending unit and the Attorney General: *Provided*,  
 36 *however*, That if the spending unit and the Attorney General are  
 37 unable to agree on the amount and terms of the reimbursement,  
 38 the spending unit and the Attorney General shall submit their  
 39 proposed reimbursement rates and terms to the Governor for  
 40 final determination.

*16 - Secretary of State*

(WV Code Chapters 3, 5 and 59)

Fund 0155 FY 2016 Org 1600

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 119,024
3	Unclassified (R).....	09900	11,217
4	Current Expenses (R).....	13000	977,395

5	BRIM Premium. . . . .	91300		<u>20,000</u>
6	Total. . . . .		\$	1,127,636

7 Any unexpended balances remaining in the appropriations  
 8 for Unclassified (fund 0155, appropriation 09900), Current  
 9 Expenses (fund 0155, appropriation 13000), and Technology  
 10 Improvements – Surplus (fund 0155, appropriation 72500) at the  
 11 close of the fiscal year 2015 are hereby reappropriated for  
 12 expenditure during the fiscal year 2016.

13 Included in the above appropriation to Personal Services and  
 14 Employee Benefits (fund 0155, appropriation 00100), is \$95,000  
 15 for the Salary of the Secretary of State.

*17 - State Election Commission*

(WV Code Chapter 3)

Fund 0160 FY 2016 Org 1601

1	Personal Services and			
2	Employee Benefits. . . . .	00100	\$	2,477
3	Unclassified. . . . .	09900		83
4	Current Expenses. . . . .	13000		<u>5,782</u>
5	Total. . . . .		\$	8,342

**DEPARTMENT OF ADMINISTRATION**

*18 - Department of Administration –  
 Office of the Secretary*

(WV Code Chapter 5F)

Fund 0186 FY 2016 Org 0201

1	Personal Services and		
2	Employee Benefits..... 00100	\$	584,142
3	Unclassified..... 09900		9,177
4	Current Expenses..... 13000		102,470
5	Repairs and Alterations..... 06400		100
6	Equipment..... 07000		1,000
7	Financial Advisor (R)..... 30400		110,546
8	Lease Rental Payments..... 51600		15,000,000
9	Design-Build Board..... 54000		4,000
10	Other Assets..... 69000		100
11	BRIM Premium..... 91300		<u>4,000</u>
12	Total.....	\$	15,815,535

13 Any unexpended balance remaining in the appropriation for  
 14 Financial Advisor (fund 0186, appropriation 30400) at the close  
 15 of the fiscal year 2015 is hereby reappropriated for expenditure  
 16 during the fiscal year 2016.

17 The appropriation for Lease Rental Payments (fund 0186,  
 18 appropriation 51600) shall be disbursed as provided by W.Va.  
 19 Code §31-15-6b.

*19 - Consolidated Public Retirement Board*

(WV Code Chapter 5)

Fund 0195 FY 2016 Org 0205

1 The Division of Highways, Division of Motor Vehicles,  
 2 Public Service Commission and other departments, bureaus,  
 3 divisions, or commissions operating from special revenue funds  
 4 and/or federal funds shall pay their proportionate share of the  
 5 retirement costs for their respective divisions. When specific  
 6 appropriations are not made, such payments may be made from  
 7 the balances in the various special revenue funds in excess of  
 8 specific appropriations.

*20 - Division of Finance*

(WV Code Chapter 5A)

Fund 0203 FY 2016 Org 0209

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 91,073
3	Unclassified.....	09900	2,400
4	Current Expenses.....	13000	84,462
5	Repairs and Alterations.....	06400	1,500
6	Equipment.....	07000	1,000
7	GAAP Project (R).....	12500	594,456
8	Other Assets.....	69000	2,000
9	BRIM Premium.....	91300	<u>4,526</u>
10	Total.....		\$ 781,417

11 Any unexpended balance remaining in the appropriation for  
 12 GAAP Project (fund 0203, appropriation 12500) at the close of

13 the fiscal year 2015 is hereby reappropriated for expenditure  
 14 during the fiscal year 2016.

*21 - Division of General Services*

(WV Code Chapter 5A)

Fund 0230 FY 2016 Org 0211

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 2,640,822
3	Unclassified.....	09900	20,000
4	Current Expenses.....	13000	878,365
5	Repairs and Alterations.....	06400	500
6	Equipment.....	07000	5,000
7	Fire Service Fee.....	12600	14,000
8	Buildings (R).....	25800	500
9	Preservation and Maintenance of		
10	Statues and Monuments		
11	on Capitol Grounds.....	37100	68,000
12	Capital Outlay, Repairs and		
13	Equipment (R).....	58900	4,500,000
14	Other Assets.....	69000	500
15	Land (R).....	73000	500
16	BRIM Premium.....	91300	<u>112,481</u>
17	Total.....		\$ 8,240,668

18 Any unexpended balances remaining in the above  
 19 appropriations for Buildings (fund 0230, appropriation 25800),  
 20 Capital Outlay, Repairs and Equipment (fund 0230,  
 21 appropriation 58900), and Land (fund 0230, appropriation  
 22 73000) at the close of the fiscal year 2015 are hereby  
 23 reappropriated for expenditure during the fiscal year 2016.

24 From the above appropriation for Preservation and  
 25 Maintenance of Statues and Monuments on Capitol Grounds  
 26 (fund 0230, appropriation 37100), the Division shall consult the  
 27 Division of Culture and History and Capitol Building  
 28 Commission in all aspects of planning, assessment, maintenance  
 29 and restoration.

30 The above appropriation for Capital Outlay, Repairs and  
 31 Equipment (fund 0230, appropriation 58900) shall be expended  
 32 for capital improvements, maintenance, repairs and equipment  
 33 for state-owned buildings.

*22 - Division of Purchasing*

(WV Code Chapter 5A)

Fund 0210 FY 2016 Org 0213

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 1,005,608
3	Unclassified.....	09900	1,444
4	Current Expenses.....	13000	24,070
5	Repairs and Alterations.....	06400	700
6	Equipment.....	07000	1,000
7	Other Assets.....	69000	1,000

8	BRIM Premium. . . . .	91300	6,167
9	Total. . . . .		\$ 1,039,989

10 The division of highways shall reimburse Fund 2031 within  
 11 the Division of Purchasing for all actual expenses incurred  
 12 pursuant to the provisions of W.Va. Code §17-2A-13.

*23 - Travel Management*

(WV Code Chapter 5A)

Fund 0615 FY 2016 Org 0215

1	Personal Services and		
2	Employee Benefits.. . . .	00100	\$ 926,382
3	Unclassified. . . . .	09900	14,414
4	Current Expenses. . . . .	13000	447,316
5	Repairs and Alterations. . . . .	06400	0
6	Equipment. . . . .	07000	5,000
7	Buildings (R). . . . .	25800	100
8	Other Assets. . . . .	69000	100
9	Total. . . . .		\$ 1,393,312

10 Any unexpended balance remaining in the appropriation for  
 11 Buildings (fund 0615, appropriation 25800) at the close of the  
 12 fiscal year 2015 is hereby reappropriated for expenditure during  
 13 the fiscal year 2016.

*24 - Commission on Uniform State Laws*

(WV Code Chapter 29)



Fund 0214 FY 2016 Org 0217

1	Unclassified. . . . .	09900	\$	465
2	Current Expenses. . . . .	13000		<u>45,085</u>
3	Total. . . . .		\$	45,550
4	To pay expenses for members of the commission on uniform			
5	state laws.			

*25 - West Virginia Public Employees Grievance Board*

(WV Code Chapter 6C)

Fund 0220 FY 2016 Org 0219

1	Personal Services and			
2	Employee Benefits. . . . .	00100	\$	918,368
3	Unclassified. . . . .	09900		1,000
4	Current Expenses. . . . .	13000		165,806
5	Equipment. . . . .	07000		50
6	BRIM Premium. . . . .	91300		<u>7,803</u>
7	Total. . . . .		\$	1,093,027
8	Any unexpended balances remaining in the appropriations			
9	for Buildings (fund 0220, appropriation 25800), and Land (fund			
10	0220, appropriation 73000) at the close of the fiscal year 2015			
11	are hereby reappropriated for expenditure during the fiscal year			
12	2016.			

*26 - Ethics Commission*

(WV Code Chapter 6B)

Fund 0223 FY 2016 Org 0220

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 570,145
3	Unclassified. . . . .	09900	4,500
4	Current Expenses. . . . .	13000	128,193
5	Repairs and Alterations. . . . .	06400	500
6	Other Assets. . . . .	69000	100
7	BRIM Premium. . . . .	91300	<u>3,137</u>
8	Total. . . . .		\$ 706,575

*27 - Public Defender Services*

(WV Code Chapter 29)

Fund 0226 FY 2016 Org 0221

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 1,419,650
3	Unclassified . . . . .	09900	317,429
4	Current Expenses. . . . .	13000	45,840
5	Public Defender Corporations. . . . .	35200	19,199,406
6	Appointed Counsel Fees (R). . . . .	78800	10,723,115
7	BRIM Premium. . . . .	91300	<u>6,155</u>
8	Total. . . . .		\$ 31,711,595
9	Any unexpended balance remaining in the above		
10	appropriation for Appointed Counsel Fees (fund 0226,		

11 appropriation 78800) at the close of the fiscal year 2015 is  
12 hereby reappropriated for expenditure during the fiscal year  
13 2016.

14 The director shall have the authority to transfer funds from  
15 the appropriation to Public Defender Corporations (fund 0226,  
16 appropriation 35200) to Appointed Counsel Fees (fund 0226,  
17 appropriation 78800).

*28 - Committee for the Purchase of  
Commodities and Services from the Handicapped*

(WV Code Chapter 5A)

Fund 0233 FY 2016 Org 0224

1	Personal Services and		
2	Employee Benefits..... 00100	\$	3,187
3	Current Expenses..... 13000		<u>868</u>
4	Total.....	\$	4,055

*29 - Public Employees Insurance Agency*

(WV Code Chapter 5)

Fund 0200 FY 2016 Org 0225

1 The Division of Highways, Division of Motor Vehicles,  
2 Public Service Commission and other departments, bureaus,  
3 divisions, or commissions operating from special revenue funds  
4 and/or federal funds shall pay their proportionate share of the  
5 public employees health insurance cost for their respective  
6 divisions.

*30 - West Virginia Prosecuting Attorneys Institute*

(WV Code Chapter 7)

Fund 0557 FY 2016 Org 0228

1	Forensic Medical		
2	Examinations (R).....	68300	\$ 140,505
3	Federal Funds/Grant Match (R)...	74900	<u>100,782</u>
4	Total.....		\$ 241,287

5 Any unexpended balances remaining in the appropriations  
6 for Forensic Medical Examinations (fund 0557, appropriation  
7 68300) and Federal Funds/Grant Match (fund 0557,  
8 appropriation 74900) at the close of the fiscal year 2015 are  
9 hereby reappropriated for expenditure during the fiscal year  
10 2016.

*31 - Children's Health Insurance Agency*

(WV Code Chapter 5)

Fund 0588 FY 2016 Org 0230

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 0
3	Current Expenses.....	13000	0
4	Autism Spectrum Disorder		
5	Coverage.....	85600	<u>0</u>
6	Total.....		\$ 0

*32 - Real Estate Division*

(WV Code Chapter 5A)

Fund 0610 FY 2016 Org 0233

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 725,360

2015]	HOUSE OF DELEGATES	2685
3	Unclassified. . . . . 09900	2,000
4	Current Expenses. . . . . 13000	167,046
5	Repairs and Alterations. . . . . 06400	100
6	Equipment. . . . . 07000	2,500
7	BRIM Premium. . . . . 91300	<u>4,200</u>
8	Total. . . . .	\$ 901,206

9 Any unexpended balances remaining in the appropriations  
10 for Buildings (fund 0610, appropriation 25800) and Land (fund  
11 0610, appropriation 73000) at the close of the fiscal year 2015  
12 are hereby reappropriated for expenditure during the fiscal year  
13 2016.

**DEPARTMENT OF COMMERCE**

*33 - Division of Forestry*

(WV Code Chapter 19)

Fund 0250 FY 2016 Org 0305

1	Personal Services and	
2	Employee Benefits.. . . . 00100	\$ 3,908,154
3	Unclassified. . . . . 09900	21,435
4	Current Expenses. . . . . 13000	1,213,953
5	Repairs and Alterations. . . . . 06400	135,000
6	Equipment (R). . . . . 07000	100,000
7	BRIM Premium. . . . . 91300	<u>85,000</u>
8	Total. . . . .	\$ 5,463,542

9 Any unexpended balance remaining in the appropriation for  
 10 Equipment (fund 0250, appropriation 07000) at the close of the  
 11 fiscal year 2015 is hereby reappropriated for expenditure during  
 12 the fiscal year 2016.

13 Out of the above appropriations a sum may be used to match  
 14 federal funds for cooperative studies or other funds for similar  
 15 purposes.

*34 - Geological and Economic Survey*

(WV Code Chapter 29)

Fund 0253 FY 2016 Org 0306

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 1,632,541
3	Unclassified. . . . .	09900	30,096
4	Current Expenses. . . . .	13000	91,852
5	Repairs and Alterations. . . . .	06400	10,000
6	Equipment. . . . .	07000	100
7	Mineral Mapping System (R). . . . .	20700	1,214,328
8	Other Assets. . . . .	69000	100
9	BRIM Premium. . . . .	91300	<u>20,950</u>
10	Total. . . . .		\$ 2,999,967

11 Any unexpended balance remaining in the appropriation for  
 12 Mineral Mapping System (fund 0253, appropriation 20700) at  
 13 the close of the fiscal year 2015 is hereby reappropriated for  
 14 expenditure during the fiscal year 2016.

15 The above Unclassified and Current Expenses appropriations  
 16 include funding to secure federal and other contracts and may be  
 17 transferred to a special revolving fund (fund 3105) for the  
 18 purpose of providing advance funding for such contracts.

*35 - West Virginia Development Office*

(WV Code Chapter 5B)

Fund 0256 FY 2016 Org 0307

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 3,954,304
3	ARC-WV Home of Your		
4	Own Alliance.. . . . .	04800	33,744
5	Unclassified. . . . .	09900	128,379
6	Current Expenses. . . . .	13000	1,750,854
7	Southern WV Career Center. . . . .	07100	414,840
8	Local Economic Development		
9	Partnerships (R).. . . . .	13300	1,650,000
10	ARC Assessment. . . . .	13600	152,585
11	Mid-Atlantic Aerospace		
12	Complex.. . . . .	23100	149,134
13	Guaranteed Work Force		
14	Grant (R). . . . .	24200	993,386
15	Robert C. Byrd Institute for		
16	Advanced/Flexible Manufacturing -		
17	Technology Outreach and		
18	Programs for Environmental and		
19	Advanced Technologies. . . . .	36700	438,504

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20	Advantage Valley.....	38900 0
21	Chemical Alliance Zone.....	39000 40,099
22	WV High Tech Consortium.....	39100 300,000
23	Regional Contracting	
24	Assistance Center. ....	41800 225,000
25	Highway Authorities. ....	43100 732,078
26	International Offices (R). ....	59300 529,867
27	WV Manufacturing	
28	Extension Partnership. ....	73100 121,478
29	Polymer Alliance. ....	75400 97,014
30	Regional Councils. ....	78400 371,184
31	Mainstreet Program. ....	79400 167,292
32	National Institute of	
33	Chemical Studies.....	80500 59,474
34	I-79 Development Council.....	82400 46,296
35	Mingo County Post Mine Land	
36	Use Projects .....	84100 250,000
37	BRIM Premium. ....	91300 26,096
38	Hatfield McCoy	
39	Recreational Trail. ....	96000 210,900
40	Hardwood Alliance Zone.....	99200 <u>35,937</u>
41	Total.....	\$ 12,878,445



42 Any unexpended balances remaining in the appropriations  
43 for Unclassified – Surplus (fund 0256, appropriation 09700),  
44 Partnership Grants (fund 0256, appropriation 13100), Local  
45 Economic Development Partnerships (fund 0256, appropriation  
46 13300), Guaranteed Work Force Grant (fund 0256, appropriation  
47 24200), Industrial Park Assistance (fund 0256, appropriation  
48 48000), Small Business Development (fund 0256, appropriation  
49 70300), Local Economic Development Assistance (fund 0256,  
50 appropriation 81900), and 4-H Camp Improvements (fund 0256,  
51 appropriation 94100) at the close of the fiscal year 2015 are  
52 hereby reappropriated for expenditure during the fiscal year  
53 2016.

54 The above appropriation to Local Economic Development  
55 Partnerships (fund 0256, appropriation 13300) shall be used by  
56 the West Virginia Development Office for the award of funding  
57 assistance to county and regional economic development  
58 corporations or authorities participating in the certified  
59 development community program developed under the  
60 provisions of W.Va. Code §5B-2-14. The West Virginia  
61 Development Office shall award the funding assistance through  
62 a matching grant program, based upon a formula whereby  
63 funding assistance may not exceed \$34,000 per county served by  
64 an economic development or redevelopment corporation or  
65 authority.

66 From the above appropriation for Highway Authorities (fund  
67 0256, appropriation 43100), \$106,548 is for King Coal Highway  
68 Authority; \$106,548 is for Coal Field Expressway Authority;  
69 \$170,478 is for Coal Heritage Area Authority; \$42,620 is for  
70 Little Kanawha River Parkway; \$76,715 is for Midland Trail  
71 Scenic Highway Association; \$48,585 is for Shawnee Parkway  
72 Authority; \$85,239 is for Corridor G Regional Development  
73 Authority; \$52,725 is for Corridor H Authority; and \$42,620 is  
74 for Route 2 I68 Highway Authority.

*36 - Division of Labor*

(WV Code Chapters 21 and 47)

Fund 0260 FY 2016 Org 0308

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 2,201,632
3	Unclassified. . . . .	09900	28,658
4	Current Expenses. . . . .	13000	564,773
5	Repairs and Alterations. . . . .	06400	30,000
6	Equipment. . . . .	07000	10,000
7	BRIM Premium. . . . .	91300	<u>22,752</u>
8	Total. . . . .		\$ 2,857,815

*37 - Division of Labor –  
Occupational Safety and Health Fund*

(WV Code Chapter 21)

Fund 0616 FY 2016 Org 0308

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 74,144
3	Current Expenses. . . . .	13000	79,963
4	Repairs and Alterations. . . . .	06400	500
5	Equipment. . . . .	07000	500
6	BRIM Premium. . . . .	91300	<u>985</u>
7	Total. . . . .		\$ 156,092

*38 - Division of Natural Resources*

(WV Code Chapter 20)

Fund 0265 FY 2016 Org 0310

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 16,378,772
3	Unclassified. . . . .	09900	11,220
4	Current Expenses. . . . .	13000	57,416
5	Repairs and Alterations. . . . .	06400	400
6	Equipment. . . . .	07000	500
7	Buildings (R). . . . .	25800	400
8	Litter Control Conservation		
9	Officers. . . . .	56400	149,103
10	Upper Mud River Flood Control. . .	65400	168,622
11	Other Assets. . . . .	69000	200
12	Land (R). . . . .	73000	400
13	Law Enforcement. . . . .	80600	2,764,373
14	BRIM Premium. . . . .	91300	<u>293,374</u>
15	Total. . . . .		\$ 19,824,780

16 Any unexpended balances remaining in the appropriations  
17 for Buildings (fund 0265, appropriation 25800), Land (fund  
18 0265, appropriation 73000), and State Park Improvements –  
19 Surplus (fund 0265, appropriation 76300) at the close of the  
20 fiscal year 2015 are hereby reappropriated for expenditure  
21 during the fiscal year 2016.

22 Any revenue derived from mineral extraction at any state  
 23 park shall be deposited in a special revenue account of the  
 24 division of natural resources, first for bond debt payment  
 25 purposes and with any remainder to be for park operation and  
 26 improvement purposes.

*39 - Division of Miners' Health, Safety and Training*

(WV Code Chapter 22)

Fund 0277 FY 2016 Org 0314

1	Personal Services and		
2	Employee Benefits..... 00100	\$	10,503,524
3	Unclassified..... 09900		120,000
4	Current Expenses..... 13000		1,870,667
5	Coal Dust and Rock		
6	Dust Sampling..... 27000		572,583
7	BRIM Premium..... 91300		<u>68,134</u>
8	Total.....	\$	13,134,908

9 Included in the above appropriation for Current Expenses  
 10 (fund 0277, appropriation 13000) is \$500,000 for the Southern  
 11 West Virginia Community and Technical College Mine Rescue  
 12 and Rapid Response Team.

*40 - Board of Coal Mine Health and Safety*

(WV Code Chapter 22)

Fund 0280 FY 2016 Org 0319

1	Personal Services and		
2	Employee Benefits..... 00100	\$	286,435

2015]	HOUSE OF DELEGATES	2693
3	Unclassified. . . . . 09900	4,230
4	Current Expenses. . . . . 13000	<u>131,634</u>
5	Total. . . . .	\$ 422,299

*41 - WorkForce West Virginia*

(WV Code Chapter 23)

Fund 0572 FY 2016 Org 0323

1	Personal Services and	
2	Employee Benefits.. . . . . 00100	\$ 13,464
3	Unclassified. . . . . 09900	655
4	Current Expenses. . . . . 13000	<u>51,289</u>
5	Total. . . . .	\$ 65,408

*42 - Department of Commerce –  
Office of the Secretary*

(WV Code Chapter 19)

Fund 0606 FY 2016 Org 0327

1	Personal Services and	
2	Employee Benefits.. . . . . 00100	\$ 327,407
3	Unclassified. . . . . 09900	3,500
4	Current Expenses. . . . . 13000	<u>29,560</u>
5	Total. . . . .	\$ 360,467

*43 - Department of Commerce –  
Office of the Secretary –  
Office of Economic Opportunity*

Fund 0617 FY 2016 Org 0327

1	Office of Economic Opportunity. . . 03400	\$	102,417
	<i>44 - Division of Energy</i>		
	(WV Code Chapter 5H)		

Fund 0612 FY 2016 Org 0328

1	Personal Services and		
2	Employee Benefits. . . . . 00100	\$	204,270
3	Unclassified. . . . . 09900		16,268
4	Current Expenses. . . . . 13000		1,402,196
5	BRIM Premium. . . . . 91300		<u>3,297</u>
6	Total. . . . .	\$	1,626,031

7 From the above appropriation for Current Expenses (fund  
 8 0612, appropriation 13000) \$593,375 is for West Virginia  
 9 University and \$593,375 is for Southern West Virginia  
 10 Community and Technical College for the Mine Training and  
 11 Energy Technologies Academy.

**DEPARTMENT OF EDUCATION**

*45 - State Board of Education –  
 School Lunch Program*

(WV Code Chapters 18 and 18A)

Fund 0303 FY 2016 Org 0402

1	Personal Services and		
2	Employee Benefits. . . . . 00100	\$	361,665

2015]	HOUSE OF DELEGATES	2695
3	Unclassified. . . . . 09900	0
4	Current Expenses. . . . . 13000	<u>2,118,490</u>
5	Total. . . . .	\$ 2,480,155

*46 - State Board of Education –  
State FFA-FHA Camp and Conference Center*

(WV Code Chapters 18 and 18A)

Fund 0306 FY 2016 Org 0402

1	Personal Services and	
2	Employee Benefits.. . . . . 00100	\$ 600,273
3	Unclassified. . . . . 09900	500,000
4	Current Expenses. . . . . 13000	128,033
5	BRIM Premium. . . . . 91300	<u>21,694</u>
6	Total. . . . .	\$ 1,250,000

*47 - State Board of Education –  
State Department of Education*

(WV Code Chapters 18 and 18A)

Fund 0313 FY 2016 Org 0402

1	Personal Services and	
2	Employee Benefits.. . . . . 00100	\$ 4,366,344
3	Technology System Specialist. . . . . 06200	2,000,000
4	Teachers' Retirement	
5	Savings Realized. . . . . 09500	34,472,000

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6	Unclassified (R)..... 09900	300,000
7	Current Expenses (R)..... 13000	2,673,081
8	Repairs and Alterations. .... 06400	50,000
9	Equipment. .... 07000	5,000
10	Increased Enrollment. .... 14000	5,260,000
11	Safe Schools..... 14300	5,028,664
12	Teacher Mentor (R)..... 15800	592,034
13	National Teacher	
14	Certification (R)..... 16100	150,000
15	Buildings (R). .... 25800	1,000
16	Allowance for County Transfers. . . 26400	469,993
17	Technology Repair and	
18	Modernization. .... 29800	951,003
19	HVAC Technicians. .... 35500	491,258
20	Early Retirement Notification	
21	Incentive. .... 36600	300,000
22	MATH Program. .... 36800	366,532
23	Assessment Programs. .... 39600	2,339,588
24	21 <sup>st</sup> Century Fellows..... 50700	274,899
25	English as a Second Language..... 52800	100,000
26	Teacher Reimbursement. .... 57300	297,188



2015]	HOUSE OF DELEGATES	2697
27	Hospitality Training..... 60000	319,005
28	Hi-Y Youth in Government..... 61600	100,000
29	High Acuity Special Needs (R). . . . 63400	1,500,000
30	Foreign Student Education..... 63600	89,231
31	Principals Mentorship. . . . . 64900	69,250
32	State Board of Education	
33	Administrative Costs..... 68400	363,428
34	Other Assets..... 69000	1,000
35	IT Academy. . . . . 72100	500,000
36	Land (R)..... 73000	1,000
37	Early Literacy Program. . . . . 75600	5,700,000
38	Local Solutions Dropout	
39	Prevention and Recovery..... 78000	2,230,000
40	School Based Truancy Prevention.. 78101	2,000,000
41	Elementary/Middle	
42	Alternative Schools. . . . . 83300	900,000
43	21 <sup>st</sup> Century Innovation Zones..... 87600	266,144
44	21 <sup>st</sup> Century Learners (R)..... 88600	1,716,874
45	Technology Initiatives. . . . . 90100	230,000
46	BRIM Premium. . . . . 91300	285,686
47	High Acuity Health Care	
48	Needs Program. . . . . 92000	925,000

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49	21 <sup>st</sup> Century Assessment and	
50	Professional Development. . . . . 93100	4,496,283
51	21 <sup>st</sup> Century Technology	
52	Infrastructure Network	
53	Tools and Support (R). . . . . 93300	7,636,586
54	WV Commission on	
55	Holocaust Education. . . . . 93500	13,875
56	Regional Education	
57	Service Agencies. . . . . 97200	3,690,750
58	Educational Program Allowance. . . 99600	<u>535,000</u>
59	Total. . . . .	\$ 94,057,696

60 The above appropriations include funding for the state board  
61 of education and their executive office.

62 Any unexpended balances remaining in the appropriations  
63 for Unclassified (fund 0313, appropriation 09900), Current  
64 Expenses (fund 0313, appropriation 13000), Teacher Mentor  
65 (fund 0313, appropriation 15800), National Teacher Certification  
66 (fund 0313, appropriation 16100), Buildings (fund 0313,  
67 appropriation 25800), High Acuity Special Needs (fund 0313,  
68 appropriation 63400), Land (fund 0313, appropriation 73000),  
69 and 21<sup>st</sup> Century Learners (fund 0313, appropriation 88600) at  
70 the close of the fiscal year 2015 are hereby reappropriated for  
71 expenditure during the fiscal year 2016.

72 The above appropriation for Technology System Specialists  
73 (fund 0313, appropriation 06200), shall first be used for the  
74 continuance of current pilot projects. The remaining balance, if  
75 any, may be used to expand the pilot project for additional  
76 counties.

77       The above appropriation for Teachers' Retirement Savings  
78 Realized (fund 0313, appropriation 09500) shall be transferred  
79 to the Employee Pension and Health Care Benefit Fund (fund  
80 2044).

81       Included in the above appropriation for Current Expenses  
82 (fund 0313, appropriation 13000) is \$50,000 for the fifth year of  
83 a five year special community development school pilot program  
84 per W.Va. Code §18-3-12.

85       The above appropriation for Hospitality Training (fund  
86 0313, appropriation 60000), shall be allocated only to entities  
87 that have a plan approved for funding by the Department of  
88 Education, at the funding level determined by the State  
89 Superintendent of Schools. Plans shall be submitted to the State  
90 Superintendent of Schools to be considered for funding.

91       The above appropriation for Local Solutions Dropout  
92 Prevention and Recovery (fund 0313, appropriation 78000) shall  
93 be transferred to the Local Solutions Dropout Prevention and  
94 Recovery Fund (fund 3949).

95       From the above appropriation for Educational Program  
96 Allowance (fund 0313, appropriation 99600), \$100,000 shall be  
97 expended for Webster County Board of Education for Hacker  
98 Valley; \$150,000 shall be for the Randolph County Board of  
99 Education for Pickens School; \$100,000 shall be for the Preston  
100 County Board of Education for the Aurora School; and \$100,000  
101 shall be for the Fayette County Board of Education for Meadow  
102 Bridge; and \$85,000 is for Project Based Learning in STEM  
103 fields.

*48 - State Board of Education –  
Aid for Exceptional Children*

(WV Code Chapters 18 and 18A)

Fund 0314 FY 2016 Org 0402

1	Special Education – Counties. . . . .	15900	\$	7,271,757
2	Special Education – Institutions.. . . .	16000		3,707,066
3	Education of Juveniles			
4	Held in Predispositional			
5	Juvenile Detention Centers. . . . .	30200		589,370
6	Education of Institutionalized			
7	Juveniles and Adults (R). . . . .	47200		<u>17,335,390</u>
8	Total.....		\$	28,903,583

9 Any unexpended balance remaining in the appropriation for  
10 Education of Institutionalized Juveniles and Adults (fund 0314,  
11 appropriation 47200) at the close of the fiscal year 2015 is  
12 hereby reappropriated for expenditure during the fiscal year  
13 2016.

14 From the above appropriations, the superintendent shall have  
15 authority to expend funds for the costs of special education for  
16 those children residing in out-of-state placements.

*49 - State Board of Education –  
State Aid to Schools*

(WV Code Chapters 18 and 18A)

Fund 0317 FY 2016 Org 0402

1	Other Current Expenses.....	02200	\$	154,485,546
2	Advanced Placement. . . . .	05300		526,406
3	Professional Educators.....	15100		869,841,621
4	Service Personnel.....	15200		294,796,569
5	Fixed Charges. . . . .	15300		103,420,680

2015]	HOUSE OF DELEGATES	2701
6	Transportation. . . . . 15400	76,249,111
7	Professional Student	
8	Support Services. . . . . 65500	37,927,850
9	Improved Instructional	
10	Programs. . . . . 15600	47,840,943
11	21st Century Strategic Technology	
12	Learning Growth. . . . . 93600	<u>18,176,651</u>
13	Basic Foundation Allowances. . . . .	1,603,265,377
14	Less Local Share. . . . .	(454,137,621)
15	Adjustments. . . . .	<u>718,168</u>
16	Total Basic State Aid. . . . .	1,149,845,924
17	Public Employees'	
18	Insurance Matching. . . . . 01200	214,590,471
19	Teachers' Retirement System. . . . 01900	66,486,618
20	School Building Authority. . . . . 45300	23,423,270
21	Retirement Systems –	
22	Unfunded Liability. . . . . 77500	<u>298,584,000</u>
23	Total. . . . .	\$ 1,752,930,283

*50 - State Board of Education –  
Vocational Division*

(WV Code Chapters 18 and 18A)

Fund 0390 FY 2016 Org 0402

1	Personal Services and	
2	Employee Benefits. . . . . 00100	\$ 1,293,783

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3	Unclassified. . . . . 09900	280,000
4	Current Expenses. . . . . 13000	918,886
5	Wood Products – Forestry	
6	Vocational Program. . . . . 14600	64,841
7	Albert Yanni Vocational	
8	Program. . . . . 14700	131,951
9	Vocational Aid. . . . . 14800	22,193,335
10	Adult Basic Education. . . . . 14900	4,470,114
11	Program Modernization. . . . . 30500	884,313
12	High School Equivalency	
13	Diploma Testing (R). . . . . 72600	1,067,176
14	FFA Grant Awards. . . . . 83900	11,496
15	Pre-Engineering	
16	Academy Program. . . . . 84000	<u>265,294</u>
17	Total. . . . .	\$ 31,581,189

18 Any unexpended balances remaining in the appropriations  
19 for GED Testing (fund 0390, appropriation 33900) and High  
20 School Equivalency Diploma Testing (fund 0390, appropriation  
21 72600) at the close of the fiscal year 2015 is hereby  
22 reappropriated for expenditure during the fiscal year 2016.

*51 - State Board of Education –  
Division of Education Performance Audits*

(WV Code Chapters 18 and 18A)

Fund 0573 FY 2016 Org 0402

1	Personal Services and	
2	Employee Benefits. . . . . 00100	\$ 903,491

2015]	HOUSE OF DELEGATES	2703
3	Unclassified. . . . . 09900	7,000
4	Current Expenses. . . . . 13000	942,099
5	Repairs and Alterations. . . . . 06400	1,000
6	Equipment. . . . . 07000	1,000
7	Other Assets. . . . . 69000	<u>1,000</u>
8	Total. . . . .	\$ 1,855,590

*52 - State Board of Education –  
West Virginia Schools for the Deaf and the Blind*

(WV Code Chapters 18 and 18A)

Fund 0320 FY 2016 Org 0403

1	Personal Services and	
2	Employee Benefits. . . . . 00100	\$ 11,551,213
3	Unclassified. . . . . 09900	107,329
4	Current Expenses. . . . . 13000	1,690,291
5	Repairs and Alterations. . . . . 06400	75,000
6	Equipment. . . . . 07000	35,000
7	Buildings (R). . . . . 25800	25,000
8	Other Assets. . . . . 69000	25,000
9	Capital Outlay and	
10	Maintenance (R). . . . . 75500	62,500
11	BRIM Premium. . . . . 91300	<u>68,628</u>
12	Total. . . . .	\$ 13,639,961

13 Any unexpended balances remaining in the appropriations  
 14 for Buildings (fund 0320, appropriation 25800) and Capital  
 15 Outlay and Maintenance (fund 0320, appropriation 75500) at the  
 16 close of the fiscal year 2015 are hereby reappropriated for  
 17 expenditure during the fiscal year 2016.

**DEPARTMENT OF EDUCATION AND THE ARTS**

*53 - Department of Education and the Arts –  
 Office of the Secretary*

(WV Code Chapter 5F)

Fund 0294 FY 2016 Org 0431

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 851,891
3	Unclassified.....	09900	35,000
4	Current Expenses.....	13000	27,818
5	Center for Professional		
6	Development (R).....	11500	2,298,371
7	National Youth Science		
8	Camp.....	13200	246,500
9	WV Humanities Council.....	16800	450,000
10	Benedum Professional		
11	Development		
12	Collaborative (R).....	42700	805,895
13	Governor's Honors		
14	Academy (R).....	47800	597,714
15	Educational Enhancements.....	69500	575,000



2015]	HOUSE OF DELEGATES	2705
16	S.T.E.M. Education and	
17	Grant Program. . . . . 71900	500,000
18	Energy Express. . . . . 86100	470,000
19	BRIM Premium. . . . . 91300	4,509
20	Special Olympic Games. . . . . 96600	<u>25,000</u>
21	Total. . . . .	\$ 6,887,698

22 Any unexpended balances remaining in the appropriations  
23 for Center for Professional Development (fund 0294,  
24 appropriation 11500), Benedum Professional Development  
25 Collaborative (fund 0294, appropriation 42700), and Governor’s  
26 Honors Academy (fund 0294, appropriation 47800) at the close  
27 of the fiscal year 2015 are hereby reappropriated for expenditure  
28 during the fiscal year 2016.

29 Included in the above appropriation for Educational  
30 Enhancements (fund 0294, appropriation 69500) is \$125,000 for  
31 Reconnecting McDowell - Save the Children, \$375,000 for Save  
32 the Children programs in Cabell, Roane, Calhoun and Mason  
33 counties, and \$75,000 for the Clay Center.

34 From the above appropriation for S.T.E.M. Education and  
35 Grant Program (fund 0294, appropriation 71900) \$125,000 is for  
36 The Challenger Learning Center at Wheeling Jesuit University.

*54 - Division of Culture and History*

(WV Code Chapter 29)

Fund 0293 FY 2016 Org 0432

1	Personal Services and	
2	Employee Benefits. . . . . 00100	\$ 3,802,316

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3	Unclassified (R)..... 09900	44,177
4	Current Expenses..... 13000	810,103
5	Repairs and Alterations. .... 06400	1,000
6	Equipment. .... 07000	1
7	Buildings (R). .... 25800	1
8	Other Assets..... 69000	1
9	Land (R)..... 73000	1
10	Culture and History	
11	Programming..... 73200	236,298
12	Capital Outlay and	
13	Maintenance (R). .... 75500	20,000
14	Historical Highway	
15	Marker Program..... 84400	58,722
16	BRIM Premium. .... 91300	<u>33,677</u>
17	Total.....	\$ 5,006,297

18 Any unexpended balances remaining in the appropriations  
19 for Unclassified (fund 0293, appropriation 09900), Buildings  
20 (fund 0293, appropriation 25800), Capital Outlay, Repairs and  
21 Equipment (fund 0293, appropriation 58900), Capital  
22 Improvements – Surplus (fund 0293, appropriation 66100),  
23 Capital Outlay, Repairs and Equipment – Surplus (fund 0293,  
24 appropriation 67700), Land (fund 0293, appropriation 73000),  
25 and Capital Outlay and Maintenance (fund 0293, appropriation  
26 75500) at the close of the fiscal year 2015 are hereby  
27 reappropriated for expenditure during the fiscal year 2016.

28 The Current Expense appropriation includes funding for the  
 29 arts funds, department programming funds, grants, fairs and  
 30 festivals and Camp Washington Carver and shall be expended  
 31 only upon authorization of the division of culture and history and  
 32 in accordance with the provisions of Chapter 5A, Article 3, and  
 33 Chapter 12 of the Code.

*55 - Library Commission*

(WV Code Chapter 10)

Fund 0296 FY 2016 Org 0433

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 1,309,788
3	Current Expenses. . . . .	13000	171,140
4	Repairs and Alterations. . . . .	06400	6,500
5	Services to Blind &		
6	Handicapped. . . . .	18100	161,559
7	BRIM Premium. . . . .	91300	<u>15,177</u>
8	Total. . . . .		\$ 1,664,164

*56 - Educational Broadcasting Authority*

(WV Code Chapter 10)

Fund 0300 FY 2016 Org 0439

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 4,261,859
3	Current Expenses. . . . .	13000	170,545
4	Mountain Stage. . . . .	24900	300,000

5	Capital Outlay and		
6	Maintenance (R). . . . .	75500	50,000
7	BRIM Premium. . . . .	91300	<u>41,929</u>
8	Total. . . . .		\$ 4,824,333

9       Any unexpended balance remaining in the appropriation for  
10 Capital Outlay and Maintenance (fund 0300, appropriation  
11 75500) at the close of the fiscal year 2015 is hereby  
12 reappropriated for expenditure during the fiscal year 2016.

13       From the above appropriation for Current Expenses (fund  
14 0300, appropriation 13000) \$100,000 is for Healthy Choices  
15 Children Television Program in conjunction with WV SOM and  
16 up to \$45,000 is for the WV Music Hall of Fame.

*57 - State Board of Rehabilitation –  
Division of Rehabilitation Services*

(WV Code Chapter 18)

Fund 0310 FY 2016 Org 0932

1	Personal Services and		
2	Employee Benefits. . . . .	00100	\$ 10,597,682
3	Independent Living Services. . . . .	00900	500,000
4	Current Expenses. . . . .	13000	545,202
5	Workshop Development. . . . .	16300	2,116,149
6	Supported Employment		
7	Extended Services. . . . .	20600	100,000
8	Ron Yost Personal		
9	Assistance Fund (R). . . . .	40700	388,698

10	Employment Attendant		
11	Care Program . . . . .	59800	156,065
12	BRIM Premium. . . . .	91300	<u>67,033</u>
13	Total.....		\$ 14,470,829

14 Any unexpended balance remaining in the appropriation for  
15 Ron Yost Personal Assistance Fund (fund 0310, appropriation  
16 40700) at the close of the fiscal year 2015 is hereby  
17 reappropriated for expenditure during the fiscal year 2016.

18 From the above appropriation for Workshop Development  
19 (fund 0310, appropriation 16300), funds shall be used  
20 exclusively with the private nonprofit community rehabilitation  
21 program organizations known as work centers or sheltered  
22 workshops. The appropriation shall also be used to continue the  
23 support of the program, services, and individuals with  
24 disabilities currently in place at those organizations.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

*58 - Environmental Quality Board*

(WV Code Chapter 20)

Fund 0270 FY 2016 Org 0311

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 72,050
3	Current Expenses. . . . .	13000	30,691
4	Repairs and Alterations. . . . .	06400	100
5	Equipment. . . . .	07000	717
6	Other Assets.....	69000	600

7	BRIM Premium. . . . .	91300	<u>684</u>
8	Total. . . . .	\$	104,842

*59 - Division of Environmental Protection*

(WV Code Chapter 22)

Fund 0273 FY 2016 Org 0313

1	Personal Services and		
2	Employee Benefits. . . . .	00100	\$ 4,161,396
3	Water Resources Protection		
4	and Management. . . . .	06800	579,695
5	Current Expenses. . . . .	13000	331,339
6	Repairs and Alterations. . . . .	06400	13,150
7	Equipment. . . . .	07000	7,400
8	Dam Safety. . . . .	60700	212,499
9	West Virginia Stream		
10	Partners Program. . . . .	63700	77,396
11	Meth Lab Cleanup. . . . .	65600	206,203
12	Other Assets. . . . .	69000	9,183
13	WV Contributions to		
14	River Commissions. . . . .	77600	148,485
15	Office of Water Resources		
16	Non-Enforcement Activity. . . . .	85500	923,123
17	BRIM Premium. . . . .	91300	<u>56,802</u>
18	Total. . . . .	\$	6,726,671

19 A portion of the appropriations for Current Expenses (fund  
 20 0273, appropriation 13000) and Dam Safety (fund 0273,  
 21 appropriation 60700) may be transferred to the special revenue  
 22 fund Dam Safety Rehabilitation Revolving Fund (fund 3025) for  
 23 the state deficient dams rehabilitation assistance program.

*60 - Air Quality Board*

(WV Code Chapter 16)

Fund 0550 FY 2016 Org 0325

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 64,143
3	Current Expenses.....	13000	10,746
4	Repairs and Alterations.....	06400	50
5	Equipment.....	07000	579
6	Other Assets.....	69000	200
7	BRIM Premium.....	91300	<u>2,013</u>
8	Total.....		\$ 77,731

**DEPARTMENT OF HEALTH AND HUMAN RESOURCES**

*61 - Department of Health and Human Resources –  
Office of the Secretary*

(WV Code Chapter 5F)

Fund 0400 FY 2016 Org 0501

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 478,683

3	Unclassified. . . . .	09900		8,386
4	Current Expenses. . . . .	13000		48,461
5	Women’s Commission (R). . . . .	19100		155,557
6	Commission for the Deaf			
7	and Hard of Hearing. . . . .	70400		<u>216,405</u>
8	Total. . . . .		\$	907,492

9 Any unexpended balance remaining in the appropriation for  
 10 the Women’s Commission (fund 0400, appropriation 19100) at  
 11 the close of the fiscal year 2015 is hereby reappropriated for  
 12 expenditure during the fiscal year 2016.

*62 - Division of Health –  
 Central Office*

(WV Code Chapter 16)

Fund 0407 FY 2016 Org 0506

1	Personal Services and			
2	Employee Benefits. . . . .	00100	\$	12,097,139
3	Chief Medical Examiner. . . . .	04500		5,476,995
4	Unclassified. . . . .	09900		717,980
5	Current Expenses. . . . .	13000		4,614,237
6	State Aid for Local and Basic			
7	Public Health Services. . . . .	18400		16,648,328
8	Safe Drinking Water			
9	Program (R). . . . .	18700		2,165,274
10	Women, Infants and Children. . . . .	21000		38,602



2015]	HOUSE OF DELEGATES	2713
11	Early Intervention. . . . . 22300	2,844,884
12	Cancer Registry. . . . . 22500	197,761
13	CARDIAC Project. . . . . 37500	427,500
14	State EMS Technical Assistance. . . 37900	1,348,136
15	Statewide EMS Program	
16	Support (R). . . . . 38300	959,098
17	Primary Care Centers -	
18	Mortgage Finance. . . . . 41300	114,501
19	Black Lung Clinics. . . . . 46700	170,885
20	Center for End of Life. . . . . 54500	420,198
21	Pediatric Dental Services. . . . . 55000	51,888
22	Vaccine for Children . . . . . 55100	333,311
23	Tuberculosis Control . . . . . 55300	367,837
24	Maternal and Child	
25	Health Clinics, Clinicians	
26	Medical Contracts	
27	and Fees (R). . . . . 57500	6,278,587
28	Epidemiology Support. . . . . 62600	1,500,154
29	Primary Care Support. . . . . 62800	6,000,000
30	Sexual Assault Intervention	
31	and Prevention. . . . . 72300	125,000
32	Health Right Free Clinics. . . . . 72700	3,000,000
33	Capital Outlay and	
34	Maintenance (R). . . . . 75500	100,000

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35	Healthy Lifestyles. . . . . 77800	146,282
36	Maternal Mortality Review. . . . . 83400	46,895
37	Osteoporosis and	
38	Arthritis Prevention. . . . . 84900	158,336
39	Diabetes Education	
40	and Prevention. . . . . 87300	97,125
41	Tobacco Education Program (R). . . 90600	4,870,309
42	BRIM Premium. . . . . 91300	211,214
43	State Trauma and	
44	Emergency Care System. . . . . 91800	<u>1,987,034</u>
45	Total. . . . .	\$ 73,515,490

46 Any unexpended balances remaining in the appropriations  
47 for Unclassified – Surplus (fund 0407, appropriation 09700),  
48 Safe Drinking Water Program (fund 0407, appropriation 18700),  
49 Statewide EMS Program Support (fund 0407, appropriation  
50 38300), Maternal and Child Health Clinics, Clinicians and  
51 Medical Contracts and Fees (fund 0407, appropriation 57500),  
52 Capital Outlay and Maintenance (fund 0407, appropriation  
53 75500), Emergency Response Entities – Special Projects (fund  
54 0407, appropriation 82200), Assistance to Primary Health Care  
55 Centers Community Health Foundation (fund 0407,  
56 appropriation 84500), and Tobacco Education Program (fund  
57 0407, appropriation 90600) at the close of the fiscal year 2015  
58 are hereby reappropriated for expenditure during the fiscal year  
59 2016.

60 From the above appropriation for Current Expenses (fund  
61 0407, appropriation 13000), an amount not less than \$100,000 is  
62 for the West Virginia Cancer Coalition; \$50,000 shall be

63 expended for the West Virginia Aids Coalition; \$100,000 is for  
64 Adolescent Immunization Education; \$73,065 is for informal  
65 dispute resolution relating to nursing home administrative  
66 appeals; and \$50,000 is for Hospital Hospitality House of  
67 Huntington.

68 From the above appropriation for Maternal and Child Health  
69 Clinics, Clinicians and Medical Contracts and Fees (fund 0407,  
70 appropriation 57500) \$400,000 shall be transferred to the Breast  
71 and Cervical Cancer Diagnostic Treatment Fund (fund 5197) and  
72 \$11,000 is for the Marshall County Health Department for dental  
73 services.

74 Included in the above appropriation for Primary Care  
75 Centers - Mortgage Finance (fund 0407, appropriation 41300) is  
76 \$8,375 for the mortgage payment for the Lincoln Primary Care  
77 Center, Inc.; \$7,130 for the mortgage payment for Roane County  
78 Family Health Care, Inc.; \$8,040 for the mortgage payment for  
79 Community Care (formerly Primary Care Systems); \$3,350 for  
80 the mortgage payment for the Belington Community Medical  
81 Services; \$5,025 for the mortgage payment for Community Care  
82 (formerly Tri-County Health Clinic); \$2,513 for the mortgage  
83 payment for Valley Health Care (Randolph); \$4,449 for the  
84 mortgage payment for WomenCare (Family Care Health Center  
85 - Madison); \$1,340 for the mortgage payment for Northern  
86 Greenbrier Health Clinic; \$3,350 for the mortgage payment for  
87 the North Fork Clinic (Pendleton); \$6,700 for the mortgage  
88 payment for the Pendleton Community Care; \$6,433 for the  
89 mortgage payment for Clay-Battelle Community Health Center;  
90 \$8,288 for the mortgage payment for Monongahela Valley  
91 Association of Health Centers, Inc. (Marion); \$5,628 for the  
92 mortgage payment for Mountaineer Community Health Center;  
93 \$2,178 for the mortgage payment for the St. George Medical  
94 Clinic; \$4,691 for the mortgage payment for the Bluestone  
95 Health Center; \$7,538 for the mortgage payment for Wheeling  
96 Health Right; \$8,040 for the mortgage payment for the Minnie

97 Hamilton Health Care Center, Inc.; \$9,045 for the mortgage  
 98 payment for the Shenandoah Valley Medical Systems, Inc.;  
 99 \$7,538 for the mortgage payment for the Change, Inc.; and  
 100 \$4,850 for the mortgage payment for the Wirt County Health  
 101 Services Association.

*63 - Consolidated Medical Services Fund*

(WV Code Chapter 16)

Fund 0525 FY 2016 Org 0506

1	Personal Services and		
2	Employee Benefits..... 00100	\$	1,567,388
3	Current Expenses..... 13000		12,463
4	Behavioral Health		
5	Program (R)..... 21900		69,725,365
6	Family Support Act. .... 22100		251,226
7	Institutional Facilities		
8	Operations (R)..... 33500		110,414,656
9	Substance Abuse		
10	Continuum of Care (R). .... 35400		5,000,000
11	Capital Outlay and		
12	Maintenance (R). .... 75500		950,000
13	Renaissance Program..... 80400		165,996
14	BRIM Premium. .... 91300		<u>1,088,070</u>
15	Total.....	\$	189,175,164
16	Any unexpended balances remaining in the appropriations		
17	for Behavioral Health Program (fund 0525, appropriation		

18 21900), Institutional Facilities Operations (fund 0525,  
19 appropriation 33500), Substance Abuse Continuum of Care  
20 (fund 0525, appropriation 35400), Capital Outlay (fund 0525,  
21 appropriation 51100), Behavioral Health Program – Surplus  
22 (fund 0525, appropriation 63100), Institutional Facilities  
23 Operations – Surplus (fund 0525, appropriation 63200),  
24 Substance Abuse Continuum of Care – Surplus (fund 0525,  
25 appropriation 72200), and Capital Outlay and Maintenance (fund  
26 0525, appropriation 75500) at the close of the fiscal year 2015  
27 are hereby reappropriated for expenditure during the fiscal year  
28 2016.

29       Included in the above appropriation for Behavioral Health  
30 Program (fund 0525, appropriation 21900) is \$100,000 for the  
31 Healing Place of Huntington.

32       From the above appropriation for Institutional Facilities  
33 Operations, together with available funds from the division of  
34 health – hospital services revenue account (fund 5156,  
35 appropriation 33500), on July 1, 2015, the sum of \$160,000 shall  
36 be transferred to the department of agriculture – land division –  
37 farm operating fund (1412) as advance payment for the purchase  
38 of food products; actual payments for such purchases shall not  
39 be required until such credits have been completely expended.

40       From the above appropriation for Substance Abuse  
41 Continuum of Care (fund 0525, appropriation 35400), the  
42 funding will be consistent with the goal areas outlined in the  
43 Comprehensive Substance Abuse Strategic Action Plan.

44       Additional funds have been appropriated in fund 5156, fiscal  
45 year 2016, organization 0506, and fund 5124, fiscal year 2016,  
46 organization 0506, for the operation of the institutional facilities.  
47 The secretary of the department of health and human resources  
48 is authorized to utilize up to ten percent of the funds from the  
49 Institutional Facilities Operations appropriation to facilitate cost  
50 effective and cost saving services at the community level.

*64 - Division of Health –  
West Virginia Drinking Water Treatment*

(WV Code Chapter 16)

Fund 0561 FY 2016 Org 0506

1	West Virginia Drinking		
2	Water Treatment		
3	Revolving Fund – Transfer. . . .	68900	\$ 647,500

4 The above appropriation for Drinking Water Treatment  
5 Revolving Fund – Transfer shall be transferred to the West  
6 Virginia Drinking Water Treatment Revolving Fund or  
7 appropriate bank depository and the Drinking Water Treatment  
8 Revolving – Administrative Expense Fund as provided by  
9 Chapter 16 of the Code.

*65 - Human Rights Commission*

(WV Code Chapter 5)

Fund 0416 FY 2016 Org 0510

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 910,221
3	Unclassified. . . . .	09900	4,024
4	Current Expenses. . . . .	13000	191,766
5	BRIM Premium. . . . .	91300	<u>9,311</u>
6	Total.. . . . .		\$ 1,115,322

*66 - Division of Human Services*

(WV Code Chapters 9, 48 and 49)

Fund 0403 FY 2016 Org 0511

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 40,965,805
3	Unclassified. . . . .	09900	5,688,944
4	Current Expenses. . . . .	13000	10,074,541
5	Child Care Development. . . . .	14400	11,224,912
6	Medical Services Contracts and		
7	Office of Managed Care. . . . .	18300	1,835,469
8	Medical Services. . . . .	18900	466,150,331
9	Social Services. . . . .	19500	142,174,864
10	Family Preservation Program. . . . .	19600	1,565,000
11	Family Resource Networks. . . . .	27400	1,762,464
12	Domestic Violence Legal		
13	Services Fund. . . . .	38400	400,000
14	James "Tiger" Morton		
15	Catastrophic Illness Fund. . . . .	45500	101,144
16	I/DD Waiver. . . . .	46600	88,753,483
17	Child Protective Services		
18	Case Workers. . . . .	46800	21,398,895
19	OSCAR and RAPIDS. . . . .	51500	5,102,872
20	Title XIX Waiver for Seniors. . . . .	53300	13,593,620
21	WV Teaching Hospitals		
22	Tertiary/Safety Net. . . . .	54700	6,356,000
23	Specialized Foster Care. . . . .	56600	310,948

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24	Child Welfare System . . . . . 60300	1,251,312
25	In-Home Family Education. . . . . 68800	1,000,000
26	WV Works Separate	
27	State Program. . . . . 69800	3,250,000
28	Child Support Enforcement. . . . . 70500	6,234,804
29	Medicaid Auditing. . . . . 70600	606,373
30	Temporary Assistance for	
31	Needy Families/	
32	Maintenance of Effort. . . . . 70700	22,969,096
33	Child Care Maintenance	
34	of Effort Match. . . . . 70800	5,693,743
35	Child and Family Services. . . . . 73600	2,850,000
36	Grants for Licensed	
37	Domestic Violence	
38	Programs and Statewide	
39	Prevention. . . . . 75000	2,500,000
40	Capital Outlay and	
41	Maintenance (R). . . . . 75500	11,875
42	Community Based Services and	
43	Pilot Programs for Youth. . . . . 75900	1,000,000
44	Medical Services	
45	Administrative Costs. . . . . 78900	35,614,907
46	Traumatic Brain Injury	
47	Waiver. . . . . 83500	800,000
48	Indigent Burials (R). . . . . 85100	2,050,000



49	Autism Spectrum		
50	Disorder Coverage.....	85600	497,035
51	CHIP Administrative Costs.....	85601	112,064
52	CHIP Services.....	85602	9,379,734
53	BRIM Premium.....	91300	834,187
54	Rural Hospitals		
55	Under 150 Beds.....	94000	2,596,000
56	Children’s Trust		
57	Fund – Transfer.....	95100	<u>300,000</u>
58	Total.....		\$ 917,010,422

59 Any unexpended balances remaining in the appropriations  
 60 for Capital Outlay and Maintenance (fund 0403, appropriation  
 61 75500) and Indigent Burials (fund 0403, appropriation 85100) at  
 62 the close of the fiscal year 2015 are hereby reappropriated for  
 63 expenditure during the fiscal year 2016.

64 Notwithstanding the provisions of Title I, section three of  
 65 this bill, the secretary of the department of health and human  
 66 resources shall have the authority to transfer funds within the  
 67 above appropriations: *Provided*, That no more than five percent  
 68 of the funds appropriated to one appropriation may be  
 69 transferred to other appropriations: *Provided, however*, That no  
 70 funds from other appropriations shall be transferred to the  
 71 personal services and employee benefits appropriation.

72 The secretary shall have authority to expend funds for the  
 73 educational costs of those children residing in out-of-state  
 74 placements, excluding the costs of special education programs.

75 Included in the above appropriation for Medical Services  
 76 (fund 0403, appropriation 18900) is an additional \$1,000,000 to

77 be matched with federal dollars, the sum of which shall be  
78 applied toward the enhancement of reimbursement rates for  
79 nursing homes for services provided in accordance with the  
80 Medicaid State Plan.

81 Included in the above appropriation for Social Services (fund  
82 0403, appropriation 19500) is funding for continuing education  
83 requirements relating to the practice of social work.

84 The above appropriation for Domestic Violence Legal  
85 Services Fund (fund 0403, appropriation 38400) shall be  
86 transferred to the Domestic Violence Legal Services Fund (fund  
87 5455).

88 The above appropriation for James "Tiger" Morton  
89 Catastrophic Illness Fund (fund 0403, appropriation 45500) shall  
90 be transferred to the James "Tiger" Morton Catastrophic Illness  
91 Fund (fund 5454) as provided by Article 5Q, Chapter 16 of the  
92 Code.

93 The above appropriation for WV Works Separate State  
94 Program (fund 0403, appropriation 69800), shall be transferred  
95 to the WV Works Separate State College Program Fund (fund  
96 5467), and the WV Works Separate State Two-Parent Program  
97 Fund (fund 5468) as determined by the secretary of the  
98 department of health and human resources.

99 From the above appropriation for Child Support  
100 Enforcement (fund 0403, appropriation 70500) an amount not to  
101 exceed \$300,000 may be transferred to a local banking  
102 depository to be utilized to offset funds determined to be  
103 uncollectible.

104 From the above appropriation for the Grants for Licensed  
105 Domestic Violence Programs and Statewide Prevention (fund  
106 0403, appropriation 75000), 50% of the total shall be divided

107 equally and distributed among the fourteen (14) licensed  
 108 programs and the West Virginia Coalition Against Domestic  
 109 Violence (WVCADV). The balance remaining in the  
 110 appropriation for Grants for Licensed Domestic Violence  
 111 Programs and Statewide Prevention (fund 0403, appropriation  
 112 75000), shall be distributed according to the formula established  
 113 by the Family Protection Services Board.

114 The above appropriation for Children’s Trust Fund –  
 115 Transfer (fund 0403, appropriation 95100) shall be transferred  
 116 to the Children’s Fund (fund 5469, org 0511).

**DEPARTMENT OF MILITARY AFFAIRS  
 AND PUBLIC SAFETY**

*67 - Department of Military Affairs and Public Safety –  
 Office of the Secretary*

(WV Code Chapter 5F)

Fund 0430 FY 2016 Org 0601

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 706,626
3	Unclassified (R).....	09900	20,000
4	Current Expenses.....	13000	111,450
5	Repairs and Alterations.....	06400	9,900
6	Equipment.....	07000	3,300
7	Fusion Center (R).....	46900	534,544
8	Other Assets.....	69000	4,015
9	Directed Transfer.....	70000	32,000

10	BRIM Premium. . . . .	91300	9,404
11	WV Fire and EMS Survivor		
12	Benefit (R). . . . .	93900	400,000
13	Homeland State Security		
14	Administrative Agency (R). . . .	95300	<u>533,036</u>
15	Total. . . . .		\$ 2,364,275

16 Any unexpended balances remaining in the appropriations  
 17 for Unclassified (fund 0430, appropriation 09900), Fusion  
 18 Center (fund 0430, appropriation 46900), Substance Abuse  
 19 Program – Surplus (fund 0430, appropriation 69600), Justice  
 20 Reinvestment Training – Surplus (fund 0430, appropriation  
 21 69900), WV Fire and EMS Survivor Benefit (fund 0430,  
 22 appropriation 93900), and Homeland State Security  
 23 Administrative Agency (fund 0430, appropriation 95300) at the  
 24 close of the fiscal year 2015 are hereby reappropriated for  
 25 expenditure during the fiscal year 2016.

26 The above appropriation for Directed Transfer (fund 0430,  
 27 appropriation 70000) shall be transferred to the Law-  
 28 Enforcement, Safety and Emergency Worker Funeral Expense  
 29 Payment Fund (fund 6003).

*68 - Adjutant General –  
 State Militia*

(WV Code Chapter 15)

Fund 0433 FY 2016 Org 0603

1	Unclassified (R). . . . .	09900	\$ 14,993,758
2	College Education Fund. . . . .	23200	0
3	Mountaineer Challenge		
4	Academy. . . . .	70900	0

5	Armory Board Transfer. . . . .	70015		0
6	Military Authority. . . . .	74800		<u>0</u>
7	Total. . . . .		\$	14,993,758

8 Any unexpended balance remaining in the appropriation for  
 9 Unclassified (fund 0433, appropriation 09900) at the close of the  
 10 fiscal year 2015 is hereby reappropriated for expenditure during  
 11 the fiscal year 2016.

12 From the above appropriations an amount approved by the  
 13 adjutant general and the secretary of military affairs and public  
 14 safety may be transferred to the State Armory Board for  
 15 operation and maintenance of National Guard Armories.

16 From the above appropriation and other state and federal  
 17 funding, the Adjutant General shall provide an amount not less  
 18 than \$4,500,000 to the Mountaineer ChalleNGe Academy to  
 19 meet anticipated program demand.

*69 - Adjutant General –  
 Military Fund*

(WV Code Chapter 15)

Fund 0605 FY 2016 Org 0603

1	Personal Services and			
2	Employee Benefits. . . . .	00100	\$	100,000
3	Current Expenses. . . . .	13000		<u>71,125</u>
4	Total. . . . .		\$	171,125

*70 - West Virginia Parole Board*

(WV Code Chapter 62)

Fund 0440 FY 2016 Org 0605

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 378,085
3	Current Expenses.....	13000	168,694
4	Salaries of Members of		
5	West Virginia Parole Board... .	22700	600,744
6	BRIM Premium. ....	91300	<u>4,712</u>
7	Total.....		\$ 1,152,235
8	The above appropriation for Salaries of Members of West		
9	Virginia Parole Board (fund 0440, appropriation 22700) includes		
10	funding for salary, annual increment (as provided for in W.Va.		
11	Code §5-5-1), and related employee benefits of board members.		

*71 - Division of Homeland Security and  
Emergency Management*

(WV Code Chapter 15)

Fund 0443 FY 2016 Org 0606

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 547,934
3	Unclassified. ....	09900	28,157
4	Current Expenses.....	13000	144,611
5	Repairs and Alterations. ....	06400	1,000
6	Radiological Emergency		
7	Preparedness. ....	55400	27,752
8	Federal Funds/Grant		
9	Match (R).....	74900	658,407

10	Mine and Industrial		
11	Accident Rapid		
12	Response Call Center. . . . .	78100	481,412
13	Early Warning Flood		
14	System (R).....	87700	506,089
15	BRIM Premium. . . . .	91300	18,811
16	WVU Charleston Poison		
17	Control Hotline. . . . .	94400	<u>757,804</u>
18	Total.....		\$ 3,171,977

19 Any unexpended balances remaining in the appropriations  
20 for Federal Funds/Grant Match (fund 0443, appropriation  
21 74900), Early Warning Flood System (fund 0443, appropriation  
22 87700), and Disaster Mitigation (fund 0443, appropriation  
23 95200) at the close of the fiscal year 2015 are hereby  
24 reappropriated for expenditure during the fiscal year 2016.

*72 - Division of Corrections –  
Central Office*

(WV Code Chapters 25, 28, 49 and 62)

Fund 0446 FY 2016 Org 0608

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 610,190
3	Current Expenses. . . . .	13000	<u>1,800</u>
4	Total.....		\$ 611,990

*73 - Division of Corrections –  
Correctional Units*

(WV Code Chapters 25, 28, 49 and 62)

Fund 0450 FY 2016 Org 0608

1	Employee Benefits.....	01000	\$	1,258,136
2	Children's Protection Act (R). . . . .	09000		938,437
3	Unclassified (R) . . . . .	09900		1,842,160
4	Current Expenses (R).....	13000		31,000,000
5	Facilities Planning and			
6	Administration (R).. . . . .	38600		1,116,627
7	Charleston Correctional Center. . . . .	45600		3,134,387
8	Beckley Correctional Center. . . . .	49000		1,814,873
9	Huntington Work			
10	Release Center.....	49500		1,139,619
11	Anthony Correctional Center.....	50400		5,001,443
12	Huttonsville Correctional Center... .	51400		21,042,042
13	Northern Correctional Center. . . . .	53400		6,947,380
14	Inmate Medical Expenses (R). . . . .	53500		21,226,064
15	Pruntytown Correctional Center. . . .	54300		7,069,693
16	Corrections Academy.....	56900		1,447,934
17	Martinsburg Correctional Center... .	66300		3,437,882
18	Parole Services.....	68600		5,145,478
19	Special Services . . . . .	68700		7,822,908
20	Information Technology			
21	Services. . . . .	59901		100,000



2015]	HOUSE OF DELEGATES	2729
22	Investigative Services. . . . .	71600                      3,445,962
23	Capital Outlay and	
24	Maintenance (R). . . . .	75500                      2,000,000
25	Salem Correctional Center. . . . .	77400                      9,977,414
26	McDowell County	
27	Correctional Center. . . . .	79000                      1,949,983
28	Stevens Correctional Center. . . . .	79100                      6,474,500
29	Parkersburg Correctional	
30	Center. . . . .	82800                      2,431,887
31	St. Mary's Correctional Center . . . .	88100                      12,665,613
32	Denmar Correctional Center. . . . .	88200                      4,384,334
33	Ohio County Correctional	
34	Center. . . . .	88300                      1,743,194
35	Mt. Olive Correctional Complex. . .	88800                      19,783,496
36	Lakin Correctional Center. . . . .	89600                      8,909,548
37	BRIM Premium. . . . .	91300 <u>829,190</u>
38	Total. . . . .	\$ 196,080,184
39	Any unexpended balances remaining in the appropriations	
40	for Children's Protection Act (fund 0450, appropriation 09000),	
41	Unclassified – Surplus (fund 0450, appropriation 09700),	
42	Current Expenses (fund 0450, appropriation 13000), Facilities	
43	Planning and Administration (fund 0450, appropriation 38600),	
44	Inmate Medical Expenses (fund 0450, appropriation 53500),	
45	Capital Improvements – Surplus (fund 0450, appropriation	

46 66100), Capital Outlay, Repairs and Equipment – Surplus (fund  
47 0450, appropriation 67700), Capital Outlay and Maintenance  
48 (fund 0450, appropriation 75500), and Operating Expenses –  
49 Surplus (fund 0450, appropriation 77900) at the close of the  
50 fiscal year 2015 are hereby reappropriated for expenditure  
51 during the fiscal year 2016, with the exception of fund 0450,  
52 fiscal year 2015, appropriation 13000 (\$8,000,000) and fund  
53 0450, fiscal year 2015, appropriation 53500 (\$3,000,000) which  
54 shall expire on June 30, 2015.

55 The commissioner of corrections shall have the authority to  
56 transfer between appropriations to the individual correctional  
57 units above and may transfer funds from the individual  
58 correctional units to Current Expenses (fund 0450, appropriation  
59 13000) or Inmate Medical Expenses (fund 0450, appropriation  
60 53500).

61 From the above appropriation to Unclassified, on July 1,  
62 2015, the sum of \$300,000 shall be transferred to the department  
63 of agriculture – land division – farm operating fund (1412) as  
64 advance payment for the purchase of food products; actual  
65 payments for such purchases shall not be required until such  
66 credits have been completely expended.

67 From the above appropriation to Current Expenses (fund  
68 0450, appropriation 13000) payment shall be made to house  
69 Division of Corrections inmates in federal, county, and/or  
70 regional jails.

71 Any realized savings from the Energy Savings Contract for  
72 Mt. Olive Correctional Complex, Huttonsville Correction  
73 Center, Pruntytown Correctional Center, or Denmark Correctional  
74 Center may be transferred from the listed individual correctional  
75 units to Facilities Planning and Administration (fund 0450,  
76 appropriation 38600).

*74 - West Virginia State Police*

(WV Code Chapter 15)

Fund 0453 FY 2016 Org 0612

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 59,511,081
3	Children's Protection Act. . . . .	09000	947,922
4	Current Expenses. . . . .	13000	10,403,272
5	Repairs and Alterations. . . . .	06400	450,523
6	Vehicle Purchase. . . . .	45100	2,377,614
7	Barracks Lease Payments.. . . . .	55600	246,478
8	Communications and		
9	Other Equipment (R).. . . . .	55800	1,268,968
10	Trooper Retirement Fund.. . . . .	60500	4,249,810
11	Handgun Administration		
12	Expense. . . . .	74700	81,442
13	Capital Outlay and		
14	Maintenance (R). . . . .	75500	2,250,000
15	Retirement Systems –		
16	Unfunded Liability. . . . .	77500	13,209,000
17	Automated Fingerprint		
18	Identification System.. . . . .	89800	724,554
19	BRIM Premium. . . . .	91300	<u>4,946,608</u>
20	Total.. . . . .		\$ 100,667,272

21 Any unexpended balances remaining in the appropriations  
 22 for Communications and Other Equipment (fund 0453,  
 23 appropriation 55800), and Capital Outlay and Maintenance (fund  
 24 0453, appropriation 75500) at the close of the fiscal year 2015  
 25 are hereby reappropriated for expenditure during the fiscal year  
 26 2016.

27 From the above appropriation for Personal Services and  
 28 Employee Benefits (fund 0453, appropriation 00100), an amount  
 29 not less than \$25,000 shall be expended to offset the costs  
 30 associated with providing police services for the West Virginia  
 31 State Fair.

*75 - Fire Commission*

(WV Code Chapter 29)

Fund 0436 FY 2016 Org 0619

1	Current Expenses. . . . .	13000	\$	69,439
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*76 - Division of Justice and Community Services*

(WV Code Chapter 15)

Fund 0546 FY 2016 Org 0620

1	Personal Services and			
2	Employee Benefits.. . . .	00100	\$	527,515
3	Current Expenses. . . . .	13000		132,696
4	Repairs and Alterations. . . . .	06400		1,804
5	Child Advocacy Centers (R). . . . .	45800		1,702,108
6	Community Corrections (R). . . . .	56100		7,419,704

2015]	HOUSE OF DELEGATES	2733
7	Statistical Analysis Program. . . . . 59700	46,499
8	Sexual Assault Forensic	
9	Examination Commission. . . . . 71400	76,592
10	Qualitative Analysis and	
11	Training for Youth Services. . . 76200	500,000
12	Law Enforcement	
13	Professional Standards. . . . . 83800	156,577
14	BRIM Premium. . . . . 91300	<u>1,421</u>
15	Total. . . . .	\$ 10,564,916

16 Any unexpended balances remaining in the appropriations  
17 for Buildings (fund 0546, appropriation 25800), Child Advocacy  
18 Centers (fund 0546, appropriation 45800), and Community  
19 Corrections (fund 0546, appropriation 56100) at the close of the  
20 fiscal year 2015 are hereby reappropriated for expenditure  
21 during the fiscal year 2016.

22 From the above appropriation for Child Advocacy Centers  
23 (fund 0546, appropriation 45800), the division may retain an  
24 amount not to exceed four percent of the appropriation for  
25 administrative purposes.

*77 - Division of Juvenile Services*

(WV Code Chapter 49)

Fund 0570 FY 2016 Org 0621

1	Statewide Reporting Centers. . . . . 26200	\$ 5,428,893
2	Robert L. Shell Juvenile Center. . . . 26700	1,954,598

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3	Central Office . . . . . 70100	2,334,206
4	Capital Outlay and	
5	Maintenance (R). . . . . 75500	250,000
6	Gene Spadaro Juvenile Center. . . . . 79300	2,132,797
7	BRIM Premium. . . . . 91300	96,187
8	Kenneth Honey Rubenstein	
9	Juvenile Center (R) . . . . . 98000	4,920,220
10	Vicki Douglas Juvenile	
11	Center. . . . . 98100	1,872,622
12	Northern Regional	
13	Juvenile Center. . . . . 98200	1,576,302
14	Lorrie Yeager Jr.	
15	Juvenile Center. . . . . 98300	1,920,239
16	Sam Perdue Juvenile	
17	Center . . . . . 98400	2,007,781
18	Tiger Morton Center . . . . . 98500	2,116,477
19	Donald R. Kuhn	
20	Juvenile Center. . . . . 98600	4,066,579
21	J.M. "Chick" Buckbee	
22	Juvenile Center . . . . . 98700	<u>2,018,118</u>
23	Total. . . . .	\$ 32,695,019
24	Any unexpended balances remaining in the appropriations	
25	for Capital Outlay and Maintenance (fund 0570, appropriation	
26	75500) and Kenneth Honey Rubenstein Juvenile Center (fund	
27	0570, appropriation 98000) at the close of the fiscal year 2015	

28 are hereby reappropriated for expenditure during the fiscal year  
29 2016.

30 From the above appropriations, on July 1, 2015, the sum of  
31 \$50,000 shall be transferred to the department of agriculture –  
32 land division – farm operating fund (1412) as advance payment  
33 for the purchase of food products; actual payments for such  
34 purchases shall not be required until such credits have been  
35 completely expended.

36 The director of juvenile services shall have the authority to  
37 transfer between appropriations to the individual juvenile centers  
38 above.

*78 - Division of Protective Services*

(WV Code Chapter 5F)

Fund 0585 FY 2016 Org 0622

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 2,027,387
3	Unclassified (R).. . . . .	09900	21,991
4	Current Expenses.. . . . .	13000	109,232
5	Repairs and Alterations.. . . . .	06400	8,500
6	Equipment (R).. . . . .	07000	75,000
7	Other Assets.. . . . .	69000	72,825
8	BRIM Premium.. . . . .	91300	<u>9,969</u>
9	Total.. . . . .		\$ 2,324,904

10 Any unexpended balances remaining in the appropriations  
11 for Equipment (fund 0585, appropriation 07000), and

12 Unclassified (fund 0585, appropriation 09900) at the close of the  
13 fiscal year 2015 are hereby reappropriated for expenditure  
14 during the fiscal year 2016.

**DEPARTMENT OF REVENUE**

*79 - Office of the Secretary*

(WV Code Chapter 11)

Fund 0465 FY 2016 Org 0701

1	Personal Services and		
2	Employee Benefits.. . . . . 00100	\$	529,025
3	Unclassified. . . . . 09900		6,397
4	Current Expenses. . . . . 13000		92,454
5	Repairs and Alterations. . . . . 06400		1,262
6	Equipment. . . . . 07000		8,000
7	Other Assets. . . . . 69000		<u>500</u>
8	Total. . . . .	\$	637,638

9 Any unexpended balance remaining in the appropriation for  
10 Unclassified – Total (fund 0465, appropriation 09600) at the  
11 close of the fiscal year 2015 is hereby reappropriated for  
12 expenditure during the fiscal year 2016.

*80 - Tax Division*

(WV Code Chapter 11)

Fund 0470 FY 2016 Org 0702

1	Personal Services and		
2	Employee Benefits (R). . . . . 00100	\$	16,722,654



2015]	HOUSE OF DELEGATES	2737
3	Unclassified (R)..... 09900	234,571
4	Current Expenses (R)..... 13000	6,275,442
5	Repairs and Alterations. .... 06400	10,000
6	Equipment. .... 07000	50,000
7	Multi State Tax Commission..... 65300	77,958
8	Other Assets..... 69000	10,000
9	BRIM Premium. .... 91300	<u>13,000</u>
10	Total.....	\$ 23,393,625

11 Any unexpended balances remaining in the appropriations  
12 for Personal Services and Employee Benefits (fund 0470,  
13 appropriation 00100), Tax Technology Upgrade – Surplus (fund  
14 0470, appropriation 45000), Unclassified (fund 0470,  
15 appropriation 09900), Current Expenses (fund 0470,  
16 appropriation 13000), and GIS Development Project (fund 0470,  
17 appropriation 56200) at the close of the fiscal year 2015 are  
18 hereby reappropriated for expenditure during the fiscal year  
19 2016, with the exception of fund 0470, fiscal year 2015,  
20 appropriation 00100 (\$1,000,000) which shall expire on June 30,  
21 2015.

*81 - State Budget Office*

(WV Code Chapter 11B)

Fund 0595 FY 2016 Org 0703

1	Personal Services and	
2	Employee Benefits..... 00100	\$ 649,581
3	Unclassified (R)..... 09900	7,156

4	Current Expenses.....	13000		52,916
5	BRIM Premium.....	91300		<u>3,348</u>
6	Total.....		\$	713,001

7 Any unexpended balance remaining in the appropriation for  
 8 Unclassified (fund 0595, appropriation 09900) at the close of the  
 9 fiscal year 2015 is hereby reappropriated for expenditure during  
 10 the fiscal year 2016.

*82 - West Virginia Office of Tax Appeals*

(WV Code Chapter 11)

Fund 0593 FY 2016 Org 0709

1	Personal Services and			
2	Employee Benefits.....	00100	\$	426,857
3	Current Expenses (R).....	13000		102,313
4	Unclassified.....	09900		5,397
5	Other Assets.....	69000		903
6	BRIM Premium.....	91300		<u>2,618</u>
7	Total.....		\$	538,088

8 Any unexpended balance remaining in the appropriation for  
 9 Current Expenses (fund 0593, appropriation 13000) at the close  
 10 of the fiscal year 2015 is hereby reappropriated for expenditure  
 11 during the fiscal year 2016.

*83 - Division of Professional and Occupational Licenses –  
 State Athletic Commission*

(WV Code Chapter 29)

Fund 0523 FY 2016 Org 0933

1	Personal Services and		
2	Employee Benefits..... 00100	\$	10,721
3	Current Expenses..... 13000		<u>28,385</u>
4	Total.....	\$	39,106

**DEPARTMENT OF TRANSPORTATION**

*84 - State Rail Authority*

(WV Code Chapter 29)

Fund 0506 FY 2016 Org 0804

1	Personal Services and		
2	Employee Benefits..... 00100	\$	314,606
3	Current Expenses..... 13000		330,469
4	Other Assets (R)..... 69000		1,360,760
5	BRIM Premium..... 91300		<u>173,966</u>
6	Total.....	\$	2,179,801

7 Any unexpended balances remaining in the appropriations  
8 for Unclassified (fund 0506, appropriation 09900) and Other  
9 Assets (fund 0506, appropriation 69000) at the close of the fiscal  
10 year 2015 are hereby reappropriated for expenditure during the  
11 fiscal year 2016.

*85 - Division of Public Transit*

(WV Code Chapter 17)

Fund 0510 FY 2016 Org 0805

1	Equipment (R). . . . .	07000	\$	661,049
2	Current Expenses (R).. . . . .	13000		1,744,949
3	Buildings (R). . . . .	25800		20,281
4	Other Assets (R).. . . . .	69000		<u>50,000</u>
5	Total.. . . . .		\$	2,476,279

6 Any unexpended balances remaining in the appropriations  
7 for Equipment (fund 0510, appropriation 07000), Current  
8 Expenses (fund 0510, appropriation 13000), Buildings (fund  
9 0510, appropriation 25800) and Other Assets (fund 0510,  
10 appropriation 69000) at the close of the fiscal year 2015 are  
11 hereby reappropriated for expenditure during the fiscal year  
12 2016.

*86 - Public Port Authority*

(WV Code Chapter 17)

Fund 0581 FY 2016 Org 0806

1	Personal Services and			
2	Employee Benefits.. . . . .	00100	\$	218,492
3	Current Expenses. . . . .	13000		73,539
4	Repairs and Alterations. . . . .	06400		500
5	BRIM Premium. . . . .	91300		<u>2,500</u>
6	Total.. . . . .		\$	295,031

7 Any unexpended balance remaining in the appropriation for  
8 Unclassified (fund 0581, appropriation 09900) at the close of the

9 fiscal year 2015 is hereby reappropriated for expenditure during  
10 the fiscal year 2016.

*87 - Aeronautics Commission*

(WV Code Chapter 29)

Fund 0582 FY 2016 Org 0807

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 212,798
3	Current Expenses (R).....	13000	807,704
4	Repairs and Alterations. ....	06400	100
5	Civil Air Patrol.....	23400	155,095
6	BRIM Premium. ....	91300	<u>3,045</u>
7	Total.....		\$ 1,178,742

8 Any unexpended balance remaining in the appropriations for  
9 Unclassified (fund 0582, appropriation 09900) and Current  
10 Expenses (fund 0582, appropriation 13000) at the close of the  
11 fiscal year 2015 are hereby reappropriated for expenditure  
12 during the fiscal year 2016.

13 From the above appropriation for Current Expenses (fund  
14 0582, appropriation 13000), the sum of \$120,000 shall be  
15 distributed equally to each of the twelve local Civil Air Patrol  
16 Squadrons.

**DEPARTMENT OF VETERANS' ASSISTANCE**

*88 - Department of Veterans' Assistance*

(WV Code Chapter 9A)

Fund 0456 FY 2016 Org 0613

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 1,876,828
3	Unclassified. . . . .	09900	200,000
4	Current Expenses. . . . .	13000	325,507
5	Repairs and Alterations. . . . .	06400	5,000
6	Veterans' Field Offices. . . . .	22800	288,345
7	Veterans' Nursing Home (R).. . . . .	28600	6,004,913
8	Veterans' Toll Free		
9	Assistance Line. . . . .	32800	2,015
10	Veterans' Reeducation		
11	Assistance (R). . . . .	32900	39,502
12	Veterans' Grant Program (R).. . . . .	34200	150,000
13	Veterans' Grave Markers.. . . . .	47300	10,254
14	Veterans' Transportation. . . . .	48500	625,000
15	Veterans Outreach Programs. . . . .	61700	188,277
16	Memorial Day Patriotic		
17	Exercise. . . . .	69700	20,000
18	Veterans Cemetery.. . . . .	80800	583,263
19	BRIM Premium. . . . .	91300	<u>23,860</u>
20	Total.. . . . .		\$ 10,342,764
21	Any unexpended balances remaining in the appropriations		
22	for Veterans' Nursing Home (fund 0456, appropriation 28600),		

23 Veterans' Reeducation Assistance (fund 0456, appropriation  
 24 32900), Veterans' Grant Program (fund 0456, appropriation  
 25 34200), Veterans' Bonus – Surplus (fund 0456, appropriation  
 26 34400), Veterans' Bonus (fund 0456, appropriation 48300), and  
 27 Educational Opportunities for Children of Deceased Veterans  
 28 (fund 0456, appropriation 85400) at the close of the fiscal year  
 29 2015 are hereby reappropriated for expenditure during the fiscal  
 30 year 2016.

*89 - Department of Veterans' Assistance –  
 Veterans' Home*

(WV Code Chapter 9A)

Fund 0460 FY 2016 Org 0618

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 1,088,530
3	Unclassified.....	09900	150,000
4	Current Expenses.....	13000	<u>69,000</u>
5	Total.....		\$ 1,307,530

**BUREAU OF SENIOR SERVICES**

*90 - Bureau of Senior Services*

(WV Code Chapter 29)

Fund 0420 FY 2016 Org 0508

1	Transfer to Division of Human		
2	Services for Health Care		
3	and Title XIX Waiver for		
4	Senior Citizens.....	53900	\$ 14,063,432

5       The above appropriation for Transfer to Division of Human  
 6 Services for Health Care and Title XIX Waiver for Senior  
 7 Citizens (fund 0420, appropriation 53900) along with the federal  
 8 moneys generated thereby shall be used for reimbursement for  
 9 services provided under the program.

10       The above appropriation is in addition to funding provided  
 11 in fund 5405 for this program.

**WEST VIRGINIA COUNCIL FOR COMMUNITY  
 AND TECHNICAL COLLEGE EDUCATION**

*91 - West Virginia Council for  
 Community and Technical College Education –  
 Control Account*

(WV Code Chapter 18B)

Fund 0596 FY 2016 Org 0420

1	West Virginia Council for		
2	Community and Technical		
3	Education (R).....	39200	\$ 762,305
4	Transit Training Partnership. ....	78300	70,217
5	Community College		
6	Workforce Development (R)...	87800	806,048
7	College Transition Program.....	88700	292,718
8	West Virginia Advance Workforce		
9	Development (R).....	89300	3,433,842
10	Technical Program		
11	Development (R).....	89400	<u>1,984,598</u>
12	Total.....		\$ 7,349,728



13 Any unexpended balances remaining in the appropriations  
 14 for Unclassified – Surplus (fund 0596, appropriation 09700),  
 15 West Virginia Council for Community and Technical Education  
 16 (fund 0596, appropriation 39200), Capital Improvements –  
 17 Surplus (fund 0596, appropriation 66100), Community College  
 18 Workforce Development (fund 0596, appropriation 87800), West  
 19 Virginia Advance Workforce Development (fund 0596,  
 20 appropriation 89300), and Technical Program Development  
 21 (fund 0596, appropriation 89400) at the close of the fiscal year  
 22 2015 are hereby reappropriated for expenditure during the fiscal  
 23 year 2016.

24 From the above appropriation for the Community College  
 25 Workforce Development (fund 0596, appropriation 87800),  
 26 \$200,000 shall be expended on the Mine Training Program in  
 27 Southern West Virginia.

28 Included in the above appropriation for West Virginia  
 29 Advance Workforce Development (fund 0596, appropriation  
 30 89300) is \$200,000 to be used exclusively for advanced  
 31 manufacturing and energy industry specific training programs.

*92 - Mountwest Community and Technical College*

(WV Code Chapter 18B)

Fund 0599 FY 2016 Org 0444

1	Mountwest Community and		
2	Technical College. . . . .	48700	\$ 5,687,484

*93 - New River Community and Technical College*

(WV Code Chapter 18B)

Fund 0600 FY 2016 Org 0445

1	New River Community and		
2	Technical College. . . . .	35800	\$ 5,676,500

*94 - Pierpont Community and Technical College*

(WV Code Chapter 18B)

Fund 0597 FY 2016 Org 0446

1	Pierpont Community and		
2	Technical College. . . . .	93000	\$ 7,664,596

*95 - Blue Ridge Community and Technical College*

(WV Code Chapter 18B)

Fund 0601 FY 2016 Org 0447

1	Blue Ridge Community and		
2	Technical College. . . . .	88500	\$ 4,949,710

*96 - West Virginia University at Parkersburg*

(WV Code Chapter 18B)

Fund 0351 FY 2016 Org 0464

1	West Virginia University –		
2	Parkersburg. . . . .	47100	\$ 10,094,237

*97 - Southern West Virginia Community and Technical College*

(WV Code Chapter 18B)

Fund 0380 FY 2016 Org 0487

1	Southern West Virginia		
2	Community and		
3	Technical College. . . . .	44600	\$ 8,203,924

*98 - West Virginia Northern Community and Technical College*

(WV Code Chapter 18B)

Fund 0383 FY 2016 Org 0489

1	West Virginia Northern		
2	Community and Technical		
3	College.....	44700	\$ 7,099,616

*99 - Eastern West Virginia Community and Technical College*

(WV Code Chapter 18B)

Fund 0587 FY 2016 Org 0492

1	Eastern West Virginia		
2	Community and		
3	Technical College. ....	41200	\$ 1,887,174

*100 - BridgeValley Community and Technical College*

(WV Code Chapter 18B)

Fund 0618 FY 2016 Org 0493

1	BridgeValley Community and		
2	Technical College. ....	71700	\$ 7,739,898

**HIGHER EDUCATION POLICY COMMISSION**

*101 - Higher Education Policy Commission –  
Administration –  
Control Account*

(WV Code Chapter 18B)

Fund 0589 FY 2016 Org 0441

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 2,517,148
3	Current Expenses.....	13000	172,806

4	Higher Education		
5	Grant Program. . . . .	16400	39,019,864
6	Tuition Contract Program (R). . . . .	16500	1,249,464
7	Underwood-Smith Scholarship		
8	Program-Student Awards. . . . .	16700	192,500
9	Facilities Planning and		
10	Administration (R).. . . . .	38600	1,897,759
11	PROMISE Scholarship –		
12	Transfer. . . . .	80000	18,500,000
13	HEAPS Grant Program (R). . . . .	86700	5,006,535
14	BRIM Premium. . . . .	91300	<u>16,362</u>
15	Total. . . . .		\$ 68,572,438

16 Any unexpended balances remaining in the appropriations  
17 for Unclassified – Surplus (fund 0589, appropriation 09700),  
18 Tuition Contract Program (fund 0589, appropriation 16500),  
19 Facilities Planning and Administration (fund 0589, appropriation  
20 38600), Capital Improvements – Surplus (fund 0589,  
21 appropriation 66100), Capital Outlay and Maintenance (fund  
22 0589, appropriation 75500), HEAPS Grant Program (fund 0589,  
23 appropriation 86700), and Higher Education – Special Projects  
24 – Surplus (fund 0589, appropriation 94600) at the close of the  
25 fiscal year 2015 are hereby reappropriated for expenditure  
26 during the fiscal year 2016.

27 The above appropriation for Facilities Planning and  
28 Administration (fund 0589, appropriation 38600) is for  
29 operational expenses of the West Virginia Education, Research  
30 and Technology Park between construction and full occupancy.

31 The above appropriation for Higher Education Grant  
32 Program (fund 0589, appropriation 16400) shall be transferred

33 to the Higher Education Grant Fund (fund 4933, org 0441)  
34 established by W.Va. Code §18C-5-3.

35 The above appropriation for Underwood-Smith Scholarship  
36 Program-Student Awards (fund 0589, appropriation 16700) shall  
37 be transferred to the Underwood-Smith Teacher Scholarship and  
38 Loan Assistance Fund (fund 4922, org 0441) established by  
39 W.Va. Code §18C-4-1.

40 The above appropriation for PROMISE Scholarship –  
41 Transfer (fund 0589, appropriation 80000) shall be transferred  
42 to the PROMISE Scholarship Fund (fund 4296, org 0441)  
43 established by W.Va. Code §18C-7-7.

*102 - Higher Education Policy Commission –  
Administration –  
West Virginia Network for Educational Telecomputing (WVNET)*

(WV Code Chapter 18B)

Fund 0551 FY 2016 Org 0495

1 WVNET..... 16900 \$ 1,696,561

*103 - West Virginia University –  
School of Medicine  
Medical School Fund*

(WV Code Chapter 18B)

Fund 0343 FY 2016 Org 0463

1 WVU School of Health Science –  
2 Eastern Division. .... 05600 \$ 2,303,985  
3 WVU – School of  
4 Health Sciences. .... 17400 16,711,414

5	WVU – School of		
6	Health Sciences –		
7	Charleston Division.....	17500	2,374,260
8	Rural Health Outreach		
9	Programs (R).....	37700	175,720
10	West Virginia University		
11	School of Medicine		
12	BRIM Subsidy.....	46000	<u>1,209,668</u>
13	Total.....		\$ 22,775,047

14 Any unexpended balance remaining in the appropriations for  
 15 Rural Health Outreach Programs (fund 0343, appropriation  
 16 37700), and Educational Enhancements – Surplus (fund 0343,  
 17 appropriation 92700) at the close of the fiscal year 2015 are  
 18 hereby reappropriated for expenditure during the fiscal year  
 19 2016.

20 Included in the appropriation for WVU - School of Health  
 21 Sciences (fund 0343, appropriation 17400) is \$2,000,000 for the  
 22 School of Public Health; Graduate Medical Education;  
 23 programming or research for multiple sclerosis, alzheimers, and  
 24 neurosciences (including the Blanchette Rockefeller Project);  
 25 and \$82,000 for the West Virginia University National Center of  
 26 Excellence in Women’s Health. Appropriations for WVU -  
 27 School of Health Sciences (fund 0343, appropriation 17400)  
 28 used for Graduate Medical Education may be transferred to the  
 29 Department of Health and Human Resources Medical Service  
 30 fund (fund 5084) for the purpose of matching federal or other  
 31 funds used to support graduate medical education, subject to the  
 32 approval of the vice-chancellor for health sciences and the  
 33 Secretary of the Department of Health and Human Resources. If  
 34 approval is denied, funds bay be utilized by the respective  
 35 institutions for expenditure on graduate medical education.

36 The above appropriation for Rural Health Outreach  
 37 Programs (fund 0343, appropriation 37700) includes rural health  
 38 activities and programs; rural residency development and  
 39 education; and rural outreach activities.

40 The above appropriation for BRIM subsidy (fund 0343,  
 41 appropriation 46000) shall be paid to the Board of Risk and  
 42 Insurance Management as a general revenue subsidy against the  
 43 “Total Premium Billed” to the institution as part of the full cost  
 44 of their malpractice insurance coverage.

*104 - West Virginia University –  
 General Administrative Fund*

(WV Code Chapter 18B)

Fund 0344 FY 2016 Org 0463

1	West Virginia University.....	45900	\$ 100,354,338
2	Jackson’s Mill (R). . . . .	46100	307,713
3	West Virginia University		
4	Institute for Technology. . . . .	47900	8,281,570
5	State Priorities –		
6	Brownfield Professional		
7	Development (R).....	53100	348,287
8	West Virginia University –		
9	Potomac State. . . . .	99400	<u>4,037,218</u>
10	Total.....		\$ 113,329,126

11 Any unexpended balances remaining in the appropriations  
 12 for Jackson’s Mill (fund 0344, appropriation 46100), and State  
 13 Priorities – Brownfield Professional Development (fund 0344,

14 appropriation 53100) at the close of the fiscal year 2015 are  
 15 hereby reappropriated for expenditure during the fiscal year  
 16 2016.

17 Included in the appropriation for West Virginia University  
 18 (fund 0344, appropriation 45900) is \$360,000 for the WVU Law  
 19 School - Skills Program; \$836,400 for the College of  
 20 Engineering and Mineral Resources for the WVU Coal and  
 21 Energy Research Bureau, the Mining Engineering Program, and  
 22 the Petroleum Engineering Program; \$416,600 for farms in the  
 23 Davis College of Forestry, Agriculture and Consumer Sciences;  
 24 \$100,000 for the WVU Soil Testing Program; and \$25,000 for  
 25 the West Virginia University Extension Service cyber-bullying  
 26 prevention program.

27 Included in the above appropriation for Jackson’s Mill (fund  
 28 0344, appropriation 46100) is \$121,500 for the Jackson’s Mill  
 29 Fire Academy.

*105 - Marshall University –  
 School of Medicine*

(WV Code Chapter 18B)

Fund 0347 FY 2016 Org 0471

1	Marshall Medical School.....	17300	\$	12,541,389
2	Rural Health Outreach			
3	Programs (R).....	37700		174,600
4	Forensic Lab.....	37701		415,000
5	Center for Rural Health. ....	37702		275,000
6	Marshall University Medical			
7	School BRIM Subsidy.....	44900		<u>877,385</u>
8	Total.....		\$	14,283,374



9 Any unexpended balance remaining in the appropriation for  
 10 Rural Health Outreach Program (fund 0347, appropriation  
 11 37700) at the close of the fiscal year 2015 is hereby  
 12 reappropriated for expenditure during the fiscal year 2016.

13 The above appropriation for Rural Health Outreach  
 14 Programs (fund 0347, appropriation 37700) includes rural health  
 15 activities and programs; rural residency development and  
 16 education; and rural outreach activities.

17 The above appropriation for BRIM subsidy (fund 0347,  
 18 appropriation 44900) shall be paid to the Board of Risk and  
 19 Insurance Management as a general revenue subsidy against the  
 20 "Total Premium Billed" to the institution as part of the full cost  
 21 of their malpractice insurance coverage.

*106 - Marshall University –  
 General Administration Fund*

(WV Code Chapter 18B)

Fund 0348 FY 2016 Org 0471

1	Marshall University. . . . .	44800	\$	47,262,017
2	Vista E-Learning (R). . . . .	51900		259,207
3	State Priorities –			
4	Brownfield Professional			
5	Development (R). . . . .	53100		348,287
6	Marshall University Graduate			
7	College Writing Project. . . . .	80700		21,601
8	Luke Lee Listening			
9	Language and Learning			
10	Lab. . . . .	44801		175,000

11	WV Autism Training		
12	Center (R). . . . .	93200	<u>1,846,830</u>
13	Total. . . . .		\$ 49,912,942

14 Any unexpended balances remaining in the appropriations  
 15 for Vista E-Learning (fund 0348, appropriation 51900), State  
 16 Priorities – Brownfield Professional Development (fund 0348,  
 17 appropriation 53100) and WV Autism Training Center (fund  
 18 0348, appropriation 93200) at the close of fiscal year 2015 are  
 19 hereby reappropriated for expenditure during the fiscal year  
 20 2016.

*107 - West Virginia School of Osteopathic Medicine*

(WV Code Chapter 18B)

Fund 0336 FY 2016 Org 0476

1	West Virginia School of		
2	Osteopathic Medicine. . . . .	17200	\$ 7,458,334
3	Rural Health Outreach		
4	Programs (R). . . . .	37700	175,367
5	West Virginia School of		
6	Osteopathic Medicine		
7	BRIM Subsidy. . . . .	40300	150,751
8	Rural Health Initiative –		
9	Medical Schools Support. . . . .	58100	<u>418,652</u>
10	Total. . . . .		\$ 8,203,104

11 Any unexpended balance remaining in the appropriation for  
 12 Rural Health Outreach Programs (fund 0336, appropriation  
 13 37700) at the close of fiscal year 2015 is hereby reappropriated  
 14 for expenditure during the fiscal year 2016.

15 The above appropriation for Rural Health Outreach  
16 Programs (fund 0336, appropriation 37700) includes rural health  
17 activities and programs; rural residency development and  
18 education; and rural outreach activities.

19 The above appropriation for BRIM subsidy (fund 0336,  
20 appropriation 40300) shall be paid to the Board of Risk and  
21 Insurance Management as a general revenue subsidy against the  
22 "Total Premium Billed" to the institution as part of the full cost  
23 of their malpractice insurance coverage.

*108 - Bluefield State College*

(WV Code Chapter 18B)

Fund 0354 FY 2016 Org 0482

1 Bluefield State College. . . . . 40800 \$ 5,823,680

*109 - Concord University*

(WV Code Chapter 18B)

Fund 0357 FY 2016 Org 0483

1 Concord University. . . . . 41000 \$ 8,933,744

*110 - Fairmont State University*

(WV Code Chapter 18B)

Fund 0360 FY 2016 Org 0484

1 Fairmont State University. . . . . 41400 \$ 15,668,202

*111 - Glenville State College*

(WV Code Chapter 18B)

Fund 0363 FY 2016 Org 0485

1	Glennville State College. . . . .	42800	\$	6,034,427
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*112 - Shepherd University*

(WV Code Chapter 18B)

Fund 0366 FY 2016 Org 0486

1	Shepherd University. . . . .	43200	\$	9,921,556
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*113 - West Liberty University*

(WV Code Chapter 18B)

Fund 0370 FY 2016 Org 0488

1	West Liberty University. . . . .	43900	\$	8,198,329
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*114 - West Virginia State University*

(WV Code Chapter 18B)

Fund 0373 FY 2016 Org 0490

1	West Virginia State University. . .	44100	\$	10,733,691
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2	West Virginia State University			
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3	Land Grant Match. . . . .	95600		<u>1,649,709</u>
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4	Total. . . . .		\$	12,383,400
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5	Total TITLE II, Section 1 —			
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6	General Revenue			
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7	(Including claims against the state). . .			<u>\$ 4,305,776,000</u>
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1       **Sec. 2. Appropriations from state road fund.** — From the  
2 state road fund there are hereby appropriated conditionally upon

3 the fulfillment of the provisions set forth in Article 2, Chapter  
4 11B of the Code the following amounts, as itemized, for  
5 expenditure during the fiscal year 2016.

**DEPARTMENT OF TRANSPORTATION**

*115 - Division of Motor Vehicles*

(WV Code Chapters 17, 17A, 17B, 17C, 17D, 20 and 24A)

Fund 9007 FY 2016 Org 0802

	<b>Appro- piation</b>	<b>State Road Fund</b>
1 Personal Services and		
2 Employee Benefits.....	00100	\$ 23,278,949
3 Current Expenses.....	13000	16,204,124
4 Repairs and Alterations.....	06400	144,000
5 Equipment.....	07000	1,080,000
6 Buildings.....	25800	10,000
7 Other Assets.....	69000	2,600,000
8 BRIM Premium.....	91300	<u>61,656</u>
9 Total.....		\$ 43,378,729

*116 - Division of Highways*

(WV Code Chapters 17 and 17C)

Fund 9017 FY 2016 Org 0803

1 Debt Service.....	04000	\$ 37,000,000
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2	Maintenance . . . . .	23700	361,480,000
3	Maintenance, Contract		
4	Paving and Secondary		
5	Road Maintenance. . . . .	27200	48,500,000
6	Bridge Repair and		
7	Replacement. . . . .	27300	20,000,000
8	Inventory Revolving. . . . .	27500	4,000,000
9	Equipment Revolving. . . . .	27600	15,000,000
10	General Operations. . . . .	27700	52,285,000
11	Interstate Construction. . . . .	27800	120,000,000
12	Other Federal Aid Programs. . . . .	27900	371,856,000
13	Appalachian Programs. . . . .	28000	90,000,000
14	Nonfederal Aid Construction. . . . .	28100	15,000,000
15	Highway Litter Control. . . . .	28200	1,740,000
16	Courtesy Patrol. . . . .	28201	<u>3,000,000</u>
17	Total. . . . .		\$ 1,139,861,000

18       The above appropriations are to be expended in accordance  
19 with the provisions of Chapters 17 and 17C of the code.

20       The commissioner of highways shall have the authority to  
21 operate revolving funds within the state road fund for the  
22 operation and purchase of various types of equipment used  
23 directly and indirectly in the construction and maintenance of  
24 roads and for the purchase of inventories and materials and  
25 supplies.

26       There is hereby appropriated in addition to the above  
27 appropriations, sufficient money for the payment of claims,

28 accrued or arising during this budgetary period, to be paid in  
 29 accordance with Sections 17 and 18, Article 2, Chapter 14 of the  
 30 code.

31 It is the intent of the Legislature to capture and match all  
 32 federal funds available for expenditure on the Appalachian  
 33 highway system at the earliest possible time. Therefore, should  
 34 amounts in excess of those appropriated be required for the  
 35 purposes of Appalachian programs, funds in excess of the  
 36 amount appropriated may be made available upon  
 37 recommendation of the commissioner and approval of the  
 38 Governor. Further, for the purpose of Appalachian programs,  
 39 funds appropriated by appropriation may be transferred to other  
 40 appropriations upon recommendation of the commissioner and  
 41 approval of the Governor.

*117 - Office of Administrative Hearings*

(WV Code Chapter 17C)

Fund 9027 FY 2016 Org 0808

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 1,585,201
3	Current Expenses. . . . .	13000	344,278
4	Repairs and Alterations. . . . .	06400	5,000
5	Equipment. . . . .	07000	7,500
6	BRIM Premium. . . . .	91300	<u>10,000</u>
7	Total. . . . .		\$ 1,951,979
8	Total TITLE II, Section 2 —		
9	State Road Fund		
10	(Including claims against the state) . . .		<u>\$ 1,185,922,141</u>

1       **Sec. 3. Appropriations from other funds.** — From the  
 2 funds designated there are hereby appropriated conditionally  
 3 upon the fulfillment of the provisions set forth in Article 2,  
 4 Chapter 11B of the Code the following amounts, as itemized, for  
 5 expenditure during the fiscal year 2016.

### LEGISLATIVE

#### *118 - Crime Victims Compensation Fund*

(WV Code Chapter 14)

Fund 1731 FY 2016 Org 2300

	<b>Appro- p-riation</b>		<b>Other Funds</b>
1 Personal Services and			
2     Employee Benefits.. . . . .	00100	\$	498,020
3     Current Expenses. . . . .	13000		133,903
4     Repairs and Alterations. . . . .	06400		1,000
5     Economic Loss Claim			
6     Payment Fund. . . . .	33400		3,460,125
7     Other Assets. . . . .	69000		<u>3,700</u>
8     Total. . . . .		\$	4,096,748

### JUDICIAL

#### *119 - Supreme Court – Family Court Fund*

(WV Code Chapter 51)



Fund 1763 FY 2016 Org 2400

1	Current Expenses. . . . .	13000	\$	1,200,000
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**EXECUTIVE**

*120 - Governor's Office  
Minority Affairs Fund*

(WV Code Chapter 5)

Fund 1058 FY 2016 Org 0100

1	Personal Services and			
2	Employee Benefits. . . . .	00100	\$	172,800
3	Current Expenses. . . . .	13000		512,126
4	Total. . . . .		\$	684,926

*121 - Auditor's Office –  
Land Operating Fund*

(WV Code Chapters 11A, 12 and 36)

Fund 1206 FY 2016 Org 1200

1	Personal Services and			
2	Employee Benefits. . . . .	00100	\$	642,647
3	Unclassified. . . . .	09900		15,139
4	Current Expenses. . . . .	13000		440,291
5	Repairs and Alterations. . . . .	06400		2,600
6	Equipment. . . . .	07000		426,741
7	Cost of Delinquent Land Sales. . . . .	76800		1,341,168
8	Total. . . . .		\$	2,868,586

9       There is hereby appropriated from this fund, in addition to  
 10 the above appropriations if needed, the necessary amount for the  
 11 expenditure of funds other than personal services and employee  
 12 benefits to enable the division to pay the direct expenses relating  
 13 to land sales as provided in Chapter 11A of the West Virginia  
 14 Code.

15       The total amount of these appropriations shall be paid from  
 16 the special revenue fund out of fees and collections as provided  
 17 by law.

*122 - Auditor's Office –  
 Local Government Purchasing Card Expenditure Fund*

(WV Code Chapter 6)

Fund 1224 FY 2016 Org 1200

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$     308,087
3	Current Expenses. . . . .	13000	62,030
4	Repairs and Alterations. . . . .	06400	6,000
5	Equipment. . . . .	07000	10,805
6	Other Assets. . . . .	69000	50,000
7	Statutory Revenue Distribution. . . . .	74100	<u>1,500,000</u>
8	Total. . . . .		\$    1,936,922

9       There is hereby appropriated from this fund, in addition to  
 10 the above appropriations if needed, the amount necessary to  
 11 meet the transfer of revenue distribution requirements to provide  
 12 a proportionate share of rebates back to the general fund of local  
 13 governments based on utilization of the program in accordance  
 14 with W.Va. Code §6-9-2b.

*123 - Auditor's Office –  
Securities Regulation Fund*

(WV Code Chapter 32)

Fund 1225 FY 2016 Org 1200

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 1,882,510
3	Unclassified. . . . .	09900	31,866
4	Current Expenses. . . . .	13000	838,830
5	Repairs and Alterations. . . . .	06400	12,400
6	Equipment. . . . .	07000	19,700
7	Other Assets. . . . .	69000	<u>673,326</u>
8	Total. . . . .		\$ 3,458,632

*124 - Auditor's Office –  
Technology Support and Acquisition Fund*

(WV Code Chapter 12)

Fund 1233 FY 2016 Org 1200

1	Current Expenses. . . . .	13000	\$ 300,000
2	Other Assets. . . . .	69000	<u>100,000</u>
3	Total. . . . .		\$ 400,000

4 Fifty percent of the deposits made into this fund shall be  
 5 transferred to the Treasurer's Office – Technology Support and  
 6 Acquisition Fund (fund 1329, org 1300) for expenditure for the  
 7 purposes described in W.Va. Code §12-3-10c.

*125 - Auditor's Office –  
Purchasing Card Administration Fund*

(WV Code Chapter 12)

Fund 1234 FY 2016 Org 1200

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 2,499,307
3	Current Expenses. . . . .	13000	1,578,622
4	Repairs and Alterations. . . . .	06400	5,500
5	Equipment. . . . .	07000	650,000
6	Other Assets. . . . .	69000	308,886
7	Statutory Revenue		
8	Distribution. . . . .	74100	<u>4,000,000</u>
9	Total. . . . .		\$ 9,042,315

10 There is hereby appropriated from this fund, in addition to  
11 the above appropriations if needed, the amount necessary to  
12 meet the transfer and revenue distribution requirements to the  
13 Purchasing Improvement Fund (fund 2264), the Hatfield-McCoy  
14 Regional Recreation Authority, and the State Park Operating  
15 Fund (fund 3265) per W.Va. Code §12-3-10d.

*126 - Auditor's Office –  
Chief Inspector's Fund*

(WV Code Chapter 6)

Fund 1235 FY 2016 Org 1200

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 3,405,512

2015]	HOUSE OF DELEGATES	2765
3	Current Expenses. . . . . 13000	765,915
4	Equipment. . . . . 07000	<u>50,000</u>
5	Total. . . . .	\$ 4,221,427

*127 - Auditor's Office –  
Volunteer Fire Department Workers'  
Compensation Premium Subsidy Fund*

(WV Code Chapters 12 and 33)

Fund 1239 FY 2016 Org 1200

1	Volunteer Fire Department	
2	Workers' Compensation	
3	Subsidy. . . . . 83200	\$ 2,500,000

*128 - Treasurer's Office –  
College Prepaid Tuition and Savings Program  
Administrative Account*

(WV Code Chapter 18)

Fund 1301 FY 2016 Org 1300

1	Personal Services and	
2	Employee Benefits. . . . . 00100	\$ 769,227
3	Unclassified. . . . . 09900	14,000
4	Current Expenses. . . . . 13000	<u>625,404</u>
5	Total. . . . .	\$ 1,408,631

*129 - Treasurer's Office –  
Technology Support and Acquisition Fund*

(WV Code Chapter 12)

Fund 1329 FY 2016 Org 1300

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 183,074
3	Unclassified. . . . .	09900	4,700
4	Current Expenses. . . . .	13000	228,875
5	Other Assets. . . . .	69000	<u>60,000</u>
6	Total. . . . .		\$ 476,649

*130 - Department of Agriculture –  
Agriculture Fees Fund*

(WV Code Chapter 19)

Fund 1401 FY 2016 Org 1400

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 2,244,245
3	Unclassified. . . . .	09900	37,425
4	Current Expenses. . . . .	13000	1,356,184
5	Repairs and Alterations. . . . .	06400	58,500
6	Equipment. . . . .	07000	36,209
7	Other Assets. . . . .	69000	<u>10,000</u>
8	Total. . . . .		\$ 3,742,563

*131 - Department of Agriculture –  
West Virginia Rural Rehabilitation Program*

(WV Code Chapter 19)

Fund 1408 FY 2016 Org 1400

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 73,807
3	Unclassified.....	09900	10,476
4	Current Expenses.....	13000	<u>963,404</u>
5	Total.....		\$ 1,047,687

*132 - Department of Agriculture –  
General John McCausland Memorial Farm Fund*

(WV Code Chapter 19)

Fund 1409 FY 2016 Org 1400

1	Unclassified.....	09900	\$ 2,100
2	Current Expenses.....	13000	129,500
3	Repairs and Alterations.....	06400	47,400
4	Equipment.....	07000	<u>31,000</u>
5	Total.....		\$ 210,000

6 The above appropriations shall be expended in accordance  
7 with Article 26, Chapter 19 of the Code.

*133 - Department of Agriculture –  
Farm Operating Fund*

(WV Code Chapter 19)

Fund 1412 FY 2016 Org 1400

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 309,248

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3	Unclassified. . . . . 09900	15,173
4	Current Expenses. . . . . 13000	1,167,464
5	Repairs and Alterations. . . . . 06400	238,722
6	Equipment. . . . . 07000	249,393
7	Other Assets. . . . . 69000	<u>20,000</u>
8	Total. . . . .	\$ 2,000,000

*134 - Department of Agriculture –  
Donated Food Fund*

(WV Code Chapter 19)

Fund 1446 FY 2016 Org 1400

1	Personal Services and	
2	Employee Benefits. . . . . 00100	\$ 958,864
3	Unclassified. . . . . 09900	45,807
4	Current Expenses. . . . . 13000	3,410,542
5	Repairs and Alterations. . . . . 06400	128,500
6	Equipment. . . . . 07000	10,000
7	Other Assets. . . . . 69000	<u>27,000</u>
8	Total. . . . .	\$ 4,580,713

*135 - Department of Agriculture –  
Integrated Predation Management Fund*

(WV Code Chapter 7)



2015]                                      HOUSE OF DELEGATES                                      2769

Fund 1465 FY 2016 Org 1400

1    Current Expenses. . . . . 13000                  \$                  100,000

*136 - Department of Agriculture –  
West Virginia Spay Neuter Assistance Fund*

(WV Code Chapter 19)

Fund 1481 FY 2016 Org 1400

1    Current Expenses. . . . . 13000                  \$                  100

*137 - Department of Agriculture –  
Veterans and Warriors to Agriculture Fund*

(WV Code Chapter 19)

Fund 1483 FY 2016 Org 1400

1    Current Expenses. . . . . 13000                  \$                  7,500

*138 - Attorney General –  
Antitrust Enforcement Fund*

(WV Code Chapter 47)

Fund 1507 FY 2016 Org 1500

1	Personal Services and		
2	Employee Benefits.. . . . . 00100	\$	356,900
3	Current Expenses. . . . . 13000		142,803
4	Repairs and Alterations. . . . . 06400		3,000
5	Equipment. . . . . 07000		<u>5,000</u>
6	Total. . . . .	\$	507,703

*139 - Attorney General –  
Preneed Burial Contract Regulation Fund*

(WV Code Chapter 47)

Fund 1513 FY 2016 Org 1500

1	Personal Services and		
2	Employee Benefits.. . . . . 00100	\$	210,226
3	Current Expenses. . . . . 13000		48,615
4	Repairs and Alterations. . . . . 06400		3,000
5	Equipment. . . . . 07000		5,000
6	Total. . . . .	\$	266,841

*140 - Attorney General –  
Preneed Funeral Guarantee Fund*

(WV Code Chapter 47)

Fund 1514 FY 2016 Org 1500

1	Current Expenses. . . . . 13000	\$	901,135
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*141 - Secretary of State –  
Service Fees and Collection Account*

(WV Code Chapters 3, 5, and 59)

Fund 1612 FY 2016 Org 1600

1	Personal Services and		
2	Employee Benefits.. . . . . 00100	\$	791,051
3	Unclassified. . . . . 09900		4,524

2015]	HOUSE OF DELEGATES	2771
4	Current Expenses. . . . . 13000	<u>8,036</u>
5	Total. . . . .	\$ 803,611

*142 - Secretary of State –  
General Administrative Fees Account*

(WV Code Chapters 3, 5 and 59)

Fund 1617 FY 2016 Org 1600

1	Personal Services and	
2	Employee Benefits. . . . . 00100	\$ 2,769,898
3	Unclassified. . . . . 09900	25,529
4	Current Expenses. . . . . 13000	796,716
5	Technology Improvements. . . . . 59900	<u>750,000</u>
6	Total. . . . .	\$ 4,342,143

**DEPARTMENT OF ADMINISTRATION**

*143 - Department of Administration –  
Office of the Secretary –  
Tobacco Settlement Fund*

(WV Code Chapter 4)

Fund 2041 FY 2016 Org 0201

1	Tobacco Settlement	
2	Securitization Trustee	
3	Pass Thru. . . . . 65000	\$ 80,000,000
4	Tobacco Settlement	
5	Fund – Transfer. . . . . 90200	<u>6,000</u>
6	Total. . . . .	\$ 80,006,000

7 The above appropriation for Tobacco Settlement Fund –  
 8 Transfer (appropriation 90200) shall be transferred to the  
 9 Division of Health (fund 5124, org 0506) for expenditure.

*144 - Department of Administration –  
 Office of the Secretary  
 Employee Pension and Health Care Benefit Fund*

(WV Code Chapter 18)

Fund 2044 FY 2016 Org 0201

1 Current Expenses. . . . . 13000 \$ 34,472,000

2 The above appropriation for Current Expenses (fund 2044,  
 3 appropriation 13000) shall be transferred to the Consolidated  
 4 Public Retirement Board – West Virginia Teachers’ Retirement  
 5 System Employers Accumulation Fund (fund 2601).

*145 - Division of Information Services and Communications*

(WV Code Chapter 5A)

Fund 2220 FY 2016 Org 0210

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 23,378,322
3	Unclassified. . . . .	09900	382,354
4	Current Expenses. . . . .	13000	11,394,766
5	Repairs and Alterations. . . . .	06400	1,000
6	Equipment. . . . .	07000	2,034,000
7	Other Assets. . . . .	69000	<u>1,045,000</u>
8	Total. . . . .		\$ 38,235,442

9       The total amount of these appropriations shall be paid from  
 10 a special revenue fund out of collections made by the division of  
 11 information services and communications as provided by law.

12       Each spending unit operating from the general revenue fund,  
 13 from special revenue funds or receiving reimbursement for  
 14 postage from the federal government shall be charged monthly  
 15 for all postage meter service and shall reimburse the revolving  
 16 fund monthly for all such amounts.

*146 - Division of Purchasing –  
 Vendor Fee Fund*

(WV Code Chapter 5A)

Fund 2263 FY 2016 Org 0213

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 655,208
3	Unclassified.....	09900	2,382
4	Current Expenses.....	13000	238,115
5	Repairs and Alterations.....	06400	5,000
6	Equipment.....	07000	2,500
7	Other Assets.....	69000	2,500
8	BRIM Premium.....	91300	<u>810</u>
9	Total.....		\$ 906,515

*147 - Division of Purchasing –  
 Purchasing Improvement Fund*

(WV Code Chapter 5A)

Fund 2264 FY 2016 Org 0213

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 540,889
3	Unclassified. . . . .	09900	5,562
4	Current Expenses. . . . .	13000	393,066
5	Repairs and Alterations. . . . .	06400	1,500,500
6	Equipment. . . . .	07000	500
7	Other Assets. . . . .	69000	500,500
8	BRIM Premium. . . . .	91300	<u>850</u>
9	Total. . . . .		\$ 2,941,867

*148 - Travel Management  
Fleet Management Office Fund*

(WV Code Chapter 5A)

Fund 2301 FY 2016 Org 0215

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 722,586
3	Unclassified. . . . .	09900	4,000
4	Current Expenses. . . . .	13000	8,130,614
5	Repairs and Alterations. . . . .	06400	12,000
6	Equipment. . . . .	07000	800,000
7	Other Assets. . . . .	69000	<u>2,000</u>
8	Total. . . . .		\$ 9,671,200

2015]

HOUSE OF DELEGATES

2775

*149 - Travel Management  
Aviation Fund*

(WV Code Chapter 5A)

Fund 2302 FY 2016 Org 0215

1	Unclassified. . . . .	09900	\$	1,000
2	Current Expenses. . . . .	13000		149,700
3	Repairs and Alterations. . . . .	06400		400,237
4	Equipment. . . . .	07000		1,000
5	Buildings. . . . .	25800		100
6	Other Assets. . . . .	69000		100
7	Land. . . . .	73000		<u>100</u>
8	Total. . . . .		\$	552,237

*150 - Division of Personnel*

(WV Code Chapter 29)

Fund 2440 FY 2016 Org 0222

1	Personal Services and			
2	Employee Benefits. . . . .	00100	\$	3,942,590
3	Unclassified. . . . .	09900		51,418
4	Current Expenses. . . . .	13000		1,062,813
5	Repairs and Alterations. . . . .	06400		5,000
6	Equipment. . . . .	07000		20,000

7	Other Assets.....	69000		<u>60,000</u>
8	Total.....		\$	5,141,821

9 The total amount of these appropriations shall be paid from  
 10 a special revenue fund out of fees collected by the division of  
 11 personnel.

*151 - West Virginia Prosecuting Attorneys Institute*

(WV Code Chapter 7)

Fund 2521 FY 2016 Org 0228

1	Personal Services and			
2	Employee Benefits.....	00100	\$	249,242
3	Unclassified.....	09900		5,523
4	Current Expenses.....	13000		294,528
5	Repairs and Alterations.....	06400		600
6	Equipment.....	07000		1,500
7	Other Assets.....	69000		<u>1,000</u>
8	Total.....		\$	552,393

*152 - Office of Technology –  
 Chief Technology Officer Administration Fund*

(WV Code Chapter 5A)

Fund 2531 FY 2016 Org 0231

1	Personal Services and			
2	Employee Benefits.....	00100	\$	399,911
3	Unclassified.....	09900		6,949



2015]	HOUSE OF DELEGATES	2777
4	Current Expenses. . . . . 13000	227,116
5	Repairs and Alterations. . . . . 06400	1,000
6	Equipment. . . . . 07000	50,000
7	Other Assets. . . . . 69000	<u>10,000</u>
8	Total. . . . .	\$ 694,976
9	From the above fund, the provisions of W.Va. Code §11B-2-	
10	18 shall not operate to permit expenditures in excess of the funds	
11	authorized for expenditure herein.	

**DEPARTMENT OF COMMERCE**

*153 - Division of Forestry*

(WV Code Chapter 19)

Fund 3081 FY 2016 Org 0305

1	Personal Services and	
2	Employee Benefits. . . . . 00100	\$ 1,264,328
3	Current Expenses. . . . . 13000	282,202
4	Repairs and Alterations. . . . . 06400	<u>53,000</u>
5	Total. . . . .	\$ 1,599,530

*154 - Division of Forestry –  
Timbering Operations Enforcement Fund*

(WV Code Chapter 19)

Fund 3082 FY 2016 Org 0305

1	Personal Services and	
2	Employee Benefits. . . . . 00100	\$ 224,433

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3	Current Expenses. . . . . 13000	87,036
4	Repairs and Alterations. . . . . 06400	<u>11,250</u>
5	Total. . . . .	\$ 322,719

*155 - Geological and Economic Survey –  
Geological and Analytical Services Fund*

(WV Code Chapter 29)

Fund 3100 FY 2016 Org 0306

1	Personal Services and	
2	Employee Benefits.. . . . . 00100	\$ 37,966
3	Unclassified. . . . . 09900	2,182
4	Current Expenses. . . . . 13000	141,631
5	Repairs and Alterations. . . . . 06400	6,500
6	Equipment. . . . . 07000	20,000
7	Other Assets. . . . . 69000	<u>10,000</u>
8	Total. . . . .	\$ 218,279

9 The above appropriations shall be used in accordance with  
10 W.Va. Code §29-2-4.

*156 - West Virginia Development Office –  
Department of Commerce  
Marketing and Communications Operating Fund*

(WV Code Chapter 5B)

Fund 3002 FY 2016 Org 0307

1	Personal Services and	
2	Employee Benefits.. . . . . 00100	\$ 1,528,219

2015]	HOUSE OF DELEGATES	2779
3	Unclassified. . . . . 09900	30,000
4	Current Expenses. . . . . 13000	<u>1,482,760</u>
5	Total. . . . .	\$ 3,040,979

*157 - West Virginia Development Office –  
Broadband Deployment Fund*

(WV Code Chapter 31)

Fund 3174 FY 2016 Org 0307

1	Current Expenses. . . . . 13000	\$ 2,840,000
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*158 - Division of Labor –  
Contractor Licensing Board Fund*

(WV Code Chapter 21)

Fund 3187 FY 2016 Org 0308

1	Personal Services and	
2	Employee Benefits. . . . . 00100	\$ 1,519,374
3	Unclassified. . . . . 09900	21,589
4	Current Expenses. . . . . 13000	597,995
5	Repairs and Alterations. . . . . 06400	15,000
6	Buildings. . . . . 25800	<u>5,000</u>
7	Total. . . . .	\$ 2,158,958

*159 - Division of Labor –  
Elevator Safety Fund*

(WV Code Chapter 21)

Fund 3188 FY 2016 Org 0308

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 176,772
3	Unclassified. . . . .	09900	2,261
4	Current Expenses. . . . .	13000	44,112
5	Repairs and Alterations. . . . .	06400	2,000
6	Buildings. . . . .	25800	<u>1,000</u>
7	Total. . . . .		\$ 226,145

*160 - Division of Labor –  
Crane Operator Certification Fund*

(WV Code Chapter 21)

Fund 3191 FY 2016 Org 0308

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 84,380
3	Unclassified. . . . .	09900	1,380
4	Current Expenses. . . . .	13000	49,765
5	Repairs and Alterations. . . . .	06400	1,500
6	Buildings. . . . .	25800	<u>1,000</u>
7	Total. . . . .		\$ 138,025

*161 - Division of Labor –  
Amusement Rides and Amusement Attraction Safety Fund*

(WV Code Chapter 21)

Fund 3192 FY 2016 Org 0308

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 79,316
3	Unclassified. . . . .	09900	1,281
4	Current Expenses. . . . .	13000	44,520
5	Repairs and Alterations. . . . .	06400	2,000
6	Buildings. . . . .	25800	<u>1,000</u>
7	Total. . . . .		\$ 128,117

*162 - Division of Labor –  
State Manufactured Housing Administration Fund*

(WV Code Chapter 21)

Fund 3195 FY 2016 Org 0308

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 133,768
3	Unclassified. . . . .	09900	1,847
4	Current Expenses. . . . .	13000	43,700
5	Repairs and Alterations. . . . .	06400	1,000
6	Buildings. . . . .	25800	1,000
7	BRIM Premium. . . . .	91300	<u>3,404</u>
8	Total. . . . .		\$ 184,719

*163 - Division of Labor –  
Weights and Measures Fund*

(WV Code Chapter 47)

Fund 3196 FY 2016 Org 0308

1	Current Expenses. . . . .	13000	\$	48,000
2	Repairs and Alterations. . . . .	06400		81,000
3	Equipment. . . . .	07000		<u>76,000</u>
4	Total. . . . .		\$	205,000

*164 - Division of Natural Resources –  
License Fund – Wildlife Resources*

(WV Code Chapter 20)

Fund 3200 FY 2016 Org 0310

1	Wildlife Resources. . . . .	02300	\$	5,551,895
2	Administration. . . . .	15500		1,387,974
3	Capital Improvements and			
4	Land Purchase (R) . . . . .	24800		1,387,973
5	Law Enforcement. . . . .	80600		<u>5,551,895</u>
6	Total. . . . .		\$	13,879,737

7 The total amount of these appropriations shall be paid from  
8 a special revenue fund out of fees collected by the division of  
9 natural resources.

10 Any unexpended balance remaining in the appropriation for  
11 Capital Improvements and Land Purchase (fund 3200,  
12 appropriation 24800) at the close of the fiscal year 2015 is  
13 hereby reappropriated for expenditure during the fiscal year  
14 2016.

*165 - Division of Natural Resources –  
Natural Resources Game Fish and Aquatic Life Fund*

(WV Code Chapter 22)

Fund 3202 FY 2016 Org 0310

1	Current Expenses. . . . .	13000	\$	125,000
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*166 - Division of Natural Resources –  
Nongame Fund*

(WV Code Chapter 20)

Fund 3203 FY 2016 Org 0310

1	Personal Services and			
2	Employee Benefits. . . . .	00100	\$	678,109
3	Current Expenses. . . . .	13000		201,930
4	Equipment. . . . .	07000		106,615
5	Total. . . . .		\$	986,654

*167 - Division of Natural Resources –  
Planning and Development Division*

(WV Code Chapter 20)

Fund 3205 FY 2016 Org 0310

1	Personal Services and			
2	Employee Benefits. . . . .	00100	\$	189,520
3	Current Expenses. . . . .	13000		157,864
4	Repairs and Alterations. . . . .	06400		15,016

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5	Equipment. . . . . 07000	8,300
6	Buildings. . . . . 25800	8,300
7	Other Assets. . . . . 69000	1,000,000
8	Land. . . . . 73000	<u>31,700</u>
9	Total. . . . .	\$ 1,410,700

*168 - Division of Natural Resources –  
Whitewater Study and Improvement Fund*

(WV Code Chapter 20)

Fund 3253 FY 2016 Org 0310

1	Personal Services and	
2	Employee Benefits. . . . . 00100	\$ 62,704
3	Current Expenses. . . . . 13000	64,778
4	Equipment. . . . . 07000	1,297
5	Buildings. . . . . 25800	<u>6,969</u>
6	Total. . . . .	\$ 135,748

*169 - Division of Natural Resources –  
Whitewater Advertising and Promotion Fund*

(WV Code Chapter 20)

Fund 3256 FY 2016 Org 0310

1	Unclassified. . . . . 09900	\$ 200
2	Current Expenses. . . . . 13000	<u>19,800</u>
3	Total. . . . .	\$ 20,000



*170 - Division of Miners' Health, Safety and Training –  
Special Health, Safety and Training Fund*

(WV Code Chapter 22A)

Fund 3355 FY 2016 Org 0314

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 471,606
3	WV Mining Extension Service. . . . .	02600	150,000
4	Unclassified. . . . .	09900	40,985
5	Current Expenses. . . . .	13000	1,954,557
6	Buildings. . . . .	25800	481,358
7	Land. . . . .	73000	<u>1,000,000</u>
8	Total.. . . . .		\$ 4,098,506

*171 - Division of Energy –  
Energy Assistance*

(WV Code Chapter 5B)

Fund 3010 FY 2016 Org 0328

1	Energy Assistance – Total. . . . .	64700	\$ 172,000
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*172 - Division of Energy –  
Office of Coal Field Community Development*

(WV Code Chapter 5B)

Fund 3011 FY 2016 Org 0328

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 430,724

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3	Unclassified. . . . . 09900	8,300
4	Current Expenses. . . . . 13000	394,191
5	Repairs and Alterations. . . . . 06400	1,000
6	Equipment. . . . . 07000	<u>4,000</u>
7	Total. . . . .	\$ 838,215

**DEPARTMENT OF EDUCATION**

*173 - State Board of Education –  
Strategic Staff Development*

(WV Code Chapter 18)

Fund 3937 FY 2016 Org 0402

1	Personal Services and	
2	Employee Benefits. . . . . 00100	\$ 134,000
3	Unclassified. . . . . 09900	1,000
4	Current Expenses. . . . . 13000	<u>265,000</u>
5	Total. . . . .	\$ 400,000

*174 - State Board of Education –  
School Construction Fund*

(WV Code Chapters 18 and 18A)

Fund 3951 FY 2016 Org 0402

1	SBA Construction Grants. . . . . 24000	\$ 37,217,000
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*175 - School Building Authority*

(WV Code Chapter 18)

Fund 3959 FY 2016 Org 0402

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 1,086,552
3	Current Expenses. . . . .	13000	249,750
4	Repairs and Alterations. . . . .	06400	7,500
5	Equipment. . . . .	07000	<u>26,000</u>
6	Total.. . . . .		\$ 1,369,802

7       The above appropriations are for the administrative expenses  
 8 of the school building authority and shall be paid from the  
 9 interest earnings on debt service reserve accounts maintained on  
 10 behalf of said authority.

*176 - State Board of Education –  
 State FFA-FHA Camp and Conference Center*

(WV Code Chapters 18 and 18A)

Fund 3960 FY 2016 Org 0402

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 1,169,194
3	Unclassified. . . . .	09900	17,000
4	Current Expenses. . . . .	13000	707,223
5	Repairs and Alterations. . . . .	06400	57,500
6	Equipment. . . . .	07000	1,000
7	Buildings. . . . .	25800	1,000

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8	Other Assets..... 69000	10,000
9	Land..... 73000	<u>1,000</u>
10	Total.....	\$ 1,963,917

**DEPARTMENT OF EDUCATION AND THE ARTS**

*177 - Office of the Secretary –  
 Lottery Education Fund Interest Earnings –  
 Control Account*

(WV Code Chapter 29)

Fund 3508 FY 2016 Org 0431

1 Any unexpended balance remaining in the appropriation for  
 2 Educational Enhancements (fund 3508, appropriation 69500) at  
 3 the close of the fiscal year 2015 is hereby reappropriated for  
 4 expenditure during the fiscal year 2016.

*178 - Division of Culture and History –  
 Public Records and Preservation Revenue Account*

(WV Code Chapter 5A)

Fund 3542 FY 2016 Org 0432

1	Personal Services and	
2	Employee Benefits..... 00100	\$ 211,418
3	Current Expenses..... 13000	862,241
4	Equipment..... 07000	75,000
5	Buildings..... 25800	1,000
6	Other Assets..... 69000	52,328

2015]	HOUSE OF DELEGATES	2789
7	Land. . . . . 73000	<u>1,000</u>
8	Total. . . . .	\$ 1,202,987

*179 - State Board of Rehabilitation –  
Division of Rehabilitation Services –  
West Virginia Rehabilitation Center Special Account*

(WV Code Chapter 18)

Fund 8664 FY 2016 Org 0932

1	Personal Services and	
2	Employee Benefits.. . . . . 00100	\$ 119,738
3	Current Expenses. . . . . 13000	2,180,122
4	Equipment. . . . . 00700	220,000
5	Repairs and Alterations. . . . . 06400	85,500
6	Buildings. . . . . 25800	150,000
7	Other Assets. . . . . 69000	<u>150,000</u>
8	Total. . . . .	\$ 2,905,360

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

*180 - Solid Waste Management Board*

(WV Code Chapter 22C)

Fund 3288 FY 2016 Org 0312

1	Personal Services and	
2	Employee Benefits.. . . . . 00100	\$ 804,189
3	Current Expenses. . . . . 13000	2,059,077

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4	Repairs and Alterations. . . . . 06400	1,000
5	Equipment. . . . . 07000	5,000
6	Other Assets. . . . . 69000	<u>4,403</u>
7	Total. . . . .	\$ 2,873,669

*181 - Division of Environmental Protection –  
Protect Our Water Fund*

(WV Code Chapter 22)

Fund 3017 FY 2016 Org 0313

1	Current Expenses. . . . . 13000	\$ 200,000
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*182 - Division of Environmental Protection –  
Hazardous Waste Management Fund*

(WV Code Chapter 22)

Fund 3023 FY 2016 Org 0313

1	Personal Services and	
2	Employee Benefits. . . . . 00100	\$ 701,197
3	Current Expenses. . . . . 13000	187,733
4	Repairs and Alterations. . . . . 06400	500
5	Equipment. . . . . 07000	4,000
6	Other Assets. . . . . 69000	<u>2,000</u>
7	Total. . . . .	\$ 895,430

*183 - Division of Environmental Protection –  
Air Pollution Education and Environment Fund*

(WV Code Chapter 22)

Fund 3024 FY 2016 Org 0313

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 935,324
3	Current Expenses. . . . .	13000	1,251,510
4	Repairs and Alterations. . . . .	06400	13,000
5	Equipment. . . . .	07000	53,105
6	Other Assets. . . . .	69000	<u>10,000</u>
7	Total. . . . .		\$ 2,262,939

*184 - Division of Environmental Protection –  
Special Reclamation Fund*

(WV Code Chapter 22)

Fund 3321 FY 2016 Org 0313

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 1,350,829
3	Current Expenses. . . . .	13000	16,402,506
4	Repairs and Alterations. . . . .	06400	79,950
5	Equipment. . . . .	07000	130,192
6	Other Assets. . . . .	69000	<u>32,000</u>
7	Total. . . . .		\$ 17,995,477

*185 - Division of Environmental Protection –  
Oil and Gas Reclamation Fund*

(WV Code Chapter 22)

Fund 3322 FY 2016 Org 0313

1	Personal Services and		
2	Employee Benefits..... 00100	\$	163,594
3	Current Expenses..... 13000		<u>512,329</u>
4	Total.....	\$	675,923

*186 - Division of Environmental Protection –  
Oil and Gas Operating Permit and Processing Fund*

(WV Code Chapter 22)

Fund 3323 FY 2016 Org 0313

1	Personal Services and		
2	Employee Benefits..... 00100	\$	2,899,788
3	Current Expenses..... 13000		1,414,609
4	Repairs and Alterations..... 06400		15,600
5	Equipment..... 07000		8,000
6	Other Assets..... 69000		<u>15,000</u>
7	Total.....	\$	4,352,997

*187 - Division of Environmental Protection –  
Mining and Reclamation Operations Fund*

(WV Code Chapter 22)

Fund 3324 FY 2016 Org 0313

1	Personal Services and		
2	Employee Benefits..... 00100	\$	4,635,449



2015]	HOUSE OF DELEGATES	2793
3	Current Expenses. . . . . 13000	2,407,012
4	Repairs and Alterations. . . . . 06400	60,260
5	Equipment. . . . . 07000	85,134
6	Other Assets. . . . . 69000	<u>57,500</u>
7	Total. . . . .	\$ 7,245,355

*188 - Division of Environmental Protection –  
Underground Storage Tank  
Administrative Fund*

(WV Code Chapter 22)

Fund 3325 FY 2016 Org 0313

1	Personal Services and	
2	Employee Benefits. . . . . 00100	\$ 441,543
3	Current Expenses. . . . . 13000	350,940
4	Repairs and Alterations. . . . . 06400	5,350
5	Equipment. . . . . 07000	3,610
6	Other Assets. . . . . 69000	<u>3,500</u>
7	Total. . . . .	\$ 804,943

*189 - Division of Environmental Protection –  
Hazardous Waste Emergency Response Fund*

(WV Code Chapter 22)

Fund 3331 FY 2016 Org 0313

1	Personal Services and	
2	Employee Benefits. . . . . 00100	\$ 643,319

3	Current Expenses. . . . .	13000	433,002
4	Repairs and Alterations. . . . .	06400	7,014
5	Equipment. . . . .	07000	9,000
6	Other Assets. . . . .	69000	<u>11,700</u>
7	Total. . . . .		\$ 1,104,035

*190 - Division of Environmental Protection –  
Solid Waste Reclamation and  
Environmental Response Fund*

(WV Code Chapter 22)

Fund 3332 FY 2016 Org 0313

1	Personal Services and		
2	Employee Benefits. . . . .	00100	\$ 779,261
3	Current Expenses. . . . .	13000	3,657,693
4	Repairs and Alterations. . . . .	06400	10,150
5	Equipment. . . . .	07000	31,500
6	Other Assets. . . . .	69000	<u>1,000</u>
7	Total. . . . .		\$ 4,479,604

*191 - Division of Environmental Protection –  
Solid Waste Enforcement Fund*

(WV Code Chapter 22)

Fund 3333 FY 2016 Org 0313

1	Personal Services and		
2	Employee Benefits. . . . .	00100	\$ 2,913,948

2015]	HOUSE OF DELEGATES	2795
3	Current Expenses. . . . . 13000	1,178,850
4	Repairs and Alterations. . . . . 06400	31,930
5	Equipment. . . . . 07000	28,356
6	Other Assets. . . . . 69000	<u>25,554</u>
7	Total. . . . .	\$ 4,178,638

*192 - Division of Environmental Protection –  
Air Pollution Control Fund*

(WV Code Chapter 22)

Fund 3336 FY 2016 Org 0313

1	Personal Services and	
2	Employee Benefits.. . . . . 00100	\$ 5,658,302
3	Current Expenses. . . . . 13000	1,560,534
4	Repairs and Alterations. . . . . 06400	74,045
5	Equipment. . . . . 07000	106,927
6	Other Assets. . . . . 69000	<u>44,249</u>
7	Total. . . . .	\$ 7,444,057

*193 - Division of Environmental Protection –  
Environmental Laboratory  
Certification Fund*

(WV Code Chapter 22)

Fund 3340 FY 2016 Org 0313

1	Personal Services and	
2	Employee Benefits.. . . . . 00100	\$ 296,164

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3	Current Expenses. . . . .	13000 94,688
4	Repairs and Alterations. . . . .	06400 1,000
5	Equipment. . . . .	07000 6,500
6	Other Assets. . . . .	69000 <u>126,000</u>
7	Total. . . . .	\$ 524,352

*194 - Division of Environmental Protection –  
Stream Restoration Fund*

(WV Code Chapter 22)

Fund 3349 FY 2016 Org 0313

1	Current Expenses. . . . .	13000 \$ 11,294,705
2	Repairs and Alterations. . . . .	06400 2,500
3	Equipment. . . . .	07000 500
4	Other Assets. . . . .	69000 <u>500</u>
5	Total. . . . .	\$ 11,298,205

*195 - Division of Environmental Protection –  
Litter Control Fund*

(WV Code Chapter 22)

Fund 3486 FY 2016 Org 0313

1	Current Expenses. . . . .	13000 \$ 60,000
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*196 - Division of Environmental Protection –  
Recycling Assistance Fund*

(WV Code Chapter 22)

Fund 3487 FY 2016 Org 0313

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 544,553
3	Current Expenses. . . . .	13000	2,237,354
4	Repairs and Alterations. . . . .	06400	800
5	Equipment. . . . .	07000	500
6	Other Assets. . . . .	69000	<u>2,500</u>
7	Total. . . . .		\$ 2,785,707

*197 - Division of Environmental Protection –  
Mountaintop Removal Fund*

(WV Code Chapter 22)

Fund 3490 FY 2016 Org 0313

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 1,228,345
3	Current Expenses. . . . .	13000	649,909
4	Repairs and Alterations. . . . .	06400	20,112
5	Equipment. . . . .	07000	23,725
6	Other Assets. . . . .	69000	<u>15,500</u>
7	Total. . . . .		\$ 1,937,591

*198 - Oil and Gas Conservation Commission –  
Special Oil and Gas Conservation Fund*

(WV Code Chapter 22C)

Fund 3371 FY 2016 Org 0315

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 157,224
3	Current Expenses. . . . .	13000	161,225
4	Repairs and Alterations. . . . .	06400	1,000
5	Equipment. . . . .	07000	9,481
6	Other Assets. . . . .	69000	<u>1,500</u>
7	Total. . . . .		\$ 330,430

**DEPARTMENT OF HEALTH AND HUMAN RESOURCES**

*199 - Division of Health –  
Tobacco Settlement Expenditure Fund*

(WV Code Chapter 4)

Fund 5124 FY 2016 Org 0506

1	Institutional Facilities		
2	Operations. . . . .	33500	\$ 6,000

3 Additional funds have been appropriated in fund 0525, fiscal  
4 year 2016, organization 0506, and fund 5156, fiscal year 2016,  
5 organization 0506, for the operation of the institutional facilities.  
6 The secretary of the department of health and human resources  
7 is authorized to utilize up to ten percent of the funds from the  
8 appropriation for Institutional Facilities Operations to facilitate  
9 cost effective and cost saving services at the community level.

*200 - Division of Health –  
The Vital Statistics Account*

(WV Code Chapter 16)

Fund 5144 FY 2016 Org 0506

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 876,771
3	Unclassified. . . . .	09900	15,500
4	Current Expenses. . . . .	13000	785,954
5	Equipment. . . . .	07000	30,000
6	Other Assets. . . . .	69000	<u>441,834</u>
7	Total. . . . .		\$ 2,150,059

*201 - Division of Health –  
Hospital Services Revenue Account  
Special Fund  
Capital Improvement, Renovation and Operations*

(WV Code Chapter 16)

Fund 5156 FY 2016 Org 0506

1	Institutional Facilities		
2	Operations. . . . .	33500	\$ 56,708,911
3	Medical Services Trust Fund –		
4	Transfer. . . . .	51200	<u>27,800,000</u>
5	Total. . . . .		\$ 84,508,911

6 The total amount of these appropriations shall be paid from  
7 the hospital services revenue account special fund created by  
8 W.Va. Code §16-1-13, and shall be used for operating expenses  
9 and for improvements in connection with existing facilities.

10 Additional funds have been appropriated in fund 0525, fiscal  
11 year 2016, organization 0506 and fund 5124, fiscal year 2016,

12 organization 0506, for the operation of the institutional facilities.  
 13 The secretary of the department of health and human resources  
 14 is authorized to utilize up to ten percent of the funds from the  
 15 appropriation for Institutional Facilities Operations to facilitate  
 16 cost effective and cost saving services at the community level.

17 Necessary funds from the above appropriation may be used  
 18 for medical facilities operations, either in connection with this  
 19 fund or in connection with the appropriation designated  
 20 Institutional Facilities Operations in the consolidated medical  
 21 service fund (fund 0525, organization 0506).

22 From the above appropriation to Institutional Facilities  
 23 Operations, together with available funds from the consolidated  
 24 medical services fund (fund 0525, appropriation 33500) on July  
 25 1, 2015, the sum of \$160,000 shall be transferred to the  
 26 department of agriculture – land division – farm operation fund  
 27 (1412) as advance payment for the purchase of food products;  
 28 actual payments for such purchases shall not be required until  
 29 such credits have been completely expended.

*202 - Division of Health –  
 Laboratory Services Fund*

(WV Code Chapter 16)

Fund 5163 FY 2016 Org 0506

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 912,657
3	Unclassified.....	09900	18,114
4	Current Expenses.....	13000	850,133
5	Equipment.....	07000	<u>30,583</u>
6	Total.....		\$ 1,811,487



2015]

HOUSE OF DELEGATES

2801

*203 - Division of Health –  
The Health Facility Licensing Account*

(WV Code Chapter 16)

Fund 5172 FY 2016 Org 0506

1	Personal Services and		
2	Employee Benefits..... 00100	\$	605,950
3	Unclassified..... 09900		7,113
4	Current Expenses..... 13000		<u>98,247</u>
5	Total.....	\$	711,310

*204 - Division of Health –  
Hepatitis B Vaccine*

(WV Code Chapter 16)

Fund 5183 FY 2016 Org 0506

1	Personal Services and		
2	Employee Benefits..... 00100	\$	88,582
3	Unclassified..... 09900		18,477
4	Current Expenses..... 13000		<u>1,740,699</u>
5	Total.....	\$	1,847,758

*205 - Division of Health –  
Lead Abatement Account*

(WV Code Chapter 16)

Fund 5204 FY 2016 Org 0506

1	Personal Services and		
2	Employee Benefits..... 00100	\$	19,100

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3	Unclassified. . . . . 09900	373
4	Current Expenses. . . . . 13000	<u>17,875</u>
5	Total. . . . .	\$ 37,348

*206 - Division of Health –  
West Virginia Birth-to-Three Fund*

(WV Code Chapter 16)

Fund 5214 FY 2016 Org 0506

1	Personal Services and	
2	Employee Benefits. . . . . 00100	\$ 707,545
3	Unclassified. . . . . 09900	223,999
4	Current Expenses. . . . . 13000	<u>21,468,438</u>
5	Total. . . . .	\$ 22,399,982

*207 - Division of Health –  
Tobacco Control Special Fund*

(WV Code Chapter 16)

Fund 5218 FY 2016 Org 0506

1	Current Expenses. . . . . 13000	\$ 7,579
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*208 - West Virginia Health Care Authority –  
Health Care Cost Review Fund*

(WV Code Chapter 16)

Fund 5375 FY 2016 Org 0507

1	Personal Services and	
2	Employee Benefits. . . . . 00100	\$ 3,033,821

2015]	HOUSE OF DELEGATES	2803
3	Hospital Assistance. . . . . 02500	600,000
4	Unclassified. . . . . 09900	67,000
5	Current Expenses. . . . . 13000	2,837,945
6	Repairs and Alterations. . . . . 06400	25,000
7	Equipment. . . . . 07000	50,000
8	Buildings. . . . . 25800	25,000
9	Other Assets. . . . . 69000	<u>100,000</u>
10	Total. . . . .	\$ 6,738,766

11 The above appropriation is to be expended in accordance  
12 with and pursuant to the provisions of W.Va. Code §16-29B and  
13 from the special revolving fund designated health care cost  
14 review fund.

15 The Health Care Authority is authorized to transfer up to  
16 \$1,500,000 from fund 5375 to the West Virginia Health  
17 Information Network Account (fund 5380) as authorized per  
18 W.Va. Code §16-29G-4.

*209 - West Virginia Health Care Authority –  
West Virginia Health Information Network Account*

(WV Code Chapter 16)

Fund 5380 FY 2016 Org 0507

1	Personal Services and	
2	Employee Benefits. . . . . 00100	\$ 729,000
3	Unclassified. . . . . 09900	20,000
4	Current Expenses. . . . . 13000	1,251,000

5	Technology Infrastructure		
6	Network.....	35100	<u>3,500,000</u>
7	Total.....		\$ 5,500,000

*210 - West Virginia Health Care Authority –  
Revolving Loan Fund*

(WV Code Chapter 16)

Fund 5382 FY 2016 Org 0507

1	Current Expenses.....	13000	\$ 2,000,000
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*211 - Division of Human Services –  
Health Care Provider Tax –  
Medicaid State Share Fund*

(WV Code Chapter 11)

Fund 5090 FY 2016 Org 0511

1	Medical Services. ....	18900	\$ 198,381,008
2	Medical Services		
3	Administrative Costs.....	78900	<u>418,992</u>
4	Total.....		\$ 198,800,000

5 The above appropriation for Medical Services  
6 Administrative Costs (fund 5090, appropriation 78900) shall be  
7 transferred to a special revenue account in the treasury for use by  
8 the department of health and human resources for administrative  
9 purposes. The remainder of all moneys deposited in the fund  
10 shall be transferred to the West Virginia medical services fund  
11 (fund 5084).

*212 - Division of Human Services –  
Child Support Enforcement Fund*

(WV Code Chapter 48A)

Fund 5094 FY 2016 Org 0511

1	Personal Services and		
2	Employee Benefits..... 00100	\$	24,809,509
3	Unclassified (R)..... 09900		380,000
4	Current Expenses (R)..... 13000		<u>12,810,491</u>
5	Total.....	\$	38,000,000

6 Any unexpended balances remaining in the appropriations  
 7 for Unclassified (fund 5094, appropriation 09900) and Current  
 8 Expenses (fund 5094, appropriation 13000) at the close of the  
 9 fiscal year 2015 are hereby reappropriated for expenditure  
 10 during the fiscal year 2016.

*213 - Division of Human Services –  
Medical Services Trust Fund*

(WV Code Chapter 9)

Fund 5185 FY 2016 Org 0511

1	Medical Services. .... 18900	\$	55,858,205
2	Medical Services		
3	Administrative Costs..... 78900		<u>548,723</u>
4	Total.....	\$	56,406,928

5 The above appropriation to Medical Services shall be used  
 6 to provide state match of Medicaid expenditures as defined and

7 authorized in subsection (c) of W.Va. Code §9-4A-2a.  
 8 Expenditures from the fund are limited to the following:  
 9 payment of backlogged billings, funding for services to future  
 10 federally mandated population groups and payment of the  
 11 required state match for medicaid disproportionate share  
 12 payments. The remainder of all moneys deposited in the fund  
 13 shall be transferred to the division of human services accounts.

*214 - Division of Human Services –  
 James “Tiger” Morton Catastrophic Illness Fund*

(WV Code Chapter 16)

Fund 5454 FY 2016 Org 0511

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 89,392
3	Unclassified.....	09900	16,031
4	Current Expenses.....	13000	<u>1,497,688</u>
5	Total.....		\$ 1,603,111

*215 - Division of Human Services –  
 Domestic Violence Legal Services Fund*

(WV Code Chapter 48)

Fund 5455 FY 2016 Org 0511

1	Current Expenses.....	13000	\$ 1,077,982
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*216 - Division of Human Services –  
 West Virginia Works Separate State College Program Fund*

(WV Code Chapter 9)

Fund 5467 FY 2016 Org 0511

1 Current Expenses. . . . . 13000 \$ 1,065,000

*217 - Division of Human Services –  
West Virginia Works Separate State Two-Parent Program Fund*

(WV Code Chapter 9)

Fund 5468 FY 2016 Org 0511

1 Current Expenses. . . . . 13000 \$ 3,250,000

*218 - Division of Human Services –  
Marriage Education Fund*

(WV Code Chapter 9)

Fund 5490 FY 2016 Org 0511

1	Personal Services and		
2	Employee Benefits.. . . . . 00100	\$	10,000
3	Current Expenses. . . . . 13000		<u>25,000</u>
4	Total. . . . .	\$	35,000

**DEPARTMENT OF MILITARY  
AFFAIRS AND PUBLIC SAFETY**

*219 - Department of Military Affairs and Public Safety –  
Office of the Secretary –  
Law-Enforcement, Safety and Emergency Worker  
Funeral Expense Payment Fund*

(WV Code Chapter 15)

Fund 6003 FY 2016 Org 0601

1 Current Expenses. . . . . 13000 \$ 32,000

220 - State Armory Board –  
General Armory Fund

(WV Code Chapter 15)

Fund 6057 FY 2016 Org 0603

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 1,643,528
3	Current Expenses. . . . .	13000	750,000
4	Repairs and Alterations. . . . .	06400	485,652
5	Equipment. . . . .	07000	300,000
6	Buildings. . . . .	25800	770,820
7	Land. . . . .	73000	<u>50,000</u>
8	Total.. . . . .		\$ 4,000,000

9 From the above appropriations, the Adjutant General may  
10 receive and expend funds to conduct operations and activities to  
11 include functions of the Military Authority. The Adjutant  
12 General may transfer funds between appropriations, except no  
13 funds may be transferred to Personal Services and Employee  
14 Benefits (fund 6057, appropriation 00100).

221 - Division of Homeland Security and  
Emergency Management –  
West Virginia Interoperable Radio Project

(WV Code Chapter 24)

Fund 6295 FY 2016 Org 0606

1	Current Expenses. . . . .	13000	\$ 2,000,000
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2 Any unexpended balance remaining in the appropriation for  
 3 Unclassified – Total (fund 6295, appropriation 09600) at the  
 4 close of fiscal year 2015 is hereby reappropriated for expenditure  
 5 during the fiscal year 2016.

*222 - West Virginia Division of Corrections –  
 Parolee Supervision Fees*

(WV Code Chapter 62)

Fund 6362 FY 2016 Org 0608

1	Personal Services and		
2	Employee Benefits..... 00100	\$	1,013,793
3	Unclassified. .... 09900		9,804
4	Current Expenses. .... 13000		758,480
5	Equipment. .... 07000		30,000
6	Other Assets..... 69000		<u>40,129</u>
7	Total.....	\$	1,852,206

*223 - West Virginia State Police –  
 Motor Vehicle Inspection Fund*

(WV Code Chapter 17C)

Fund 6501 FY 2016 Org 0612

1	Personal Services and		
2	Employee Benefits..... 00100	\$	1,786,923
3	Current Expenses. .... 13000		288,211
4	Repairs and Alterations. .... 06400		4,500

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5	Equipment. . . . . 07000	350,000
6	Buildings. . . . . 25800	534,000
7	Other Assets. . . . . 69000	5,000
8	BRIM Premium. . . . . 91300	<u>302,432</u>
9	Total. . . . .	\$ 3,271,066

10 The total amount of these appropriations shall be paid from  
11 the special revenue fund out of fees collected for inspection  
12 stickers as provided by law. Per W.Va. §17C-16-5(a) any  
13 balance remaining in the fund on the last day of June of each  
14 fiscal year, not required for the administration and enforcement  
15 of the provisions of this article, shall be transferred to the state  
16 road fund.

*224 - West Virginia State Police –  
Drunk Driving Prevention Fund*

(WV Code Chapter 15)

Fund 6513 FY 2016 Org 0612

1	Current Expenses. . . . . 13000	\$ 1,327,000
2	Equipment. . . . . 07000	3,491,895
3	BRIM Premium. . . . . 91300	<u>154,452</u>
4	Total. . . . .	\$ 4,973,347

5 The total amount of these appropriations shall be paid from  
6 the special revenue fund out of receipts collected pursuant to  
7 W.Va. Code §11-15-9a and 16 and paid into a revolving fund  
8 account in the state treasury.

*225 - West Virginia State Police –  
Surplus Real Property Proceeds Fund*

(WV Code Chapter 15)

Fund 6516 FY 2016 Org 0612

1	Buildings. . . . .	25800	\$	443,980
2	Land. . . . .	73000		1,000
3	BRIM Premium. . . . .	91300		<u>77,222</u>
4	Total. . . . .		\$	522,202

*226 - West Virginia State Police –  
Surplus Transfer Account*

(WV Code Chapter 15)

Fund 6519 FY 2016 Org 0612

1	Current Expenses. . . . .	13000	\$	114,063
2	Repairs and Alterations. . . . .	06400		10,000
3	Equipment. . . . .	07000		157,002
4	Buildings. . . . .	25800		40,000
5	Other Assets. . . . .	69000		<u>45,000</u>
6	Total. . . . .		\$	366,065

*227 - West Virginia State Police –  
Central Abuse Registry Fund*

(WV Code Chapter 15)

Fund 6527 FY 2016 Org 0612

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 236,881
3	Current Expenses. . . . .	13000	51,443
4	Repairs and Alterations. . . . .	06400	500
5	Equipment. . . . .	07000	200,500
6	Other Assets. . . . .	69000	500
7	BRIM Premium. . . . .	91300	<u>18,524</u>
8	Total. . . . .		\$ 508,348

*228 - West Virginia State Police –  
Bail Bond Enforcer Account*

(WV Code Chapter 15)

Fund 6532 FY 2016 Org 0612

1	Current Expenses. . . . .	13000	\$ 8,300
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*229 - West Virginia State Police –  
State Police Academy Post Exchange*

(WV Code Chapter 15)

Fund 6544 FY 2016 Org 0612

1	Current Expenses. . . . .	13000	\$ 160,000
2	Repairs and Alterations. . . . .	06400	<u>40,000</u>
3	Total. . . . .		\$ 200,000

*230 - Regional Jail and Correctional Facility Authority*

(WV Code Chapter 31)

Fund 6675 FY 2016 Org 0615

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 1,971,039
3	Debt Service.. . . . .	04000	9,000,000
4	Current Expenses.. . . . .	13000	495,852
5	Repairs and Alterations. . . . .	06400	4,000
6	Equipment. . . . .	07000	<u>1,743</u>
7	Total.. . . . .		\$ 11,472,634

*231 - Fire Commission –  
Fire Marshal Fees*

(WV Code Chapter 29)

Fund 6152 FY 2016 Org 0619

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 2,848,036
3	Unclassified. . . . .	09900	3,800
4	Current Expenses.. . . . .	13000	1,238,550
5	Repairs and Alterations. . . . .	06400	54,500
6	Equipment. . . . .	07000	50,800
7	Other Assets.. . . . .	69000	12,000

8	BRIM Premium. . . . .	91300	<u>50,000</u>
9	Total. . . . .		\$ 4,257,686

*232 - Division of Justice and Community Services –  
WV Community Corrections Fund*

(WV Code Chapter 62)

Fund 6386 FY 2016 Org 0620

1	Personal Services and		
2	Employee Benefits. . . . .	00100	\$ 152,000
3	Unclassified. . . . .	09900	750
4	Current Expenses. . . . .	13000	1,846,250
5	Repairs and Alterations. . . . .	06400	<u>1,000</u>
6	Total. . . . .		\$ 2,000,000

*233 - Division of Justice and Community Services –  
Court Security Fund*

(WV Code Chapter 51)

Fund 6804 FY 2016 Org 0620

1	Personal Services and		
2	Employee Benefits. . . . .	00100	\$ 21,865
3	Current Expenses. . . . .	13000	<u>1,478,135</u>
4	Total. . . . .		\$ 1,500,000

**DEPARTMENT OF REVENUE**

*234 - Division of Financial Institutions*

(WV Code Chapter 31A)

Fund 3041 FY 2016 Org 0303

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 2,409,034
3	Unclassified.....	09900	32,290
4	Current Expenses.....	13000	719,042
5	Repairs and Alterations.....	06400	1,000
6	Equipment.....	07000	20,000
7	Other Assets.....	69000	<u>47,710</u>
8	Total.....		\$ 3,229,076

*235 - Office of the Secretary –  
Revenue Shortfall Reserve Fund*

(WV Code Chapter 11B)

Fund 7005 FY 2016 Org 0701

1	Medical Services		
2	Trust Fund – Transfer.....	51200	\$ 22,928,928

3     The above appropriation for Medical Services Trust Fund –  
4     Transfer (appropriation 51200) shall be transferred to the  
5     Medical Services Trust Fund (fund 5185).

6     The above appropriation does not affect the provisions of  
7     W.Va. Code Chapter 11B-2-20(e).

*236 - Office of the Secretary –  
State Debt Reduction Fund*

(WV Code Chapter 29)

Fund 7007 FY 2016 Org 0701

1	Directed Transfer. . . . .	70000		20,000,000
2	The above appropriation for Directed Transfer shall be			
3	transferred to the Consolidated Public Retirement Board – West			
4	Virginia Public Employees Retirement System Employers			
5	Accumulation Fund (fund 2510).			

*237 - Tax Division –  
Cemetery Company Account*

(WV Code Chapter 35)

Fund 7071 FY 2016 Org 0702

1	Personal Services and			
2	Employee Benefits.. . . . .	00100	\$	23,459
3	Current Expenses. . . . .	13000		7,717
4	Total. . . . .		\$	31,176

*238 - Tax Division –  
Special Audit and Investigative Unit*

(WV Code Chapter 11)

Fund 7073 FY 2016 Org 0702

1	Personal Services and			
2	Employee Benefits.. . . . .	00100	\$	655,203
3	Unclassified. . . . .	09900		9,500
4	Current Expenses. . . . .	13000		273,297
5	Repairs and Alterations. . . . .	06400		7,000



2015]	HOUSE OF DELEGATES	2817
6	Equipment. . . . . 07000	<u>5,000</u>
7	Total. . . . .	\$ 950,000

*239 - Tax Division –  
Wine Tax Administration Fund*

(WV Code Chapter 60)

Fund 7087 FY 2016 Org 0702

1	Personal Services and	
2	Employee Benefits.. . . . . 00100	\$ 254,162
3	Current Expenses. . . . . 13000	<u>5,406</u>
4	Total. . . . .	\$ 259,568

*240 - Tax Division –  
Reduced Cigarette Ignition Propensity  
Standard and Fire Prevention Act Fund*

(WV Code Chapter 47)

Fund 7092 FY 2016 Org 0702

1	Current Expenses. . . . . 13000	\$ 35,000
2	Equipment. . . . . 07000	<u>15,000</u>
3	Total. . . . .	\$ 50,000

*241 - Tax Division –  
Local Sales Tax and Excise Tax  
Administration Fund*

(WV Code Chapter 11)

Fund 7099 FY 2016 Org 0702

1	Personal Services and		
2	Employee Benefits.. . . . . 00100	\$	908,968
3	Unclassified. . . . . 09900		10,000
4	Current Expenses. . . . . 13000		84,563
5	Repairs and Alterations. . . . . 06400		1,000
6	Equipment. . . . . 07000		<u>5,000</u>
7	Total. . . . .	\$	1,009,531

*242 - State Budget Office –  
Public Employees Insurance Reserve Fund*

(WV Code Chapter 11B)

Fund 7400 FY 2016 Org 0703

1	Public Employees Insurance		
2	Reserve Fund – Transfer. . . . . 90300	\$	6,800,000
3	The above appropriation for Public Employees Insurance		
4	Reserve Fund – Transfer shall be transferred to the Medical		
5	Services Trust Fund (fund 5185, org 0511) for expenditure.		

*243 - Insurance Commissioner –  
Examination Revolving Fund*

(WV Code Chapter 33)

Fund 7150 FY 2016 Org 0704

1	Personal Services and		
2	Employee Benefits.. . . . . 00100	\$	718,525

2015]	HOUSE OF DELEGATES	2819
3	Current Expenses. . . . . 13000	1,359,793
4	Repairs and Alterations. . . . . 06400	3,000
5	Equipment. . . . . 07000	81,374
6	Buildings. . . . . 25800	8,289
7	Other Assets. . . . . 69000	<u>11,426</u>
8	Total. . . . .	\$ 2,182,407

*244 - Insurance Commissioner –  
Consumer Advocate*

(WV Code Chapter 33)

Fund 7151 FY 2016 Org 0704

1	Personal Services and	
2	Employee Benefits. . . . . 00100	\$ 550,184
3	Current Expenses. . . . . 13000	204,196
4	Repairs and Alterations. . . . . 06400	5,000
5	Equipment. . . . . 07000	34,225
6	Buildings. . . . . 25800	4,865
7	Other Assets. . . . . 69000	<u>19,460</u>
8	Total. . . . .	\$ 817,930

*245 - Insurance Commissioner –  
Insurance Commission Fund*

(WV Code Chapter 33)

Fund 7152 FY 2016 Org 0704

1	Personal Services and		
2	Employee Benefits..... 00100	\$	24,951,887
3	Current Expenses..... 13000		8,547,598
4	Repairs and Alterations..... 06400		68,614
5	Equipment..... 07000		1,906,240
6	Buildings..... 25800		25,000
7	Other Assets..... 69000		<u>500,661</u>
8	Total.....	\$	36,000,000

*246 - Insurance Commissioner –  
Workers' Compensation Old Fund*

(WV Code Chapter 23)

Fund 7162 FY 2016 Org 0704

1	Employee Benefits..... 01000	\$	100,000
2	Current Expenses..... 13000		<u>549,900,000</u>
3	Total.....	\$	550,000,000

*247 - Insurance Commissioner –  
Workers' Compensation Uninsured Employers' Fund*

(WV Code Chapter 23)

Fund 7163 FY 2016 Org 0704

1	Current Expenses..... 13000	\$	27,000,000
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*248 - Insurance Commissioner –  
Self-Insured Employer Guaranty Risk Pool*

(WV Code Chapter 23)

Fund 7164 FY 2016 Org 0704

1 Current Expenses. . . . . 13000 \$ 5,000,000

*249 - Insurance Commissioner –  
Self-Insured Employer Security Risk Pool*

(WV Code Chapter 23)

Fund 7165 FY 2016 Org 0704

1 Current Expenses. . . . . 13000 \$ 10,000,000

*250 - Lottery Commission –  
Revenue Center Construction Fund*

(WV Code Chapter 29)

Fund 7209 FY 2016 Org 0705

1 Buildings. . . . . 25800 \$ 500,000

*251 - Municipal Bond Commission*

(WV Code Chapter 13)

Fund 7253 FY 2016 Org 0706

1 Personal Services and  
2 Employee Benefits.. . . . 00100 \$ 246,489  
3 Current Expenses. . . . . 13000 105,878

4	Equipment. .... 07000		<u>100</u>
5	Total.....	\$	352,467

*252 - Racing Commission –  
Relief Fund*

(WV Code Chapter 19)

Fund 7300 FY 2016 Org 0707

1	Medical Expenses – Total. .... 24500		\$ 57,000
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2 The total amount of this appropriation shall be paid from the  
3 special revenue fund out of collections of license fees and fines  
4 as provided by law.

5 No expenditures shall be made from this fund except for  
6 hospitalization, medical care and/or funeral expenses for persons  
7 contributing to this fund.

*253 - Racing Commission –  
Administration and Promotion Account*

(WV Code Chapter 19)

Fund 7304 FY 2016 Org 0707

1	Personal Services and		
2	Employee Benefits..... 00100	\$	256,665
3	Current Expenses..... 13000		93,335
4	Other Assets..... 69000		<u>5,000</u>
5	Total.....	\$	355,000

*254 - Racing Commission –  
General Administration*

(WV Code Chapter 19)

Fund 7305 FY 2016 Org 0707

1	Personal Services and		
2	Employee Benefits..... 00100	\$	2,271,339
3	Current Expenses..... 13000		566,248
4	Repairs and Alterations..... 06400		7,000
5	Other Assets..... 69000		<u>50,000</u>
6	Total.....	\$	2,894,587

*255 - Racing Commission –  
Administration, Promotion, Education, Capital Improvement  
and Greyhound Adoption Programs  
to include Spaying and Neutering Account*

(WV Code Chapter 19)

Fund 7307 FY 2016 Org 0707

1	Personal Services and		
2	Employee Benefits..... 00100	\$	864,474
3	Current Expenses..... 13000		214,406
4	Other Assets..... 69000		<u>200,000</u>
5	Total.....	\$	1,278,880

*256 - Alcohol Beverage Control Administration –  
Wine License Special Fund*

(WV Code Chapter 60)

Fund 7351 FY 2016 Org 0708

1	Personal Services and		
2	Employee Benefits..... 00100	\$	122,339
3	Current Expenses..... 13000		69,186
4	Repairs and Alterations..... 06400		7,263
5	Equipment..... 07000		10,000
6	Buildings..... 25800		100,000
7	Other Assets..... 69000		100
8	Total.....	\$	308,888
9	To the extent permitted by law, four classified exempt		
10	positions shall be provided from Personal Services and		
11	Employee Benefits appropriation for field auditors.		

*257 - Alcohol Beverage Control Administration*

(WV Code Chapter 60)

Fund 7352 FY 2016 Org 0708

1	Personal Services and		
2	Employee Benefits..... 00100	\$	5,413,237
3	Current Expenses..... 13000		2,897,577
4	Repairs and Alterations..... 06400		84,000



2015]	HOUSE OF DELEGATES	2825
5	Equipment. . . . . 07000	108,000
6	Buildings. . . . . 25800	100
7	Purchase of Supplies for Resale. . . . 41900	71,000,000
8	Transfer Liquor Profits and Taxes. . . 42500	16,070,724
9	Other Assets. . . . . 69000	100
10	Land. . . . . 73000	<u>100</u>
11	Total. . . . .	\$ 95,573,838

12 The total amount of these appropriations shall be paid from  
13 a special revenue fund out of liquor revenues and any other  
14 revenues available.

15 The above appropriations include the salary of the  
16 commissioner and the salaries, expenses and equipment of  
17 administrative offices, warehouses and inspectors.

18 The above appropriations include funding for the  
19 Tobacco/Alcohol Education Program.

20 There is hereby appropriated from liquor revenues, in  
21 addition to the above appropriations as needed, the necessary  
22 amount for the purchase of liquor as provided by law and the  
23 remittance of profits and taxes to the General Revenue Fund.

**DEPARTMENT OF TRANSPORTATION**

*258 - Division of Motor Vehicles –  
Dealer Recovery Fund*

(WV Code Chapter 17)

Fund 8220 FY 2016 Org 0802

1	Current Expenses. . . . . 13000	\$ 189,000
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259 - Division of Motor Vehicles –  
Motor Vehicle Fees Fund

(WV Code Chapter 17B)

Fund 8223 FY 2016 Org 0802

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 2,852,799
3	Current Expenses. . . . .	13000	4,896,057
4	Equipment. . . . .	00700	75,000
5	Repairs and Alterations. . . . .	06400	16,000
6	Other Assets. . . . .	69000	10,000
7	BRIM Premium. . . . .	91300	<u>61,655</u>
8	Total. . . . .		\$ 7,911,511

260 - Division of Highways –  
A. James Manchin Fund

(WV Code Chapter 22)

Fund 8319 FY 2016 Org 0803

1	Current Expenses. . . . .	13000	\$ 1,650,000
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261 - Public Port Authority –  
Special Railroad and Intermodal Enhancement Fund

(WV Code Chapter 17)

Fund 8254 FY 2016 Org 0806

1	Current Expenses. . . . .	13000	\$ 10,000
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2015]	HOUSE OF DELEGATES	2827
2	Other Assets..... 69000	<u>7,990,000</u>
3	Total.....	\$ 8,000,000

**DEPARTMENT OF VETERANS' ASSISTANCE**

*262 - Veterans' Facilities Support Fund*

(WV Code Chapter 9A)

Fund 6703 FY 2016 Org 0613

1	Personal Services and	
2	Employee Benefits.. 00100	\$ 94,210
3	Current Expenses. 13000	2,255,997
4	Repairs and Alterations. 06400	10,000
5	Equipment. 07000	10,000
6	Other Assets..... 69000	<u>10,000</u>
7	Total.....	\$ 2,380,207

*263 - Department of Veterans' Assistance –*

*WV Veterans' Home –*

*Special Revenue Operating Fund*

(WV Code Chapter 9A)

Fund 6754 FY 2016 Org 0618

1	Current Expenses. 13000	\$ 700,000
2	Repairs and Alterations. 06400	<u>50,000</u>
3	Total.....	\$ 750,000

**BUREAU OF SENIOR SERVICES**

*264 - Bureau of Senior Services –  
Community Based Service Fund*

(WV Code Chapter 22)

Fund 5409 FY 2016 Org 0508

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 151,290
3	Current Expenses. . . . .	13000	<u>10,348,710</u>
4	Total. . . . .		\$ 10,500,000

5 The total amount of these appropriations are funded from  
6 annual table game license fees to enable the aged and disabled  
7 citizens of West Virginia to stay in their homes through the  
8 provision of home and community-based services.

**HIGHER EDUCATION POLICY COMMISSION**

*265 - Higher Education Policy Commission –  
System – Registration Fee Capital Improvement Fund  
(Capital Improvement and Bond Retirement Fund)  
Control Account*

(WV Code Chapters 18 and 18B)

Fund 4902 FY 2016 Org 0442

1	General Capital Expenditures. . . . .	30600	\$ 500,000
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2 The total amount of this appropriation shall be paid from the  
3 special capital improvements fund created in W.Va. Code §18B-  
4 10-8. Projects are to be paid on a cash basis and made available

5 on July 1 of each year and may be transferred to special revenue  
6 funds for capital improvement projects at the institutions.

*266 - Higher Education Policy Commission –  
System – Tuition Fee Capital Improvement Fund  
(Capital Improvement and Bond Retirement Fund)  
Control Account*

(WV Code Chapters 18 and 18B)

Fund 4903 FY 2016 Org 0442

1	Debt Service.....	04000	\$ 28,901,910
2	General Capital Expenditures. . . . .	30600	13,000,000
3	Facilities Planning and		
4	Administration.....	38600	<u>421,082</u>
5	Total.....		\$ 42,322,992

6 The total amount of these appropriations shall be paid from  
7 the special capital improvement fund created in W.Va. Code  
8 §18B-10-8. Projects are to be paid on a cash basis and made  
9 available on July 1.

10 The above appropriations, except for debt service, may be  
11 transferred to special revenue funds for capital improvement  
12 projects at the institutions.

*267 - Tuition Fee Revenue Bond Construction Fund*

(WV Code Chapters 18 and 18B)

Fund 4906 FY 2016 Org 0442

1 Any unexpended balance remaining in the appropriation for  
2 Capital Outlay (fund 4906, appropriation 51100) at the close of

3 the fiscal year 2015 is hereby reappropriated for expenditure  
4 during the fiscal year 2016.

5 The appropriation shall be paid from available unexpended  
6 cash balances and interest earnings accruing to the fund. The  
7 appropriation shall be expended at the discretion of the Higher  
8 Education Policy Commission and the funds may be allocated to  
9 any institution within the system.

10 The total amount of this appropriation shall be paid from the  
11 unexpended proceeds of revenue bonds previously issued  
12 pursuant to W.Va. Code §18-12B-8, which have since been  
13 refunded.

*268 - Community and Technical College  
Capital Improvement Fund*

(WV Code Chapter 18B)

Fund 4908 FY 2016 Org 0442

1 Any unexpended balance remaining in the appropriation for  
2 Capital Improvements – Total (fund 4908, appropriation 95800)  
3 at the close of fiscal year 2015 is hereby reappropriated for  
4 expenditure during the fiscal year 2016.

5 The total amount of this appropriation shall be paid from the  
6 sale of the 2009 Series A Community and Technical College  
7 Capital Improvement Revenue Bonds and anticipated interest  
8 earnings.

*269 - West Virginia University –  
West Virginia University Health Sciences Center*

(WV Code Chapters 18 and 18B)

Fund 4179 FY 2016 Org 0463



Fund 5475 FY 2016 Org 0509

1	Personal Services and		
2	Employee Benefits..... 00100	\$	72,682
3	Unclassified..... 09900		1,450
4	Current Expenses..... 13000		<u>71,039</u>
5	Total.....	\$	145,171

6 The total amount of these appropriations shall be paid from  
7 the special revenue fund out of fees and collections as provided  
8 by Article 29A, Chapter 16 of the Code.

*272 - WV State Board of Examiners for  
Licensed Practical Nurses –  
Licensed Practical Nurses*

(WV Code Chapter 30)

Fund 8517 FY 2016 Org 0906

1	Personal Services and		
2	Employee Benefits..... 00100	\$	427,915
3	Current Expenses..... 13000		<u>55,542</u>
4	Total.....	\$	483,457

*273 - WV Board of Examiners for  
Registered Professional Nurses –  
Registered Professional Nurses*

(WV Code Chapter 30)

Fund 8520 FY 2016 Org 0907

1	Personal Services and		
2	Employee Benefits..... 00100	\$	1,082,344



2015]	HOUSE OF DELEGATES	2833
3	Current Expenses. . . . . 13000	295,214
4	Repairs and Alterations. . . . . 06400	3,000
5	Equipment. . . . . 07000	19,500
6	Other Assets. . . . . 69000	<u>4,500</u>
7	Total. . . . .	\$ 1,404,558

*274 - Public Service Commission*

(WV Code Chapter 24)

Fund 8623 FY 2016 Org 0926

1	Personal Services and	
2	Employee Benefits.. . . . 00100	\$ 11,807,314
3	Unclassified. . . . . 09900	147,643
4	Current Expenses. . . . . 13000	2,594,398
5	Repairs and Alterations. . . . . 06400	55,000
6	Equipment. . . . . 07000	160,000
7	Buildings. . . . . 25800	4,500,000
8	PSC Weight Enforcement. . . . . 34500	4,405,884
9	Debt Payment/Capital Outlay. . . . 52000	350,000
10	BRIM Premium. . . . . 91300	<u>114,609</u>
11	Total. . . . .	\$ 24,134,848

12 The total amount of these appropriations shall be paid from  
13 a special revenue fund out of collections for special license fees  
14 from public service corporations as provided by law.

15 The Public Service Commission is authorized to transfer up  
 16 to \$500,000 from this fund to meet the expected deficiencies in  
 17 the Motor Carrier Division (fund 8625, org 0926) due to the  
 18 amendment and reenactment of W.Va. Code §24A-3-1 by  
 19 Enrolled House Bill Number 2715, Regular Session, 1997.

*275 - Public Service Commission –  
 Gas Pipeline Division –  
 Public Service Commission Pipeline Safety Fund*

(WV Code Chapter 24B)

Fund 8624 FY 2016 Org 0926

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 284,198
3	Unclassified. . . . .	09900	3,851
4	Current Expenses. . . . .	13000	93,115
5	Repairs and Alterations. . . . .	06400	<u>4,000</u>
6	Total. . . . .		\$ 385,164

7 The total amount of these appropriations shall be paid from  
 8 a special revenue fund out of receipts collected for or by the  
 9 public service commission pursuant to and in the exercise of  
 10 regulatory authority over pipeline companies as provided by law.

*276 - Public Service Commission –  
 Motor Carrier Division*

(WV Code Chapter 24A)

Fund 8625 FY 2016 Org 0926

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 2,243,526

2015]	HOUSE OF DELEGATES	2835
3	Unclassified. . . . . 09900	29,233
4	Current Expenses. . . . . 13000	577,557
5	Repairs and Alterations. . . . . 06400	23,000
6	Equipment. . . . . 07000	<u>50,000</u>
7	Total. . . . .	\$ 2,923,316

8 The total amount of these appropriations shall be paid from  
9 a special revenue fund out of receipts collected for or by the  
10 public service commission pursuant to and in the exercise of  
11 regulatory authority over motor carriers as provided by law.

*277 - Public Service Commission –  
Consumer Advocate Fund*

(WV Code Chapter 24)

Fund 8627 FY 2016 Org 0926

1	Personal Services and	
2	Employee Benefits.. . . . 00100	\$ 743,372
3	Current Expenses. . . . . 13000	276,472
4	Equipment. . . . . 07000	10,000
5	BRIM Premium. . . . . 91300	<u>4,532</u>
6	Total. . . . .	\$ 1,034,376

7 The total amount of these appropriations shall be supported  
8 by cash from a special revenue fund out of collections made by  
9 the public service commission.

*278 - Real Estate Commission –  
Real Estate License Fund*

(WV Code Chapter 30)

Fund 8635 FY 2016 Org 0927

1	Personal Services and		
2	Employee Benefits..... 00100	\$	582,413
3	Current Expenses..... 13000		285,622
4	Repairs and Alterations..... 06400		5,000
5	Equipment..... 07000		<u>10,000</u>
6	Total.....	\$	883,035

7 The total amount of these appropriations shall be paid out of  
 8 collections of license fees as provided by law.

*279 - WV Board of Examiners for Speech-Language  
 Pathology and Audiology –  
 Speech-Language Pathology and Audiology Operating Fund*

(WV Code Chapter 30)

Fund 8646 FY 2016 Org 0930

1	Personal Services and		
2	Employee Benefits..... 00100	\$	73,190
3	Current Expenses..... 13000		<u>65,623</u>
4	Total.....	\$	138,813

*280 - WV Board of Respiratory Care –  
 Board of Respiratory Care Fund*

(WV Code Chapter 30)

Fund 8676 FY 2016 Org 0935

1	Personal Services and		
2	Employee Benefits..... 00100	\$	78,880

2015]	HOUSE OF DELEGATES	2837
3	Current Expenses. . . . . 13000	51,750
4	Repairs and Alterations. . . . . 06400	<u>400</u>
5	Total. . . . .	\$ 131,030

*281 - WV Board of Licensed Dietitians –  
Dietitians Licensure Board Fund*

(WV Code Chapter 30)

Fund 8680 FY 2016 Org 0936

1	Personal Services and	
2	Employee Benefits. . . . . 00100	\$ 8,648
3	Current Expenses. . . . . 13000	<u>14,352</u>
4	Total. . . . .	\$ 23,000

*282 - Massage Therapy Licensure Board –  
Massage Therapist Board Fund*

(WV Code Chapter 30)

Fund 8671 FY 2016 Org 0938

1	Personal Services and	
2	Employee Benefits. . . . . 00100	\$ 102,398
3	Current Expenses. . . . . 13000	<u>24,668</u>
4	Total. . . . .	\$ 127,066

*283 - Board of Medicine –  
Medical Licensing Board Fund*

(WV Code Chapter 30)

Fund 9070 FY 2016 Org 0945

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 997,752
3	Current Expenses. . . . .	13000	813,789
4	Repairs and Alterations. . . . .	06400	<u>20,000</u>
5	Total. . . . .		\$ 1,831,541

*284 - West Virginia Enterprise Resource Planning Board  
Enterprise Resource Planning System Fund*

(WV Code Chapter 12)

Fund 9080 FY 2016 Org 0947

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 6,713,066
3	Unclassified. . . . .	09900	430,000
4	Current Expenses. . . . .	13000	42,306,934
5	Repairs and Alterations. . . . .	06400	100,000
6	Equipment. . . . .	07000	250,000
7	Buildings. . . . .	25800	100,000
8	Other Assets. . . . .	69000	<u>100,000</u>
9	Total. . . . .		\$ 50,000,000

*285 - Board of Treasury Investments –  
Board of Treasury Investments Fee Fund*

(WV Code Chapter 12)

Fund 9152 FY 2016 Org 0950

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 711,966
3	Unclassified.....	09900	12,667
4	Current Expenses.....	13000	482,574
5	BRIM Premium.....	91300	59,500
6	Fees of Custodians, Fund Advisors		
7	and Fund Managers.....	93800	<u>3,500,000</u>
8	Total.....		\$ 4,766,707

9       There is hereby appropriated from this fund, in addition to  
10 the above appropriation if needed, an amount of funds necessary  
11 for the Board of Treasury Investments to pay the fees and  
12 expenses of custodians, fund advisors and fund managers for the  
13 Consolidated fund of the State as provided in Article 6C,  
14 Chapter 12 of the Code.

15       The total amount of these appropriations shall be paid from  
16 the special revenue fund out of fees and collections as provided  
17 by law.

18 Total TITLE II, Section 3 — Other Funds  
19       (Including claims against the state)... \$ 1,805,760,851

1       **Sec. 4. Appropriations from lottery net profits.** — Net  
2 profits of the lottery are to be deposited by the director of the  
3 lottery to the following accounts in the amounts indicated. The  
4 director of the lottery shall prorate each deposit of net profits in  
5 the proportion the appropriation for each account bears to the  
6 total of the appropriations for all accounts.

7 After first satisfying the requirements for Fund 2252, Fund  
 8 3963, and Fund 4908 pursuant to W.Va. Code §29-22-18, the  
 9 director of the lottery shall make available from the remaining  
 10 net profits of the lottery any amounts needed to pay debt service  
 11 for which an appropriation is made for Fund 9065, Fund 4297,  
 12 Fund 9067, and Fund 3514 and is authorized to transfer any such  
 13 amounts to Fund 9065, Fund 4297, Fund 9067, and Fund 3514  
 14 for that purpose. Upon receipt of reimbursement of amounts so  
 15 transferred, the director of the lottery shall deposit the  
 16 reimbursement amounts to the following accounts as required by  
 17 this section.

*286 - Education, Arts, Sciences and Tourism –  
 Debt Service Fund*

(WV Code Chapter 5)

Fund 2252 FY 2016 Org 0211

	<b>Appro- p riation</b>	<b>Lottery Funds</b>
1 Debt Service – Total. . . . .	31000	\$ 10,000,000

*287 - West Virginia Development Office –  
 Division of Tourism*

(WV Code Chapter 5B)

Fund 3067 FY 2016 Org 0304

1 Tourism – Telemarketing Center. . .	46300	\$ 82,080
2 WV Film Office. . . . .	49800	340,434
3 Tourism – Advertising (R). . . . .	61800	3,571,419



4	Tourism – Operations (R). . . . .	66200	<u>4,006,373</u>
5	Total. . . . .		\$ 8,000,306

6 Any unexpended balances remaining in the appropriations  
7 for Tourism – Advertising (fund 3067, appropriation 61800), and  
8 Tourism – Operations (fund 3067, appropriation 66200) at the  
9 close of the fiscal year 2015 are hereby reappropriated for  
10 expenditure during the fiscal year 2016.

*288 - Division of Natural Resources*

(WV Code Chapter 20)

Fund 3267 FY 2016 Org 0310

1	Personal Services and		
2	Employee Benefits. . . . .	00100	\$ 2,133,913
3	Current Expenses. . . . .	13000	47,127
4	Pricketts Fort State Park. . . . .	32400	111,000
5	Non-Game Wildlife (R). . . . .	52700	389,234
6	State Parks and Recreation		
7	Advertising (R). . . . .	61900	<u>507,578</u>
8	Total. . . . .		\$ 3,188,852

9 Any unexpended balances remaining in the appropriations  
10 for Unclassified (fund 3267, appropriation 09900), Capital  
11 Outlay – Parks (fund 3267, appropriation 28800), Non-Game  
12 Wildlife (fund 3267, appropriation 52700), and State Parks and  
13 Recreation Advertising (fund 3267, appropriation 61900) at the  
14 close of the fiscal year 2015 are hereby reappropriated for  
15 expenditure during the fiscal year 2016.

289 - State Board of Education

(WV Code Chapters 18 and 18A)

Fund 3951 FY 2016 Org 0402

1	FBI Checks.....	37200	\$	108,031
2	Vocational Education			
3	Equipment Replacement. ....	39300		800,000
4	Assessment Program (R). ....	39600		2,935,751
5	21st Century Technology			
6	Infrastructure Network Tools			
7	and Support (R). ....	93300		<u>14,108,744</u>
8	Total.....		\$	17,952,526

9 Any unexpended balances remaining in the appropriations  
10 for Unclassified (fund 3951, appropriation 09900), Current  
11 Expenses (fund 3951, appropriation 13000), Assessment  
12 Program (fund 3951, appropriation 39600), and 21st Century  
13 Technology Infrastructure Network Tools and Support (fund  
14 3951, appropriation 93300) at the close of the fiscal year 2015  
15 are hereby reappropriated for expenditure during the fiscal year  
16 2016.

290 - State Department of Education –  
School Building Authority –  
Debt Service Fund

(WV Code Chapter 18)

Fund 3963 FY 2016 Org 0402

1	Debt Service – Total. ....	31000	\$	7,507,700
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2	Directed Transfer.....	70000	<u>10,492,300</u>
3	Total.....		\$ 18,000,000

4 The School Building Authority shall have the authority to  
 5 transfer between the above appropriations in accordance with  
 6 W.Va. Code §29-22-18.

*291 - Department of Education and the Arts –  
 Office of the Secretary –  
 Control Account –  
 Lottery Education Fund*

(WV Code Chapter 5F)

Fund 3508 FY 2016 Org 0431

1	Unclassified (R).....	09900	\$ 15,881
2	Current Expenses.....	13000	104,119
3	Commission for National and		
4	Community Service.....	19300	350,341
5	Governor’s Honors Academy (R). .	47800	400,000
6	Arts Programs (R). . . . .	50000	81,165
7	College Readiness. . . . .	57900	154,906
8	Statewide STEM 21 <sup>st</sup>		
9	Century Academy. . . . .	89700	130,000
10	Literacy Project (R). . . . .	89900	<u>350,000</u>
11	Total.....		\$ 1,586,412

12 Any unexpended balances remaining in the appropriations  
 13 for Unclassified (fund 3508, appropriation 09900), Governor's  
 14 Honors Academy (fund 3508, appropriation 47800), Arts  
 15 Programs (fund 3508, appropriation 50000), and Literacy Project  
 16 (fund 3508, appropriation 89900) at the close of fiscal year 2015  
 17 are hereby reappropriated for expenditure during the fiscal year  
 18 2016.

*292 - Division of Culture and History –  
 Lottery Education Fund*

(WV Code Chapter 29)

Fund 3534 FY 2016 Org 0432

1	Huntington Symphony.....	02700	\$	82,025
2	Preservation West Virginia (R)...	09200		652,799
3	Fairs and Festivals (R).....	12200		1,853,663
4	Archeological Curation/Capital			
5	Improvements (R).....	24600		41,668
6	Historic Preservation Grants (R)...	31100		368,368
7	West Virginia Public Theater.....	31200		166,693
8	George Tyler Moore Center for the			
9	Study of the Civil War.....	39700		51,932
10	Greenbrier Valley Theater.....	42300		138,254
11	Theater Arts of West Virginia....	46400		125,000
12	Marshall Artists Series.....	51800		50,008
13	Grants for Competitive			
14	Arts Program (R).....	62400		731,000

2015]	HOUSE OF DELEGATES	2845
15	West Virginia State Fair..... 65700	43,391
16	Save the Music..... 68000	30,000
17	Contemporary American	
18	Theater Festival..... 81100	79,558
19	Independence Hall. .... 81200	37,885
20	Mountain State Forest Festival. . . 86400	53,038
21	WV Symphony..... 90700	82,025
22	Wheeling Symphony. .... 90800	82,025
23	Appalachian Children’s Chorus.... 91600	<u>75,770</u>
24	Total.....	\$ 4,745,102

25 Any unexpended balances remaining in the appropriations  
26 for Preservation West Virginia (fund 3534, appropriation  
27 09200), Fairs and Festivals (fund 3534, appropriation 12200),  
28 Archeological Curation/Capital Improvements (fund 3534,  
29 appropriation 24600), Historic Preservation Grants (fund 3534,  
30 appropriation 31100), Grants for Competitive Arts Program  
31 (fund 3534, appropriation 62400), and Project ACCESS (fund  
32 3534, appropriation 86500) at the close of the fiscal year 2015  
33 are hereby reappropriated for expenditure during the fiscal year  
34 2016.

35 From the above appropriation for Preservation West Virginia  
36 (fund 3534, appropriation 09200) funding shall be provided to  
37 the African-American Heritage Family Tree Museum (Fayette)  
38 \$3,713, Aracoma Story (Logan) \$41,254, Arts Monongahela  
39 (Monongalia) \$16,502, Barbour County Arts and Humanities  
40 Council \$1,238, Beckley Main Street (Raleigh) \$4,125, Buffalo  
41 Creek Memorial (Logan) \$4,125, Carnegie Hall (Greenbrier)

42 \$65,138, Ceredo Historical Society (Wayne) \$1,650, Ceredo  
43 Kenova Railroad Museum (Wayne) \$1,650, Ceredo Museum  
44 (Wayne) \$1,000, Children's Theatre of Charleston (Kanawha)  
45 \$4,343, Chuck Mathena Center (Mercer) \$86,850, Collis P.  
46 Huntington Railroad Historical Society (Cabell) \$8,251, Country  
47 Music Hall of Fame and Museum (Marion) \$5,776, First Stage  
48 Children's Theater Company \$1,650, Flannigan Murrell House  
49 (Summers) \$8,251, Fort Ashby Fort (Mineral) \$1,238, Fort New  
50 Salem (Harrison) \$3,053, Fort Randolph (Mason) \$4,125,  
51 General Adam Stephen Memorial Foundation (Berkeley)  
52 \$15,286, Grafton Mother's Day Shrine Committee (Taylor)  
53 \$7,013, Hardy County Tour and Crafts Association \$16,502,  
54 Heritage Farm Museum & Village (Cabell) \$41,254, Historic  
55 Fayette Theater (Fayette) \$4,538, Historic Middleway  
56 Conservancy (Jefferson) \$825, Jefferson County Black History  
57 Preservation Society \$4,125, Jefferson County Historical  
58 Landmark Commission \$6,601, Maddie Carroll House (Cabell)  
59 \$6,188, Marshall County Historical Society \$7,013, McCoy  
60 Theater (Hardy) \$16,502, Morgantown Theater Company  
61 (Monongalia) \$16,502, Mountaineer Boys' State (Lewis) \$8,251,  
62 Nicholas Old Main Foundation (Nicholas) \$1,650, Norman  
63 Dillon Farm Museum (Berkeley) \$8,251, Old Opera House  
64 Theater Company (Jefferson) \$12,376, Parkersburg Arts Center  
65 (Wood) \$16,502, Pocahontas Historic Opera House \$4,950,  
66 Raleigh County All Wars Museum \$8,251, Rhododendron Girl's  
67 State (Ohio) \$8,251, Roane County 4-H and FFA Youth  
68 Livestock Program \$4,125, Scottish Heritage Society/N. Central  
69 WV (Harrison) \$4,125, Society for the Preservation of McGrew  
70 House (Preston) \$2,888, Southern West Virginia Veterans'  
71 Museum \$3,713, Summers County Historic Landmark  
72 Commission \$4,125, Those Who Served War Museum (Mercer)  
73 \$3,300, Three Rivers Avian Center (Summers) \$12,376, Tug  
74 Valley Arts Council (Mingo) \$4,125, Tug Valley Chamber of  
75 Commerce Coal House (Mingo) \$1,650, Tunnelton Historical  
76 Society (Preston) \$1,650, Veterans Committee for Civic

77 Improvement of Huntington (Wayne) \$4,125, West Virginia  
78 Museum of Glass (Lewis) \$4,125, West Virginia Music Hall of  
79 Fame (Kanawha) \$28,878, YMCA Camp Horseshoe (Tucker)  
80 \$82,508, Youth Museum of Southern West Virginia (Raleigh)  
81 \$9,901, Z.D. Ramsdell House (Wayne) \$1,000.

82 From the above appropriation for Fairs and Festivals (fund  
83 3534, appropriation 12200) funding shall be provided to the  
84 African-American Cultural Heritage Festival (Jefferson) \$4,125,  
85 Alderson 4th of July Celebration (Greenbrier) \$4,125, Allegheny  
86 Echo (Pocahontas) \$6,189, Alpine Festival/Leaf Peepers Festival  
87 (Tucker) \$9,282, American Civil War (Grant) \$4,343, American  
88 Legion Post 8 Veterans Day Parade (McDowell) \$1,737, Angus  
89 Beef and Cattle Show (Lewis) \$1,238, Annual Birch River Days  
90 (Nicholas) \$1,800, Annual Don Redman Heritage Concert &  
91 Awards (Jefferson) \$1,303, Annual Ruddle Park Jamboree  
92 (Pendleton) \$6,514, Antique Market Fair (Lewis) \$1,650, Apollo  
93 Theater-Summer Program (Berkeley) \$1,650, Appalachian  
94 Autumn Fest (Gilmer) \$3,325, Apple Butter Festival (Morgan)  
95 \$4,950, Arkansaw Homemaker's Heritage Weekend (Hardy)  
96 \$2,888, Armed Forces Day-South Charleston (Kanawha) \$2,475,  
97 Arthurdale Heritage New Deal Festival (Preston) \$4,125, Athens  
98 Town Fair (Mercer) \$1,650, Augusta Fair (Randolph) \$4,125,  
99 Autumn Harvest Fest (Monroe) \$1,900, Barbour County Fair  
100 \$20,627, Barboursville Octoberfest (Cabell) \$4,125, Bass  
101 Festival (Pleasants) \$1,527, Battelle District Fair (Monongalia)  
102 \$4,125, Battle of Dry Creek (Greenbrier) \$1,238, Battle of Point  
103 Pleasant Memorial Committee (Mason) \$4,125, Belle Town Fair  
104 (Kanawha) \$3,713, Belleville Homecoming (Wood) \$16,502,  
105 Bergoo Down Home Days (Webster) \$2,063, Berkeley County  
106 Youth Fair \$15,264, Black Bear 4K Mountain Bike Race  
107 (Kanawha) \$950, Black Heritage Festival (Harrison) \$4,950,  
108 Black Walnut Festival (Roane) \$8,251, Blast from the Past  
109 (Upshur) \$2,000, Blue-Gray Reunion (Barbour) \$2,888, Boone  
110 County Fair \$8,251, Boone County Labor Day Celebration

111 \$3,300, Bradshaw Fall Festival (McDowell) \$1,650,  
112 Brandonville Heritage Day (Preston) \$1,455, Braxton County  
113 Fair \$9,489, Braxton County Monster Fest / West Virginia  
114 Autumn Festival \$2,063, Brooke County Fair \$2,888, Bruceton  
115 Mills Good Neighbor Days (Preston) \$1,650, Buckwheat  
116 Festival (Preston) \$7,014, Buffalo 4th of July Celebration  
117 (Putnam) \$475, Buffalo October Fest (Putnam) \$4,500,  
118 Burlington Apple Harvest Festival (Mineral) \$24,752,  
119 Burlington Pumpkin Harvest Festival (Raleigh) \$4,125,  
120 Burnsville Harvest Festival (Braxton) \$1,954, Cabell County  
121 Fair \$8,251, Calhoun County Wood Festival \$1,650, Campbell's  
122 Creek Community Fair (Kanawha) \$2,063, Cape Coalwood  
123 Festival Association (McDowell) \$2,063, Capon Bridge  
124 Founders Day Festival (Hampshire) \$1,650, Capon Springs  
125 Ruritan 4th of July (Hampshire) \$950, Cass Homecoming  
126 (Pocahontas) \$1,650, Cedarville Town Festival (Gilmer) \$950,  
127 Celebration in the Park (Wood) \$3,300, Celebration of America  
128 (Monongalia) \$4,950, Ceredo Freedom Festival (Wayne) \$973,  
129 Chapmanville Apple Butter Festival (Logan) \$950,  
130 Chapmanville Fire Department 4th of July (Logan) \$2,475,  
131 Charles Town Christmas Festival (Jefferson) \$4,125, Charles  
132 Town Heritage Festival (Jefferson) \$4,125, Charlie West Blues  
133 Festival (Kanawha) \$8,251, Cherry River Festival (Nicholas)  
134 \$5,363, Chester Fireworks (Hancock) \$1,238, Chester 4th of July  
135 Festivities (Hancock) \$4,125, Chief Logan State Park-Civil War  
136 Celebration (Logan) \$6,601, Chilifest West Virginia State Chili  
137 Championship (Cabell) \$2,171, Christmas In Our Town  
138 (Marion) \$4,343, Christmas in Shepherdstown (Jefferson)  
139 \$3,300, Christmas in the Park (Brooke) \$4,125, Christmas in the  
140 Park (Logan) \$20,627, City of Dunbar Critter Dinner (Kanawha)  
141 \$8,251, City of New Martinsville Festival of Memories (Wetzel)  
142 \$9,076, Clay County Golden Delicious Apple Festival \$5,776,  
143 Coal Field Jamboree (Logan) \$28,878, Coalton Days Fair  
144 (Randolph) \$5,776, Country Roads Festival (Fayette) \$1,650,  
145 Cowen Railroad Festival (Webster) \$2,888, Craigsville Fall



146 Festival (Nicholas) \$2,888, Culturefest World Music & Arts  
147 Festival (Mercer) \$6,514, Delbarton Homecoming (Mingo)  
148 \$2,888, Doddridge County Fair \$5,776, Durbin Days  
149 (Pocahontas) \$4,125, Eastern Kanawha Valley Homecoming  
150 Festival (Kanawha) \$2,171, Elbert/Filbert Reunion Festival  
151 (McDowell) \$1,238, Elizabethtown Festival (Marshall) \$4,125,  
152 Elkins Randolph County 4th of July Car Show (Randolph)  
153 \$1,650, Fairview 4th of July Celebration (Marion) \$950, Farm  
154 Safety Day (Preston) \$1,650, Farmer Day Festival (Monroe)  
155 \$1,737, Farmers' Day Parade (Wyoming) \$1,000, FestivALL  
156 Charleston (Kanawha) \$16,502, Fiber Festival (Preston) \$1,500,  
157 Flatwoods Days (Braxton) \$973, Flemington Day Fair and  
158 Festival (Taylor) \$2,888, Follansbee Community Days (Brooke)  
159 \$6,807, Fort Gay Mountain Heritage Days (Wayne) \$4,125, Fort  
160 Henry Days (Ohio) \$4,373, Fort Henry Living History (Ohio)  
161 \$2,171, Fort New Salem Spirit of Christmas Festival (Harrison)  
162 \$3,378, Frankford Autumnfest (Greenbrier) \$4,125, Franklin  
163 Fishing Derby (Pendleton) \$6,189, Franklin Firemen Carnival  
164 (Pendleton) \$4,125, Freshwater Folk Festival (Greenbrier)  
165 \$4,125, Friends Auxiliary of W.R. Sharpe Hospital (Lewis)  
166 \$4,125, Frontier Days (Harrison) \$2,475, Frontier Fest/Canaan  
167 Valley (Taylor) \$4,125, Fund for the Arts-Wine & All that Jazz  
168 Festival (Kanawha) \$2,063, Gassaway Days Celebration  
169 (Braxton) \$4,125, Gilbert Elementary Fall Blast (Mingo) \$2,171,  
170 Gilbert Kiwanis Harvest Festival (Mingo) \$3,300, Gilbert Spring  
171 Fling (Mingo) \$4,125, Gilmer County Farm Show \$3,300, Grant  
172 County Arts Council \$1,650, Grape Stomping Wine Festival  
173 (Nicholas) \$1,650, Great Greenbrier River Race (Pocahontas)  
174 \$8,251, Greater Quinwood Days (Greenbrier) \$1,086, Green  
175 Spring Days (Hampshire) \$950, Guyandotte Civil War Days  
176 (Cabell) \$8,251, Hamlin 4th of July Celebration (Lincoln)  
177 \$4,125, Hampshire Civil War Celebration Days (Hampshire)  
178 \$950, Hampshire County 4th of July Celebration \$16,502,  
179 Hampshire County Fair \$6,948, Hampshire Heritage Days  
180 (Hampshire) \$3,300, Hancock County Oldtime Fair \$4,125,

181 Hardy County Commission - 4th of July \$8,251, Hatfield McCoy  
182 Matewan Reunion Festival (Mingo) \$17,125, Hatfield McCoy  
183 Trail National ATV and Dirt Bike Weekend (Wyoming) \$4,125,  
184 Heat'n the Hills Chilifest (Lincoln) \$3,474, Heritage Craft  
185 Festival (Monroe) \$950, Heritage Days Festival (Roane) \$1,238,  
186 Hilltop Festival (Cabell) \$950, Hilltop Festival of Lights  
187 (McDowell) \$1,650, Hinton Railroad Days (Summers) \$4,538,  
188 Holly River Festival (Webster) \$1,238, Hometown Mountain  
189 Heritage Festival (Fayette) \$3,378, Hundred 4th of July (Wetzel)  
190 \$5,982, Hundred American Legion Earl Kiger Post Bluegrass  
191 Festival (Wetzel) \$1,650, Hurricane 4th of July Celebration  
192 (Putnam) \$4,125, Iaegeer Town Fair (McDowell) \$1,238, Irish  
193 Heritage Festival of West Virginia (Raleigh) \$4,125, Irish Spring  
194 Festival (Lewis) \$950, Italian Heritage Festival-Clarksburg  
195 (Harrison) \$24,752, Jackson County Fair \$4,125, Jamboree  
196 (Pocahontas) \$4,125, Jane Lew Arts and Crafts Fair (Lewis)  
197 \$950, Jefferson County Fair Association \$20,627, Jersey  
198 Mountain Ruritan Pioneer Days (Hampshire) \$950, John Henry  
199 Days Festival (Monroe) \$4,125, Johnnie Johnson Blues and Jazz  
200 Festival (Marion) \$4,125, Johnstown Community Fair (Harrison)  
201 \$2,063, Junior Heifer Preview Show (Lewis) \$1,650, Kanawha  
202 Coal Riverfest-St. Albans 4th of July Festival (Kanawha)  
203 \$4,125, Keeper of the Mountains-Kayford (Kanawha) \$2,063,  
204 Kenova Autumn Festival (Wayne) \$6,080, Kermit Fall Festival  
205 (Mingo) \$2,475, Keystone Reunion Gala (McDowell) \$2,171,  
206 King Coal Festival (Mingo) \$4,125, Kingwood Downtown Street  
207 Fair and Heritage Days (Preston) \$1,650, L.Z. Rainelle West  
208 Virginia Veterans Reunion (Greenbrier) \$4,125, Lady of  
209 Agriculture (Preston) \$950, Larry Joe Harless Center Octoberfest  
210 Hatfield McCoy Trail (Mingo) \$8,251, Larry Joe Harless  
211 Community Center Spring Middle School Event (Mingo)  
212 \$4,125, Last Blast of Summer (McDowell) \$4,125, Lewis  
213 County Fair Association \$2,888, Lewisburg Shanghai  
214 (Greenbrier) \$1,650, Lincoln County Fall Festival \$6,601,  
215 Lincoln County Winterfest \$4,125, Little Levels Heritage

216 Festival (Pocahontas) \$1,650, Logan Freedom Festival \$6,189,  
217 Lost Creek Community Festival (Harrison) \$5,776, Main Street  
218 Arts Festival (Upshur) \$4,343, Main Street Martinsburg  
219 Chocolate Fest and Book Fair (Berkeley) \$3,908, Mannington  
220 District Fair (Marion) \$4,950, Maple Syrup Festival (Randolph)  
221 \$950, Marion County FFA Farm Fest \$2,063, Marmet Labor  
222 Day Celebration (Kanawha) \$4,275, Marshall County Antique  
223 Power Show \$2,063, Marshall County Fair \$6,189, Mason  
224 County Fair \$4,125, Mason Dixon Festival (Monongalia) \$5,776,  
225 Matewan Massacre Reenactment (Mingo) \$6,950, Matewan-  
226 Magnolia Fair (Mingo) \$22,128, McARTS-McDowell County  
227 \$16,502, McDowell County Fair \$2,063, McGrew House History  
228 Day (Preston) \$1,650, McNeill's Rangers (Mineral) \$6,601,  
229 Meadow Bridge Hometown Festival (Fayette) \$1,032, Meadow  
230 River Days Festival (Greenbrier) \$2,475, Mercer Bluestone  
231 Valley Fair (Mercer) \$1,650, Mercer County Fair \$1,650, Mercer  
232 County Heritage Festival \$4,825, Mid Ohio Valley Antique  
233 Engine Festival (Wood) \$2,475, Milton Christmas in the Park  
234 (Cabell) \$2,063, Milton 4th of July Celebration (Cabell) \$2,063,  
235 Mineral County Veterans Day Parade \$1,238, Molasses Festival  
236 (Calhoun) \$1,650, Monongahfest (Marion) \$5,211, Moon Over  
237 Mountwood Fishing Festival (Wood) \$2,475, Morgan County  
238 Fair-History Wagon \$1,238, Moundsville Bass Festival  
239 (Marshall) \$3,300, Moundsville July 4th Celebration (Marshall)  
240 \$4,125, Mount Liberty Fall Festival (Barbour) \$2,063, Mountain  
241 Fest (Monongalia) \$16,502, Mountain Festival (Mercer) \$3,816,  
242 Mountain Music Festival (McDowell) \$2,063, Mountain State  
243 Apple Harvest Festival (Berkeley) \$6,189, Mountain State Arts  
244 & Crafts Fair Cedar Lakes (Jackson) \$37,128, Mountaineer Hot  
245 Air Balloon Festival (Monongalia) \$3,300, Mullens Dogwood  
246 Festival (Wyoming) \$5,776, Multi-Cultural Festival of West  
247 Virginia (Kanawha) \$16,502, Music and Barbecue - Banks  
248 District VFD (Upshur) \$1,776, New Cumberland Christmas  
249 Parade (Hancock) \$2,475, New Cumberland 4th of July  
250 (Hancock) \$4,125, New River Bridge Day Festival (Fayette)

251 \$33,003, Newburg Volunteer Fireman's Field Day (Preston)  
252 \$950, Nicholas County Fair \$4,125, Nicholas County Potato  
253 Festival \$2,888, Oak Leaf Festival (Fayette) \$8,685, Oceana  
254 Heritage Festival (Wyoming) \$4,950, Oglebay City Park -  
255 Festival of Lights (Ohio) \$66,006, Oglebay Festival (Ohio)  
256 \$8,251, Ohio County Country Fair \$7,426, Ohio Valley Beef  
257 Association (Wood) \$2,063, Ohio Valley Black Heritage  
258 Festival (Ohio) \$4,538, Old Central City Fair (Cabell) \$4,125,  
259 Old Century City Fair (Barbour) \$1,737, Old Tyme Christmas  
260 (Jefferson) \$1,980, Paden City Labor Day Festival (Wetzel)  
261 \$5,363, Parkersburg Homecoming (Wood) \$12,159, Patty Fest  
262 (Monongalia) \$1,650, Paw Paw District Fair (Marion) \$2,888,  
263 Pax Reunion Committee (Fayette) \$4,125, Pendleton County 4-H  
264 Weekend \$1,650, Pendleton County Committee for Arts  
265 \$12,376, Pendleton County Fair \$8,685, Pennsboro Country  
266 Road Festival (Ritchie) \$1,650, Petersburg 4th of July  
267 Celebration (Grant) \$16,502, Petersburg HS Celebration (Grant)  
268 \$8,251, Piedmont-Annual Back Street Festival (Mineral) \$3,300,  
269 Pinch Reunion (Kanawha) \$1,238, Pine Bluff Fall Festival  
270 (Harrison) \$3,300, Pine Grove 4th of July Festival (Wetzel)  
271 \$5,776, Pineville Festival (Wyoming) \$4,950, Pleasants County  
272 Agriculture Youth Fair \$4,125, Poca Heritage Days (Putnam)  
273 \$2,475, Pocahontas County Pioneer Days \$5,776, Point Pleasant  
274 Stern Wheel Regatta (Mason) \$4,125, Potomac Highlands Maple  
275 Festival (Grant) \$4,950, Pratt Fall Festival (Kanawha) \$2,063,  
276 Princeton Autumnfest (Mercer) \$2,171, Princeton Street Fair  
277 (Mercer) \$4,125, Putnam County Fair \$4,125, Quartets on  
278 Parade (Hardy) \$3,300, Rainelle Fall Festival (Greenbrier)  
279 \$4,343, Rand Community Center Festival (Kanawha) \$2,063,  
280 Randolph County Community Arts Council \$2,475, Randolph  
281 County Fair \$5,776, Randolph County Ramp and Rails \$1,650,  
282 Ranson Christmas Festival (Jefferson) \$4,125, Ranson Festival  
283 (Jefferson) \$4,125, Ravenswood Octoberfest (Jackson) \$6,601,  
284 Renick Liberty Festival (Greenbrier) \$950, Ripley 4th of July  
285 (Jackson) \$12,376, Ritchie County Fair and Exposition \$4,125,

286 Ritchie County Pioneer Days \$950, River City Festival (Preston)  
287 \$950, Riverside Blues Festival (Randolph) \$4,343, Roane  
288 County Agriculture Field Day \$2,475, Rock the Park (Kanawha)  
289 \$4,500, Rocket Boys Festival (Raleigh) \$2,375, Romney  
290 Heritage Days (Hampshire) \$2,606, Ronceverte River Festival  
291 (Greenbrier) \$4,125, Rowlesburg Labor Day Festival (Preston)  
292 \$950, Rupert Country Fling (Greenbrier) \$2,475, Saint Spyridon  
293 Greek Festival (Harrison) \$2,063, Salem Apple Butter Festival  
294 (Harrison) \$3,300, Sistersville 4th of July (Tyler) \$4,538,  
295 Skirmish on the River (Mingo) \$1,737, Smoke on the Water  
296 (Wetzel) \$2,475, South Charleston Summerfest (Kanawha)  
297 \$8,251, Southern Wayne County Fall Festival \$950, Spirit of  
298 Grafton Celebration (Taylor) \$8,251, Springfield Peach Festival  
299 (Hampshire) \$1,026, St. Albans City of Lights - December  
300 (Kanawha) \$4,125, Sternwheel Festival (Wood) \$2,475, Stoco  
301 Reunion (Raleigh) \$2,063, Stonewall Jackson Heritage Arts &  
302 Crafts Jubilee (Lewis) \$9,076, Storytelling Festival (Lewis)  
303 \$475, Strawberry Festival (Upshur) \$24,752, Sylvester Big Coal  
304 River Festival \$2,700, Tacy Fair (Barbour) \$950, Taste of  
305 Parkersburg (Wood) \$4,125, Taylor County Fair \$4,538, Terra  
306 Alta VFD 4th of July Celebration (Preston) \$950, The Gathering  
307 at Sweet Creek (Wood) \$2,475, Three Rivers Coal Festival  
308 (Marion) \$6,394, Thunder on the Tygart - Mothers' Day  
309 Celebration (Taylor) \$12,376, Town of Delbarton 4th of July  
310 Celebration (Mingo) \$2,475, Town of Fayetteville Heritage  
311 Festival (Fayette) \$6,189, Town of Matoaka Hog Roast (Mercer)  
312 \$950, Town of Rivesville 4th of July Festival (Marion) \$4,343,  
313 Town of Winfield - Putnam County Homecoming \$4,500,  
314 Treasure Mountain Festival (Pendleton) \$20,627, Tri-County  
315 Fair (Grant) \$31,318, Tucker County Arts Festival and  
316 Celebration \$14,851, Tucker County Fair \$3,919, Tucker County  
317 Health Fair \$1,650, Tunnelton Depot Days (Preston) \$950,  
318 Tunnelton Volunteer Fire Department Festival (Preston) \$950,  
319 Turkey Festival (Hardy) \$2,475, Tyler County Fair \$4,290, Tyler  
320 County 4th of July \$475, Tyler County OctoberFest \$1,000,

321 Union Community Irish Festival (Barbour) \$900, Uniquely West  
322 Virginia Festival (Morgan) \$1,650, Upper Kanawha Valley  
323 Oktoberfest (Kanawha) \$2,063, Upper Ohio Valley Italian  
324 Festival (Ohio) \$9,901, Upper West Fork Park Bluegrass  
325 Festival (Calhoun) \$475, Upshur County Youth Livestock Show  
326 \$2,000, Valley District Fair (Preston) \$2,888, Veterans Welcome  
327 Home Celebration (Cabell) \$1,303, Vietnam Veterans of  
328 America # 949 Christmas Party (Cabell) \$950, Volcano Days at  
329 Mountwood Park (Wood) \$4,125, War Homecoming Fall  
330 Festival (McDowell) \$1,238, Wardensville Fall Festival (Hardy)  
331 \$4,125, Wayne County Fair \$4,125, Wayne County Fall Festival  
332 \$4,125, Webster County Wood Chopping Festival \$12,376,  
333 Webster Wild Water Weekend \$1,650, Weirton July 4th  
334 Celebration (Hancock) \$16,502, Welcome Home Family Day  
335 (Wayne) \$2,640, Wellsburg 4th of July Celebration (Brooke)  
336 \$6,189, Wellsburg Apple Festival of Brooke County \$4,125,  
337 West Virginia Blackberry Festival (Harrison) \$4,125, West  
338 Virginia Chestnut Festival (Preston) \$950, West Virginia Coal  
339 Festival (Boone) \$8,251, West Virginia Coal Show (Mercer)  
340 \$2,171, West Virginia Dairy Cattle Show (Lewis) \$8,251, West  
341 Virginia Dandelion Festival (Greenbrier) \$4,125, West Virginia  
342 Fair and Exposition (Wood) \$6,684, West Virginia Fireman's  
343 Rodeo (Fayette) \$2,063, West Virginia Oil and Gas Festival  
344 (Tyler) \$9,076, West Virginia Peach Festival (Hampshire)  
345 \$4,500, West Virginia Polled Hereford Association (Braxton)  
346 \$1,238, West Virginia Poultry Festival (Hardy) \$4,125, West  
347 Virginia Pumpkin Festival (Cabell) \$8,251, West Virginia State  
348 Monarch Butterfly Festival (Brooke) \$4,125, West Virginia  
349 Water Festival - City of Hinton (Summers) \$13,201, Weston  
350 VFD 4th of July Firemen Festival (Lewis) \$1,650, Wetzel  
351 County Autumnfest \$4,538, Wetzel County Town and Country  
352 Days \$14,026, Wheeling Celtic Festival (Ohio) \$1,650,  
353 Wheeling City of Lights (Ohio) \$6,601, Wheeling Sternwheel  
354 Regatta (Ohio) \$8,251, Wheeling Vintage Raceboat Regatta  
355 (Ohio) \$16,502, Whipple Community Action (Fayette) \$2,063,

356 Wileyville Homecoming (Wetzel) \$3,300, Wine Festival and  
 357 Mountain Music Event (Harrison) \$4,125, Winter Festival of the  
 358 Waters (Berkeley) \$4,125, Wirt County Fair \$2,063, Wirt  
 359 County Pioneer Days \$1,650, Wyoming County Civil War Days  
 360 \$1,800, Youth Stockman Beef Expo (Lewis) \$1,650.

361 Any Fairs & Festivals awards shall be funded in addition to,  
 362 and not in lieu of, individual grant allocations derived from the  
 Arts Council and the Cultural Grant Program allocations.

*293 - Library Commission –  
 Lottery Education Fund*

(WV Code Chapter 10)

Fund 3559 FY 2016 Org 0433

1	Books and Films.....	17900	\$	360,784
2	Services to Libraries. ....	18000		550,000
3	Grants to Public Libraries. ....	18200		9,439,571
4	Digital Resources.....	30900		219,992
5	Infomine Network. ....	88400		<u>850,646</u>
6	Total.....		\$	11,420,993

7 Any unexpended balance remaining in the appropriation for  
 8 Libraries – Special Projects (fund 3559, appropriation 62500) at  
 9 the close of fiscal year 2015 is hereby reappropriated for  
 10 expenditure during the fiscal year 2016.

*294 - Bureau of Senior Services –  
 Lottery Senior Citizens Fund*

(WV Code Chapter 29)

Fund 5405 FY 2016 Org 0508

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 193,414
3	Current Expenses. . . . .	13000	333,681
4	Repairs and Alterations. . . . .	06400	1,000
5	Local Programs Service		
6	Delivery Costs. . . . .	20000	2,435,250
7	Silver Haired Legislature. . . . .	20200	18,500
8	Transfer to Division of Human		
9	Services for Health Care		
10	and Title XIX Waiver for		
11	Senior Citizens. . . . .	53900	20,503,026
12	Roger Tompkins Alzheimers		
13	Respite Care. . . . .	64300	2,296,543
14	WV Alzheimers Hotline. . . . .	72400	45,000
15	Regional Aged and Disabled		
16	Resource Center. . . . .	76700	425,000
17	Senior Services		
18	Medicaid Transfer. . . . .	87100	8,670,000
19	Legislative Initiatives for		
20	the Elderly. . . . .	90400	9,671,239
21	Long Term Care Ombudsman. . . . .	90500	297,226
22	BRIM Premium. . . . .	91300	6,500



23	In-Home Services and Nutrition		
24	for Senior Citizens.....	91700	<u>4,320,941</u>
25	Total.....		\$ 49,217,320

26 Any unexpended balance remaining in the appropriation for  
 27 Senior Citizen Centers and Programs (fund 5405, appropriation  
 28 46200) at the close of the fiscal year 2015 is hereby  
 29 reappropriated for expenditure during the fiscal year 2016.

30 Included in the above appropriation for Current Expenses  
 31 (fund 5405, appropriation 13000), is funding to support an in-  
 32 home direct care workforce registry.

33 The above appropriation for Transfer to Division of Human  
 34 Services for Health Care and Title XIX Waiver for Senior  
 35 Citizens (appropriation 53900) along with the federal monies  
 36 generated thereby shall be used for reimbursement for services  
 37 provided under the program.

*295 - Higher Education Policy Commission –  
 Lottery Education –  
 Higher Education Policy Commission –  
 Control Account*

(WV Code Chapters 18B and 18C)

Fund 4925 FY 2016 Org 0441

1	RHI Program and		
2	Site Support (R).....	03600	\$ 1,912,491
3	RHI Program and Site Support –		
4	RHEP Program		
5	Administration (R).....	03700	146,653

6	RHI Program and Site Support –		
7	Grad Med Ed and Fiscal		
8	Oversight (R).....	03800	85,813
9	Minority Doctoral Fellowship (R)..	16600	129,604
10	Underwood–Smith Scholarship		
11	Program–Student Awards. . . .	16700	135,849
12	Health Sciences Scholarship (R). . .	17600	220,598
13	Vice Chancellor for Health Sciences –		
14	Rural Health Residency		
15	Program (R).....	60100	62,725
16	WV Engineering, Science, and		
17	Technology Scholarship		
18	Program.....	86800	<u>452,831</u>
19	Total.....		\$ 3,146,564

20 Any unexpended balances remaining in the appropriations  
21 for RHI Program and Site Support (fund 4925, appropriation  
22 03600), RHI Program and Site Support – RHEP Program  
23 Administration (fund 4925, appropriation 03700), RHI Program  
24 and Site Support – Grad Med Ed and Fiscal Oversight (fund  
25 4925, appropriation 03800), Minority Doctoral Fellowship (fund  
26 4925, appropriation 16600), Health Sciences Scholarship (fund  
27 4925, appropriation 17600), and Vice Chancellor for Health  
28 Sciences – Rural Health Residency Program (fund 4925,  
29 appropriation 60100) at the close of fiscal year 2015 are hereby  
30 reappropriated for expenditure during the fiscal year 2016.

31 The above appropriation for Underwood–Smith Scholarship  
32 Program–Student Awards (appropriation 16700) shall be  
33 transferred to the Underwood – Smith Teacher Scholarship and

34 Loan Assistance Fund (fund 4922, org 0441) established by  
35 W.Va. Code §18C-4-1.

36 The above appropriation for WV Engineering, Science, and  
37 Technology Scholarship Program (appropriation 86800) shall be  
38 transferred to the West Virginia Engineering, Science and  
39 Technology Scholarship Fund (fund 4928, org 0441) established  
40 by W.Va. Code §18C-6-1.

*296 - Community and Technical College –  
Capital Improvement Fund*

(WV Code Chapter 18B)

Fund 4908 FY 2016 Org 0442

1 Debt Service – Total. . . . . 31000 \$ 5,000,000

2 Any unexpended balance remaining in the appropriation for  
3 Capital Outlay and Improvements – Total (fund 4908,  
4 appropriation 84700) at the close of fiscal year 2015 is hereby  
5 reappropriated for expenditure during the fiscal year 2016.

*297 - Higher Education Policy Commission –  
Lottery Education –  
West Virginia University – School of Medicine*

(WV Code Chapter 18B)

Fund 4185 FY 2016 Org 0463

1 WVU Health Sciences –  
2 RHI Program and Site  
3 Support (R). . . . . 03500 \$ 1,125,203

4 MA Public Health Program and  
5 Health Science  
6 Technology (R). . . . . 62300 54,432

7	Health Sciences Career		
8	Opportunities Program (R). . . . .	86900	328,462
9	HSTA Program (R). . . . .	87000	1,674,240
10	Center for Excellence in		
11	Disabilities (R).....	96700	<u>305,806</u>
12	Total.....		\$ 3,488,143

13 Any unexpended balances remaining in the appropriations  
14 for WVU Health Sciences – RHI Program and Site Support  
15 (fund 4185, appropriation 03500), MA Public Health Program  
16 and Health Science Technology (fund 4185, appropriation  
17 62300), Health Sciences Career Opportunities Program (fund  
18 4185, appropriation 86900), HSTA Program (fund 4185,  
19 appropriation 87000), and Center for Excellence in Disabilities  
20 (fund 4185, appropriation 96700) at the close of fiscal year 2015  
21 are hereby reappropriated for expenditure during the fiscal year  
22 2016.

*298 - Higher Education Policy Commission –  
Lottery Education –  
Marshall University*

(WV Code Chapter 18B)

Fund 4267 FY 2016 Org 0471

1 Any unexpended balance remaining in the appropriation for  
2 Marshall University Graduate College Writing Project (fund  
3 4267, appropriation 80700) at the close of fiscal year 2015 is  
4 hereby reappropriated for expenditure during the fiscal year  
5 2016.

299 - Higher Education Policy Commission –  
Lottery Education –  
Marshall University – School of Medicine

(WV Code Chapter 18B)

Fund 4896 FY 2016 Org 0471

1	Marshall Medical School –		
2	RHI Program and		
3	Site Support (R).....	03300	\$ 410,253
4	Vice Chancellor for Health Sciences –		
5	Rural Health Residency		
6	Program (R).....	60100	<u>169,529</u>
7	Total.....		\$ 579,782

8 Any unexpended balances remaining in the appropriations  
9 for Marshall Medical School – RHI Program and Site Support  
10 (fund 4896, appropriation 03300) and Vice Chancellor for  
11 Health Sciences – Rural Health Residency Program (fund 4896,  
12 appropriation 60100) at the close of fiscal year 2015 are hereby  
13 reappropriated for expenditure during the fiscal year 2016.

14	Total TITLE II, Section 4 —		
15	Lottery Revenue. ....		<u>\$ 136,326,000</u>

1 **Sec. 5. Appropriations from state excess lottery revenue**  
2 **fund.** — In accordance with W.Va. Code §29-22-18a, §29-22A-  
3 10d, §29-22A-10e, §29-22C-27a and §29-25-22b, the following  
4 appropriations shall be deposited and disbursed by the Director  
5 of the Lottery to the following accounts in this section in the  
6 amounts indicated.

7 After first funding the appropriations required by W.Va.  
8 Code §29-22-18a, §29-22A-10d, §29-22A-10e, §29-22C-27a and

9 §29-25-22b, the Director of the Lottery shall provide funding  
 10 from the State Excess Lottery Revenue Fund for the remaining  
 11 appropriations in this section to the extent that funds are  
 12 available. In the event that revenues to the State Excess Lottery  
 13 Revenue Fund are not sufficient to meet all the appropriations  
 14 made pursuant to this section, then the Director of the Lottery  
 15 shall first provide the necessary funds to meet fund 7208,  
 16 appropriation 70011 of this section; next, to provide the funds  
 17 necessary for fund 5365, appropriation 18900. Allocation of the  
 18 funds for each appropriation shall be allocated in succession  
 19 before any funds are provided for the next subsequent  
 20 appropriation.

*300 - Lottery Commission –  
 Refundable Credit*

Fund 7207 FY 2016 Org 0705

	<b>Appro- p-riation</b>	<b>Excess Lottery Funds</b>
1 Directed Transfer. . . . .	70000	\$ 10,000,000

2 The above appropriation shall be transferred to the General  
 3 Revenue Fund to provide reimbursement for the refundable  
 4 credit allowable under W.Va. Code §11-21-21. The amount of  
 5 the required transfer shall be determined solely by the state tax  
 6 commissioner and shall be completed by the director of the  
 7 lottery upon the commissioner’s request.

*301 - Lottery Commission –  
 General Purpose Account*

Fund 7206 FY 2016 Org 0705

1 General Revenue Fund –  
 2 Transfer. . . . . 70011 \$ 65,000,000

3 The above appropriation shall be transferred to the General  
 4 Revenue Fund as determined by the director of the lottery in  
 5 accordance with W.Va. Code §29-22-18a.

*302 - Higher Education Policy Commission –  
 Education Improvement Fund*

Fund 4295 FY 2016 Org 0441

1 PROMISE Scholarship – Transfer.. 80000 \$ 29,000,000

2 The above appropriation shall be transferred to the  
 3 PROMISE Scholarship Fund (fund 4296, org 0441) established  
 4 by W.Va. Code §18C-7-7.

5 The Legislature has explicitly set a finite amount of  
 6 available appropriations and directed the administrators of the  
 7 Program to provide for the award of scholarships within the  
 8 limits of available appropriations.

*303 - Economic Development Authority –  
 Economic Development Project Fund*

Fund 9065 FY 2016 Org 0944

1 Debt Service – Total. . . . . 31000 \$ 19,000,000

2 Pursuant to W.Va. Code §29-22-18a, subsection (f), excess  
 3 lottery revenues are authorized to be transferred to the lottery  
 4 fund as reimbursement of amounts transferred to the economic  
 5 development project fund pursuant to section four of this title  
 6 and W.Va. Code §29-22-18, subsection (f).

*304 - Department of Education –  
School Building Authority*

Fund 3514 FY 2016 Org 0402

1 Debt Service – Total. . . . . 31000 \$ 19,000,000

*305 - West Virginia Infrastructure Council –  
West Virginia Infrastructure Transfer Fund*

Fund 3390 FY 2016 Org 0316

1 Directed Transfer. . . . . 70000 \$ 36,000,000

The above appropriation shall be allocated pursuant to  
W.Va. Code §29-22-18d and §31-15-9.

*306 - Higher Education Policy Commission –  
Higher Education Improvement Fund*

Fund 4297 FY 2016 Org 0441

1 Directed Transfer. . . . . 70000 \$ 15,000,000

2 The above appropriation shall be transferred to fund 4903,  
3 org 0442 as authorized by Senate Concurrent Resolution No. 41.

*307 - Division of Natural Resources  
State Park Improvement Fund*

Fund 3277 FY 2016 Org 0310

1 Current Expenses (R). . . . . 13000 \$ 2,438,300  
2 Repairs and Alterations (R). . . . . 06400 2,161,200  
3 Equipment (R). . . . . 07000 200,000



2015]	HOUSE OF DELEGATES	2865
4	Buildings (R). . . . .	25800 100,000
5	Other Assets (R) . . . . .	69000 <u>100,500</u>
6	Total. . . . .	\$ 5,000,000

7 Any unexpended balances remaining in the above  
8 appropriations for Repairs and Alterations (fund 3277,  
9 appropriation 06400), Equipment (fund 3277, appropriation  
10 07000), Unclassified – Total (fund 3277, appropriation 09600),  
11 Unclassified (fund 3277, appropriation 09900), Current  
12 Expenses (fund 3277, appropriation 13000), Buildings (fund  
13 3277, appropriation 25800), and Other Assets (fund 3277,  
14 appropriation 69000) at the close of the fiscal year 2015 are  
15 hereby reappropriated for expenditure during the fiscal year  
16 2016.

*308 - Racing Commission –*

Fund 7308 FY 2016 Org 0707

1	Special Breeders Compensation	
2	(WVC §29-22-18a,	
3	subsection (1)). . . . .	21800 \$ 2,000,000

*309 - Lottery Commission –*

*Distributions to Statutory Funds and Purposes*

Fund 7213 FY 2016 Org 0705

1	Parking Garage Fund – Transfer. . .	70001 \$ 500,000
2	2004 Capitol Complex Parking	
3	Garage Fund – Transfer. . . . .	70002 255,249
4	Capitol Dome and Improvements	
5	Fund – Transfer. . . . .	70003 2,200,641

6	Capitol Renovation and		
7	Improvement Fund – Transfer..	70004	2,807,722
8	Development Office		
9	Promotion Fund – Transfer. . . .	70005	1,531,485
10	Research Challenge		
11	Fund – Transfer. . . . .	70006	2,041,980
12	Tourism Promotion Fund –		
13	Transfer. . . . .	70007	5,694,666
14	Cultural Facilities and Capitol		
15	Resources Matching		
16	Grant Program Fund –		
17	Transfer. . . . .	70008	1,500,000
18	Workers’ Compensation Debt		
19	Reduction Fund – Transfer. . . .	70009	11,000,000
20	State Debt Reduction Fund –		
21	Transfer. . . . .	70010	20,000,000
22	General Revenue Fund –		
23	Transfer. . . . .	70011	1,794,761
24	West Virginia Racing Commission		
25	Racetrack Video Lottery		
26	Account. . . . .	70012	4,083,958
27	Historic Resort Hotel Fund. . . . .	70013	34,200
28	Licensed Racetrack Regular		
29	Purse Fund. . . . .	70014	<u>12,159,198</u>
30	Total. . . . .		\$ 65,603,860

*310 - Lottery Commission –  
Excess Lottery Revenue Fund Surplus*

Fund 7208 FY 2016 Org 0705

- 1 General Revenue Fund –
- 2     Transfer. . . . . 70011     \$ 18,355,000
- 3     The above appropriation for General Revenue Fund –
- 4     Transfer (fund 7208, appropriation 70011) shall be transferred
- 5     to the General Revenue Fund.

*311 - Governor’s Office*

(WV Code Chapter 5)

Fund 1046 FY 2016 Org 0100

- 1     Any unexpended balance remaining in the appropriation for
- 2     Publication of Papers and Transition Expenses – Lottery Surplus
- 3     (fund 1046, appropriation 06600) at the close of the fiscal year
- 4     2015 is hereby reappropriated for expenditure during the fiscal
- 5     year 2016.

*312 - West Virginia Development Office*

(WV Code Chapter 5B)

Fund 3170 FY 2016 Org 0307

- 1     Any unexpended balances remaining in the appropriations
- 2     for Unclassified – Total (fund 3170, appropriation 09600),
- 3     Recreational Grants or Economic Development Loans (fund
- 4     3170, appropriation 25300), and Connectivity Research and
- 5     Development – Lottery Surplus (fund 3170, appropriation
- 6     92300) at the close of the fiscal year 2015 are hereby
- 7     reappropriated for expenditure during the fiscal year 2016.

*313 - Higher Education Policy Commission –  
Administration – Control Account*

(WV Code Chapter 18B)

Fund 4932 FY 2016 Org 0441

- 1 Any unexpended balance remaining in the appropriation for
- 2 Advanced Technology Centers (fund 4932, appropriation 02800)
- 3 at the close of the fiscal year 2015 is hereby reappropriated for
- 4 expenditure during the fiscal year 2016.

*314 - Division of Health –  
Central Office*

(WV Code Chapter 16)

Fund 5219 FY 2016 Org 0506

- 1 Any unexpended balance remaining in the appropriation for
- 2 Capital Outlay and Maintenance (fund 5219, appropriation
- 3 75500) at the close of the fiscal year 2015 is hereby
- 4 reappropriated for expenditure during the fiscal year 2016.

*315 - Division of Human Services*

(WV Code Chapters 9, 48 and 49)

Fund 5365 FY 2016 Org 0511

- 1 Medical Services. . . . . 18900      \$    16,422,140

*316 - Division of Corrections –  
Correctional Units*

(WV Code Chapters 25, 28, 49 and 62)

Fund 6283 FY 2016 Org 0608

1 Any unexpended balance remaining in the appropriation for  
2 Capital Outlay and Maintenance (fund 6283, appropriation  
3 75500) at the close of the fiscal year 2015 is hereby  
4 reappropriated for expenditure during the fiscal year 2016.

5 Total TITLE II, Section 5 —

6 Excess Lottery Funds. . . . . \$ 300,381,000

1 **Sec. 6. Appropriations of federal funds.** — In accordance  
2 with Article 11, Chapter 4 of the Code from federal funds there  
3 are hereby appropriated conditionally upon the fulfillment of the  
4 provisions set forth in Article 2, Chapter 11B of the Code the  
5 following amounts, as itemized, for expenditure during the fiscal  
6 year 2016.

**LEGISLATIVE**

*317 - Crime Victims Compensation Fund*

(WV Code Chapter 14)

Fund 8738 FY 2016 Org 2300

	<b>Appro- priation</b>		<b>Federal Funds</b>
1 Economic Loss Claim			
2 Payment Fund. . . . .	33400	\$	3,000,000

**JUDICIAL**

*318 - Supreme Court*

Fund 8867 FY 2016 Org 2400

1 Personal Services and			
2 Employee Benefits.. . . .	00100	\$	250,000

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3	Current Expenses. . . . . 13000	<u>1,750,000</u>
4	Total. . . . .	\$ 2,000,000

**EXECUTIVE**

*319 - Governor's Office*

(WV Code Chapter 5)

Fund 8742 FY 2016 Org 0100

1	Personal Services and	
2	Employee Benefits. . . . . 00100	\$ 86,677
3	Current Expenses. . . . . 13000	<u>138,323</u>
4	Total. . . . .	\$ 225,000

*320 - Department of Agriculture*

(WV Code Chapter 19)

Fund 8736 FY 2016 Org 1400

1	Personal Services and	
2	Employee Benefits. . . . . 00100	\$ 1,563,760
3	Unclassified. . . . . 09900	50,534
4	Current Expenses. . . . . 13000	3,229,161
5	Repairs and Alterations. . . . . 06400	50,000
6	Equipment. . . . . 07000	<u>160,000</u>
7	Total. . . . .	\$ 5,053,455

2015]

HOUSE OF DELEGATES

2871

*321 - Department of Agriculture –  
Meat Inspection Fund*

(WV Code Chapter 19)

Fund 8737 FY 2016 Org 1400

1	Personal Services and		
2	Employee Benefits.. . . . . 00100	\$	610,830
3	Unclassified. . . . . 09900		8,755
4	Current Expenses. . . . . 13000		136,012
5	Repairs and Alterations. . . . . 06400		5,500
6	Equipment. . . . . 07000		<u>114,478</u>
7	Total.. . . . .	\$	875,575

*322 - Department of Agriculture –  
State Conservation Committee*

(WV Code Chapter 19)

Fund 8783 FY 2016 Org 1400

1	Personal Services and		
2	Employee Benefits.. . . . . 00100	\$	97,250
3	Current Expenses. . . . . 13000		<u>14,099,974</u>
4	Total.. . . . .	\$	14,197,224

*323 - Department of Agriculture –  
Land Protection Authority*

Fund 8896 FY 2016 Org 1400

1	Personal Services and		
2	Employee Benefits..... 00100	\$	46,526
3	Unclassified..... 09900		5,004
4	Current Expenses..... 13000		<u>448,920</u>
5	Total.....	\$	500,450

*324 - Secretary of State –  
State Election Fund*

(WV Code Chapter 3)

Fund 8854 FY 2016 Org 1600

1	Personal Services and		
2	Employee Benefits..... 00100	\$	210,240
3	Unclassified..... 09900		7,484
4	Current Expenses..... 13000		415,727
5	Repairs and Alterations..... 06400		15,000
6	Other Assets..... 69000		<u>100,000</u>
7	Total.....	\$	748,451

**DEPARTMENT OF ADMINISTRATION**

*325 - Children’s Health Insurance Agency*

(WV Code Chapter 5)

Fund 8838 FY 2016 Org 0230

1	Personal Services and		
2	Employee Benefits..... 00100	\$	0



2015]	HOUSE OF DELEGATES	2873
3	Current Expenses..... 13000	<u>0</u>
	Total.....	\$ 0

**DEPARTMENT OF COMMERCE**

*326 - Division of Forestry*

(WV Code Chapter 19)

Fund 8703 FY 2016 Org 0305

1	Personal Services and	
2	Employee Benefits..... 00100	\$ 1,442,347
3	Unclassified. .... 09900	51,050
4	Current Expenses..... 13000	5,622,560
5	Repairs and Alterations. .... 06400	155,795
6	Equipment. .... 07000	50,000
7	Other Assets..... 69000	<u>1,808,300</u>
8	Total.....	\$ 9,130,052

*327 - Geological and Economic Survey*

(WV Code Chapter 29)

Fund 8704 FY 2016 Org 0306

1	Personal Services and	
2	Employee Benefits..... 00100	\$ 54,432
3	Unclassified. .... 09900	2,803
4	Current Expenses..... 13000	195,639

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5	Repairs and Alterations. . . . . 06400	5,000
6	Equipment. . . . . 07000	7,500
7	Other Assets. . . . . 69000	<u>15,000</u>
8	Total. . . . .	\$ 280,374

*328 - West Virginia Development Office*

(WV Code Chapter 5B)

Fund 8705 FY 2016 Org 0307

1	Personal Services and	
2	Employee Benefits. . . . . 00100	\$ 1,052,547
3	Unclassified. . . . . 09900	96,900
4	Current Expenses. . . . . 13000	<u>8,553,505</u>
5	Total. . . . .	\$ 9,702,952

*329 - Division of Labor*

(WV Code Chapters 21 and 47)

Fund 8706 FY 2016 Org 0308

1	Personal Services and	
2	Employee Benefits. . . . . 00100	\$ 384,072
3	Unclassified. . . . . 09900	5,572
4	Current Expenses. . . . . 13000	167,098
5	Repairs and Alterations. . . . . 06400	<u>500</u>
6	Total. . . . .	\$ 557,242

*330 - Division of Natural Resources*

(WV Code Chapter 20)

Fund 8707 FY 2016 Org 0310

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 7,912,218
3	Unclassified. . . . .	09900	107,693
4	Current Expenses. . . . .	13000	5,556,594
5	Repairs and Alterations. . . . .	06400	189,400
6	Equipment. . . . .	07000	1,096,242
7	Buildings. . . . .	25800	1,000
8	Other Assets. . . . .	69000	1,951,000
9	Land. . . . .	73000	<u>1,000</u>
10	Total. . . . .		\$ 16,815,147

*331 - Division of Miners' Health,  
Safety and Training*

(WV Code Chapter 22)

Fund 8709 FY 2016 Org 0314

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 613,177
3	Current Expenses. . . . .	13000	<u>150,000</u>
4	Total. . . . .		\$ 763,177

332 - WorkForce West Virginia

(WV Code Chapter 23)

Fund 8835 FY 2016 Org 0323

1	Unclassified. . . . .	09900	\$	5,127
2	Current Expenses. . . . .	13000		507,530
3	Reed Act 2002 –			
4	Unemployment			
5	Compensation. . . . .	62200		2,850,000
6	Reed Act 2002 –			
7	Employment Services. . . . .	63000		<u>1,650,000</u>
8	Total. . . . .		\$	5,012,657

9 Pursuant to the requirements of 42 U.S.C. 1103, Section 903  
10 of the Social Security Act, as amended, and the provisions of  
11 W.Va. Code §21A-9-9, the above appropriation to Unclassified  
12 and Current Expenses shall be used by WorkForce West Virginia  
13 for the specific purpose of administration of the state’s  
14 unemployment insurance program or job service activities,  
15 subject to each and every restriction, limitation or obligation  
16 imposed on the use of the funds by those federal and state  
17 statutes.

333 - Office of the Secretary –  
Office of Economic Opportunity

(WV Code Chapter 5)

Fund 8780 FY 2016 Org 0327

1	Personal Services and			
2	Employee Benefits. . . . .	00100	\$	497,289

2015]	HOUSE OF DELEGATES	2877
3	Unclassified. . . . . 09900	106,795
4	Current Expenses. . . . . 13000	10,068,916
5	Repairs and Alterations. . . . . 06400	500
6	Equipment. . . . . 07000	<u>6,000</u>
7	Total. . . . .	\$ 10,679,500

*334 - Division of Energy*

(WV Code Chapter 5B)

Fund 8892 FY 2016 Org 0328

1	Personal Services and	
2	Employee Benefits. . . . . 00100	\$ 411,574
3	Unclassified. . . . . 09900	15,000
4	Current Expenses. . . . . 13000	1,082,968
5	Repairs and Alterations. . . . . 06400	200
6	Equipment. . . . . 07000	<u>1,000</u>
7	Total. . . . .	\$ 1,510,742

**DEPARTMENT OF EDUCATION**

*335 - State Board of Education –  
State Department of Education*

(WV Code Chapters 18 and 18A)

Fund 8712 FY 2016 Org 0402

1	Personal Services and	
2	Employee Benefits. . . . . 00100	\$ 7,078,855

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3	Unclassified. . . . . 09900	2,000,000
4	Current Expenses. . . . . 13000	208,917,820
5	Repairs and Alterations. . . . . 06400	10,000
6	Equipment. . . . . 07000	10,000
7	Other Assets. . . . . 69000	10,000
8	Federal Economic Stimulus. . . . . 89100	<u>2,000,000</u>
9	Total. . . . .	\$ 220,026,675

*336 - State Board of Education –  
School Lunch Program*

(WV Code Chapters 18 and 18A)

Fund 8713 FY 2016 Org 0402

1	Personal Services and	
2	Employee Benefits. . . . . 00100	\$ 1,992,648
3	Unclassified. . . . . 09900	1,150,500
4	Current Expenses. . . . . 13000	113,101,265
5	Repairs and Alterations. . . . . 06400	20,000
6	Equipment. . . . . 07000	100,000
7	Other Assets. . . . . 69000	<u>25,000</u>
8	Total. . . . .	\$ 116,389,413

*337 - State Board of Education –  
Vocational Division*

(WV Code Chapters 18 and 18A)

Fund 8714 FY 2016 Org 0402

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 1,519,972
3	Unclassified. . . . .	09900	155,000
4	Current Expenses. . . . .	13000	13,820,081
5	Repairs and Alterations. . . . .	06400	10,000
6	Equipment. . . . .	07000	10,000
7	Other Assets. . . . .	69000	<u>10,000</u>
8	Total. . . . .		\$ 15,525,053

*338 - State Board of Education –  
Aid for Exceptional Children*

(WV Code Chapters 18 and 18A)

Fund 8715 FY 2016 Org 0402

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 4,044,940
3	Unclassified. . . . .	09900	1,000,000
4	Current Expenses. . . . .	13000	107,646,390
5	Repairs and Alterations. . . . .	06400	10,000
6	Equipment. . . . .	07000	10,000
7	Other Assets. . . . .	69000	<u>10,000</u>
8	Total. . . . .		\$ 112,721,330

**DEPARTMENT OF EDUCATION AND THE ARTS***339 - Department of Education and the Arts –  
Office of the Secretary*

(WV Code Chapter 5F)

Fund 8841 FY 2016 Org 0431

1	Personal Services and		
2	Employee Benefits.. . . . . 00100	\$	414,424
3	Current Expenses. . . . . 13000		5,589,576
4	Repairs and Alterations. . . . . 06400		<u>1,000</u>
5	Total. . . . .	\$	6,005,000

*340 - Division of Culture and History*

(WV Code Chapter 29)

Fund 8718 FY 2016 Org 0432

1	Personal Services and		
2	Employee Benefits.. . . . . 00100	\$	743,046
3	Current Expenses. . . . . 13000		1,947,372
4	Repairs and Alterations. . . . . 06400		1,000
5	Equipment. . . . . 07000		1,000
6	Buildings. . . . . 25800		1,000
7	Other Assets. . . . . 69000		1,000
8	Land. . . . . 73000		<u>360</u>
9	Total. . . . .	\$	2,694,778



*341 - Library Commission*

(WV Code Chapter 10)

Fund 8720 FY 2016 Org 0433

1	Personal Services and		
2	Employee Benefits..... 00100	\$	328,653
3	Current Expenses..... 13000		1,081,157
4	Equipment..... 07000		<u>543,406</u>
5	Total.....	\$	1,953,216

*342 - Educational Broadcasting Authority*

(WV Code Chapter 10)

Fund 8721 FY 2016 Org 0439

1	Equipment..... 07000	\$	750,000
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*343 - State Board of Rehabilitation –  
Division of Rehabilitation Services*

(WV Code Chapter 18)

Fund 8734 FY 2016 Org 0932

1	Personal Services and		
2	Employee Benefits..... 00100	\$	12,616,894
3	Current Expenses..... 13000		53,118,076
4	Repairs and Alterations..... 06400		350,300
5	Equipment..... 07000		<u>1,275,870</u>
6	Total.....	\$	67,361,140

*344 - State Board of Rehabilitation –  
Division of Rehabilitation Services –  
Disability Determination Services*

(WV Code Chapter 18)

Fund 8890 FY 2016 Org 0932

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 15,906,206
3	Current Expenses. . . . .	13000	9,207,634
4	Repairs and Alterations. . . . .	06400	1,100
5	Equipment. . . . .	07000	<u>83,350</u>
6	Total.. . . . .		\$ 25,198,290

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

*345 - Division of Environmental Protection*

(WV Code Chapter 22)

Fund 8708 FY 2016 Org 0313

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 28,102,458
3	Current Expenses. . . . .	13000	166,827,394
4	Repairs and Alterations. . . . .	06400	233,583
5	Equipment. . . . .	07000	888,188
6	Other Assets.. . . . .	69000	146,216

2015]	HOUSE OF DELEGATES	2883
7	Land. . . . .	73000 <u>100,000</u>
8	Total. . . . .	\$ 196,297,839

**DEPARTMENT OF HEALTH AND HUMAN RESOURCES**

*346 - Consolidated Medical Service Fund*

(WV Code Chapter 16)

Fund 8723 FY 2016 Org 0506

1	Personal Services and	
2	Employee Benefits.. . . . .	00100      \$ 627,336
3	Unclassified. . . . .	09900      73,307
4	Current Expenses. . . . .	13000 <u>6,630,103</u>
5	Total. . . . .	\$ 7,330,746

*347 - Division of Health –  
Central Office*

(WV Code Chapter 16)

Fund 8802 FY 2016 Org 0506

1	Personal Services and	
2	Employee Benefits.. . . . .	00100      \$ 13,744,404
3	Unclassified. . . . .	09900      910,028
4	Current Expenses. . . . .	13000      79,148,201
5	Equipment. . . . .	07000      456,972
6	Buildings. . . . .	25800      155,000

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7	Other Assets..... 69000	380,000
8	Federal Economic Stimulus..... 89100	<u>150,000</u>
9	Total.....	\$ 94,944,605

*348 - Division of Health –  
West Virginia Safe Drinking Water Treatment*

(WV Code Chapter 16)

Fund 8824 FY 2016 Org 0506

1	West Virginia Drinking Water	
2	Treatment Revolving	
3	Fund – Transfer..... 68900	\$ 16,000,000

*349 - West Virginia Health Care Authority*

(WV Code Chapter 16)

Fund 8851 FY 2016 Org 0507

1	Unclassified. .... 09900	\$ 9,966
2	Current Expenses..... 13000	<u>986,649</u>
3	Total.....	\$ 996,615

*350 - Human Rights Commission*

(WV Code Chapter 5)

Fund 8725 FY 2016 Org 0510

1	Personal Services and	
2	Employee Benefits..... 00100	\$ 549,827

2015]	HOUSE OF DELEGATES	2885
3	Unclassified. . . . . 09900	5,482
4	Current Expenses. . . . . 13000	<u>90,389</u>
5	Total. . . . .	\$ 645,698

*351 - Division of Human Services*

(WV Code Chapters 9, 48 and 49)

Fund 8722 FY 2016 Org 0511

1	Personal Services and	
2	Employee Benefits.. . . . . 00100	\$ 67,320,701
3	Unclassified. . . . . 09900	22,855,833
4	Current Expenses. . . . . 13000	71,798,431
5	Medical Services. . . . . 18900	2,803,202,632
6	Medical Services	
7	Administrative Costs. . . . . 78900	132,045,119
8	CHIP Administrative Costs. . . . . 85601	533,752
9	CHIP Services. . . . . 85602	47,422,974
10	Federal Economic Stimulus. . . . . 89100	<u>45,693,209</u>
11	Total. . . . .	\$ 3,190,872,651

**DEPARTMENT OF MILITARY AFFAIRS  
AND PUBLIC SAFETY**

*352 - Office of the Secretary*

(WV Code Chapter 5F)

Fund 8876 FY 2016 Org 0601

1	Personal Services and		
2	Employee Benefits..... 00100	\$	440,525
3	Unclassified..... 09900		250,053
4	Current Expenses..... 13000		24,303,277
5	Repairs and Alterations..... 06400		3,971
6	Other Assets..... 69000		<u>7,500</u>
7	Total.....	\$	25,005,326

*353 - Adjutant General –  
State Militia*

(WV Code Chapter 15)

Fund 8726 FY 2016 Org 0603

1	Unclassified..... 09900	\$	982,705
2	Mountaineer ChalleNGe		
3	Academy..... 70900		3,050,000
4	Martinsburg Starbase..... 74200		375,000
5	Charleston Starbase..... 74300		325,000
6	Military Authority..... 74800		<u>93,537,900</u>
7	Total.....	\$	98,270,605

8     The adjutant general shall have the authority to transfer  
9     between appropriations.

*354 - Adjutant General –  
West Virginia National Guard Counterdrug Forfeiture Fund*

(WV Code Chapter 15)

Fund 8785 FY 2016 Org 0603

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 1,350,000
3	Current Expenses. . . . .	13000	300,000
4	Equipment. . . . .	07000	<u>350,000</u>
5	Total. . . . .		\$ 2,000,000

*355 - Division of Homeland Security and  
Emergency Management*

(WV Code Chapter 15)

Fund 8727 FY 2016 Org 0606

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 721,650
3	Current Expenses. . . . .	13000	20,429,281
4	Repairs and Alterations. . . . .	06400	5,000
5	Equipment. . . . .	07000	<u>100,000</u>
6	Total. . . . .		\$ 21,255,931

*356 - Division of Corrections*

(WV Code Chapters 25, 28, 49 and 62)

Fund 8836 FY 2016 Org 0608

1	Unclassified. . . . .	09900	\$	1,100
2	Current Expenses. . . . .	13000		<u>108,900</u>
3	Total. . . . .		\$	110,000

*357 - West Virginia State Police*

(WV Code Chapter 15)

Fund 8741 FY 2016 Org 0612

1	Personal Services and			
2	Employee Benefits. . . . .	00100	\$	2,325,349
3	Current Expenses. . . . .	13000		2,125,971
4	Repairs and Alterations. . . . .	06400		42,000
5	Equipment. . . . .	07000		2,502,285
6	Buildings. . . . .	25800		750,500
7	Other Assets. . . . .	69000		144,500
8	Land. . . . .	73000		<u>500</u>
9	Total. . . . .		\$	7,891,105

*358 - Fire Commission*

(WV Code Chapter 29)

Fund 8819 FY 2016 Org 0619

1	Current Expenses. . . . .	13000	\$	80,000
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*359 - Division of Justice and Community Services*

(WV Code Chapter 15)

Fund 8803 FY 2016 Org 0620

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 724,370
3	Unclassified. . . . .	09900	25,185
4	Current Expenses. . . . .	13000	7,965,450
5	Repairs and Alterations. . . . .	06400	<u>1,750</u>
6	Total. . . . .		\$ 8,716,755

**DEPARTMENT OF REVENUE**

*360 - Tax Division –  
Consolidated Federal Fund*

(WV Code Chapter 11)

Fund 8899 FY 2016 Org 0702

1	Current Expenses. . . . .	13000	\$ 10,000
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*361 - Insurance Commissioner*

(WV Code Chapter 33)

Fund 8883 FY 2016 Org 0704

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 838,090
3	Current Expenses. . . . .	13000	12,962,837

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4	Repairs and Alterations. . . . . 06400	25,000
5	Equipment. . . . . 07000	250,000
6	Buildings. . . . . 25800	25,000
7	Other Assets. . . . . 69000	<u>100,000</u>
8	Total. . . . .	\$ 14,200,927

**DEPARTMENT OF TRANSPORTATION**

*362 - Division of Motor Vehicles*

(WV Code Chapter 17B)

Fund 8787 FY 2016 Org 0802

1	Personal Services and	
2	Employee Benefits. . . . . 00100	\$ 501,394
3	Current Expenses. . . . . 13000	17,671,640
4	Repairs and Alterations. . . . . 06400	<u>500</u>
5	Total. . . . .	\$ 18,173,534

*363 - Division of Public Transit*

(WV Code Chapter 17)

Fund 8745 FY 2016 Org 0805

1	Personal Services and	
2	Employee Benefits. . . . . 00100	\$ 657,137
3	Current Expenses. . . . . 13000	8,928,012
4	Repairs and Alterations. . . . . 06400	2,500

2015]	HOUSE OF DELEGATES	2891
5	Equipment. . . . . 07000	5,286,432
6	Buildings. . . . . 25800	500,000
7	Other Assets. . . . . 69000	<u>174,119</u>
8	Total. . . . .	\$ 15,548,200

**DEPARTMENT OF VETERANS' ASSISTANCE**

*364 - Department of Veterans' Assistance*

(WV Code Chapter 9A)

Fund 8858 FY 2016 Org 0613

1	Personal Services and	
2	Employee Benefits. . . . . 00100	\$ 2,749,840
3	Current Expenses. . . . . 13000	3,927,160
4	Repairs and Alterations. . . . . 06400	50,000
5	Equipment. . . . . 07000	200,000
6	Buildings. . . . . 25800	600,000
7	Other Assets. . . . . 69000	100,000
8	Land. . . . . 73000	<u>100,000</u>
9	Total. . . . .	\$ 7,727,000

*365 - Department of Veterans' Assistance –  
Veterans' Home*

(WV Code Chapter 9A)

Fund 8728 FY 2016 Org 0618

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 877,375
3	Current Expenses. . . . .	13000	844,632
4	Repairs and Alterations. . . . .	06400	220,000
5	Equipment. . . . .	07000	198,000
6	Buildings. . . . .	25800	296,000
7	Other Assets. . . . .	69000	20,000
8	Land. . . . .	73000	<u>10,000</u>
9	Total. . . . .		\$ 2,466,007

**BUREAU OF SENIOR SERVICES***366 - Bureau of Senior Services*

(WV Code Chapter 29)

Fund 8724 FY 2016 Org 0508

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 721,393
3	Current Expenses. . . . .	13000	13,811,853
4	Repairs and Alterations. . . . .	06400	<u>3,000</u>
5	Total. . . . .		\$ 14,536,246

**MISCELLANEOUS BOARDS AND COMMISSIONS***367 - Public Service Commission –  
Motor Carrier Division*

(WV Code Chapter 24A)

Fund 8743 FY 2016 Org 0926

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 1,286,913
3	Current Expenses. . . . .	13000	368,953
4	Repairs and Alterations. . . . .	06400	<u>40,000</u>
5	Total. . . . .		\$ 1,695,866

*368 - Public Service Commission –  
Gas Pipeline Division*

(WV Code Chapter 24B)

Fund 8744 FY 2016 Org 0926

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 337,532
3	Current Expenses. . . . .	13000	14,648
4	Unclassified. . . . .	09900	<u>352</u>
5	Total. . . . .		\$ 352,532

*369 - National Coal Heritage Area Authority*

(WV Code Chapter 29)

Fund 8869 FY 2016 Org 0941

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 158,635
3	Current Expenses. . . . .	13000	631,365

4	Repairs and Alterations. . . . .	06400		5,000
5	Equipment. . . . .	07000		3,000
6	Other Assets. . . . .	69000		<u>2,000</u>
7	Total. . . . .		\$	800,000

*370 - Coal Heritage Highway Authority*

(WV Code Chapter 29)

Fund 8861 FY 2016 Org 0942

1	Personal Services and			
2	Employee Benefits. . . . .	00100	\$	0
3	Current Expenses. . . . .	13000		<u>0</u>
4	Total. . . . .		\$	0
5	Total TITLE II, Section 6 –			
6	Federal Funds. . . . .		\$	<u><u>4,395,605,081</u></u>

1 **Sec. 7. Appropriations from federal block grants.** – The  
 2 following items are hereby appropriated from federal block  
 3 grants to be available for expenditure during the fiscal year 2016.

*371 - West Virginia Development Office –  
 Community Development*

Fund 8746 FY 2016 Org 0307

1	Personal Services and			
2	Employee Benefits. . . . .	00100	\$	648,117
3	Unclassified. . . . .	09900		483,500

2015]	HOUSE OF DELEGATES	2895
4	Current Expenses. . . . . 13000	47,226,995
5	Repairs and Alterations. . . . . 06400	<u>300</u>
6	Total. . . . .	\$ 48,358,912

*372 - WorkForce West Virginia –  
Workforce Investment Act*

Fund 8749 FY 2016 Org 0323

1	Personal Services and	
2	Employee Benefits.. . . . . 00100	\$ 1,511,208
3	Unclassified. . . . . 09900	23,023
4	Current Expenses. . . . . 13000	19,864,909
5	Repairs and Alterations. . . . . 06400	1,600
6	Equipment. . . . . 07000	500
7	Buildings. . . . . 25800	<u>1,100</u>
8	Total. . . . .	\$ 21,402,340

*373 - Department of Commerce  
Office of the Secretary –  
Office of Economic Opportunity –  
Community Services*

Fund 8781 FY 2016 Org 0327

1	Personal Services and	
2	Employee Benefits.. . . . . 00100	\$ 362,389
3	Unclassified. . . . . 09900	84,000

4	Current Expenses. . . . .	13000	12,043,111
5	Repairs and Alterations. . . . .	06400	1,500
6	Equipment. . . . .	07000	<u>9,000</u>
7	Total. . . . .		\$ 12,500,000

*374 - Division of Health –  
Maternal and Child Health*

Fund 8750 FY 2016 Org 0506

1	Personal Services and		
2	Employee Benefits. . . . .	00100	\$ 2,124,294
3	Unclassified. . . . .	09900	110,017
4	Current Expenses. . . . .	13000	<u>8,767,420</u>
5	Total. . . . .		\$ 11,001,731

*375 - Division of Health –  
Preventive Health*

Fund 8753 FY 2016 Org 0506

1	Personal Services and		
2	Employee Benefits. . . . .	00100	\$ 162,320
3	Unclassified. . . . .	09900	22,457
4	Current Expenses. . . . .	13000	1,895,366
5	Equipment. . . . .	07000	<u>165,642</u>
6	Total. . . . .		\$ 2,245,785



*376 - Division of Health –  
Substance Abuse Prevention and Treatment*

Fund 8793 FY 2016 Org 0506

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 822,766
3	Unclassified.....	09900	115,924
4	Current Expenses.....	13000	<u>10,653,740</u>
5	Total.....		\$ 11,592,430

*377 - Division of Health –  
Community Mental Health Services*

Fund 8794 FY 2016 Org 0506

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 936,557
3	Unclassified.....	09900	33,533
4	Current Expenses.....	13000	<u>2,383,307</u>
5	Total.....		\$ 3,353,397

*378- Division of Human Services –  
Energy Assistance*

Fund 8755 FY 2016 Org 0511

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 1,475,000
3	Unclassified.....	09900	350,000

4	Current Expenses..... 13000	<u>33,175,000</u>
5	Total.....	\$ 35,000,000

*379 - Division of Human Services –  
Social Services*

Fund 8757 FY 2016 Org 0511

1	Personal Services and	
2	Employee Benefits..... 00100	\$ 14,231,684
3	Unclassified..... 09900	171,982
4	Current Expenses..... 13000	<u>2,870,508</u>
5	Total.....	\$ 17,274,174

*380 - Division of Human Services –  
Temporary Assistance for Needy Families*

Fund 8816 FY 2016 Org 0511

1	Personal Services and	
2	Employee Benefits..... 00100	\$ 17,964,349
3	Unclassified..... 09900	1,250,000
4	Current Expenses..... 13000	<u>105,785,651</u>
5	Total.....	\$ 125,000,000

*381 - Division of Human Services –  
Child Care and Development*

Fund 8817 FY 2016 Org 0511

1	Personal Services and	
2	Employee Benefits..... 00100	\$ 4,654,643

2015]	HOUSE OF DELEGATES	2899
3	Unclassified. . . . . 09900	350,000
4	Current Expenses. . . . . 13000	<u>31,995,357</u>
5	Total. . . . .	\$ 37,000,000

*382 - Division of Justice and Community Services –  
Juvenile Accountability Incentive*

Fund 8829 FY 2016 Org 0620

1	Personal Services and	
2	Employee Benefits.. . . . . 00100	\$ 14,246
3	Current Expenses. . . . . 13000	235,729
4	Repairs and Alterations. . . . . 06400	<u>25</u>
5	Total. . . . .	\$ 250,000
6	Total TITLE II, Section 7 —	
7	Federal Block Grants. . . . .	<u>\$ 324,978,769</u>

1       **Sec. 8. Awards for claims against the state.** — There are  
2 hereby appropriated for fiscal year 2016, from the fund as  
3 designated, in the amounts as specified, general revenue funds  
4 in the amount of \$203,331, special revenue funds in the amount  
5 of \$747,870, and state road funds in the amount of \$730,433 for  
6 payment of claims against the state.

1       **Sec. 9. Appropriations from general revenue surplus**  
2 **accrued.** — The following items are hereby appropriated from  
3 the state fund, general revenue, and are to be available for  
4 expenditure during the fiscal year 2016 out of surplus funds  
5 only, accrued from the fiscal year ending June 30, 2015, subject  
6 to the terms and conditions set forth in this section.

7 It is the intent and mandate of the Legislature that the  
 8 following appropriations be payable only from surplus accrued  
 9 as of July 31, 2015 from the fiscal year ending June 30, 2015,  
 10 only after first meeting requirements of W.Va. Code §11B-2-  
 11 20(b).

12 In the event that surplus revenues available on July 31, 2015,  
 13 are not sufficient to meet the appropriations made pursuant to  
 14 this section, then the appropriations shall be made to the extent  
 15 that surplus funds are available as of the date mandated to meet  
 16 the appropriation in this section.

*383 - Division of General Services*

(WV Code Chapter 5A)

Fund 0230 FY 2016 Org 0211

1	Capital Outlay, Repairs and		
2	Equipment – Surplus. . . . .	67700	\$ 9,000,000

*384 - Department of Education and the Arts -  
 Office of the Secretary*

(WV Code Chapter 5F)

Fund 0294 FY 2016 Org 0431

1	WV Early Childhood Planning		
2	Task Force - Surplus. . . . .	14499	\$ <u>350,000</u>
3	Total TITLE II, Section 9 –		
4	Surplus Accrued. . . . .		\$ <u>9,350,000</u>

5 **Sec. 10. Appropriations from lottery net profits surplus**  
 6 **accrued.** — The following item is hereby appropriated from the  
 7 lottery net profits, and is to be available for expenditure during

8 the fiscal year 2016 out of surplus funds only, as determined by  
9 the director of lottery, accrued from the fiscal year ending June  
10 30, 2015, subject to the terms and conditions set forth in this  
11 section.

12 It is the intent and mandate of the Legislature that the  
13 following appropriation be payable only from surplus accrued  
14 from the fiscal year ending June 30, 2015.

15 In the event that surplus revenues available from the fiscal  
16 year ending June 30, 2015, are not sufficient to meet the  
17 appropriation made pursuant to this section, then the  
18 appropriation shall be made to the extent that surplus funds are  
19 available.

*385 - Bureau of Senior Services –  
Lottery Senior Citizens Fund*

(WV Code Chapter 29)

Fund 5405 FY 2016 Org 0508

1	Senior Services Medicaid Transfer –	
2	Lottery Surplus. . . . . 68199	\$ <u>10,000,000</u>
3	Total TITLE II, Section 10 –	
4	Surplus Accrued. . . . .	\$ <u>10,000,000</u>

5 **Sec. 11. Appropriations from state excess lottery revenue**  
6 **surplus accrued.** — The following item is hereby appropriated  
7 from the state excess lottery revenue fund, and is to be available  
8 for expenditure during the fiscal year 2016 out of surplus funds  
9 only, as determined by the director of lottery, accrued from the  
10 fiscal year ending June 30, 2015, subject to the terms and  
11 conditions set forth in this section.

12 It is the intent and mandate of the Legislature that the  
13 following appropriation be payable only from surplus accrued  
14 from the fiscal year ending June 30, 2015.

15 In the event that surplus revenues available from the fiscal  
16 year ending June 30, 2015, are not sufficient to meet the  
17 appropriation made pursuant to this section, then the  
18 appropriation shall be made to the extent that surplus funds are  
19 available.

*386 - Division of Human Services*

(WV Code Chapters 9, 48 and 49)

Fund 5365 FY 2016 Org 0511

1	Medical Services –		
2	Lottery Surplus. . . . .	68100	\$ <u>20,000,000</u>
3	Total TITLE II, Section 11 –		
	Surplus Accrued. . . . .		\$ <u>20,000,000</u>

1 **Sec. 12. Special revenue appropriations.** — There are  
2 hereby appropriated for expenditure during the fiscal year 2016  
3 appropriations made by general law from special revenues which  
4 are not paid into the state fund as general revenue under the  
5 provisions of W.Va. Code §12-2-2: Provided, That none of the  
6 money so appropriated by this section shall be available for  
7 expenditure except in compliance with the provisions of W.Va.  
8 Code §12-2 and 3 and W.Va. Code §11B-2, unless the spending  
9 unit has filed with the director of the budget and the legislative  
10 auditor prior to the beginning of each fiscal year:

11 (a) An estimate of the amount and sources of all revenues  
12 accruing to such fund; and

13 (b) A detailed expenditure schedule showing for what  
14 purposes the fund is to be expended.

1       **Sec. 13. State improvement fund appropriations.** —  
2 Bequests or donations of nonpublic funds, received by the  
3 Governor on behalf of the state during the fiscal year 2016, for  
4 the purpose of making studies and recommendations relative to  
5 improvements of the administration and management of  
6 spending units in the executive branch of state government, shall  
7 be deposited in the state treasury in a separate account therein  
8 designated state improvement fund.

9       There are hereby appropriated all moneys so deposited  
10 during the fiscal year 2016 to be expended as authorized by the  
11 Governor, for such studies and recommendations which may  
12 encompass any problems of organization, procedures, systems,  
13 functions, powers or duties of a state spending unit in the  
14 executive branch, or the betterment of the economic, social,  
15 educational, health and general welfare of the state or its  
16 citizens.

1       **Sec. 14. Specific funds and collection accounts.** — A fund  
2 or collection account which by law is dedicated to a specific use  
3 is hereby appropriated in sufficient amount to meet all lawful  
4 demands upon the fund or collection account and shall be  
5 expended according to the provisions of Article 3, Chapter 12 of  
6 the Code.

1       **Sec. 15. Appropriations for refunding erroneous**  
2 **payment.** — Money that has been erroneously paid into the state  
3 treasury is hereby appropriated out of the fund into which it was  
4 paid, for refund to the proper person.

5       When the officer authorized by law to collect money for the  
6 state finds that a sum has been erroneously paid, he or she shall  
7 issue his or her requisition upon the Auditor for the refunding of  
8 the proper amount. The Auditor shall issue his or her warrant to  
9 the Treasurer and the Treasurer shall pay the warrant out of the  
10 fund into which the amount was originally paid.

1       **Sec. 16. Sinking fund deficiencies.** — There is hereby  
2 appropriated to the Governor a sufficient amount to meet any  
3 deficiencies that may arise in the mortgage finance bond  
4 insurance fund of the West Virginia housing development fund  
5 which is under the supervision and control of the municipal bond  
6 commission as provided by W.Va. Code §31-18-20b, or in the  
7 funds of the municipal bond commission because of the failure  
8 of any state agency for either general obligation or revenue  
9 bonds or any local taxing district for general obligation bonds to  
10 remit funds necessary for the payment of interest and sinking  
11 fund requirements. The Governor is authorized to transfer from  
12 time to time such amounts to the municipal bond commission as  
13 may be necessary for these purposes.

14       The municipal bond commission shall reimburse the state of  
15 West Virginia through the Governor from the first remittance  
16 collected from the West Virginia housing development fund or  
17 from any state agency or local taxing district for which the  
18 Governor advanced funds, with interest at the rate carried by the  
19 bonds for security or payment of which the advance was made.

1       **Sec. 17. Appropriations for local governments.** — There  
2 are hereby appropriated for payment to counties, districts and  
3 municipal corporations such amounts as will be necessary to pay  
4 taxes due counties, districts and municipal corporations and  
5 which have been paid into the treasury:

- 6       (a) For redemption of lands;
- 7       (b) By public service corporations;
- 8       (c) For tax forfeitures.

1       **Sec. 18. Total appropriations.** — Where only a total sum  
2 is appropriated to a spending unit, the total sum shall include  
3 personal services and employee benefits, annual increment,



4 current expenses, repairs and alterations, buildings, equipment,  
5 other assets, land and capital outlay, where not otherwise  
6 specifically provided and except as otherwise provided in TITLE  
7 I – GENERAL PROVISIONS, Sec. 3.

1       **Sec. 19. General school fund.** — The balance of the  
2 proceeds of the general school fund remaining after the payment  
3 of the appropriations made by this act is appropriated for  
4 expenditure in accordance with W.Va. Code §18-9A-16.

### TITLE III – ADMINISTRATION.

1       **Sec. 1. Appropriations conditional.** — The expenditure of  
2 the appropriations made by this act, except those appropriations  
3 made to the legislative and judicial branches of the state  
4 government, are conditioned upon the compliance by the  
5 spending unit with the requirements of Article 2, Chapter 11B of  
6 the Code.

7       Where spending units or parts of spending units have been  
8 absorbed by or combined with other spending units, it is the  
9 intent of this act that appropriations and reappropriations shall be  
10 to the succeeding or later spending unit created, unless otherwise  
11 indicated.

1       **Sec. 2. Constitutionality.** — If any part of this act is  
2 declared unconstitutional by a court of competent jurisdiction, its  
3 decision shall not affect any portion of this act which remains,  
4 but the remaining portion shall be in full force and effect as if  
5 the portion declared unconstitutional had never been a part of the  
6 act.”

On motion of Delegate Cowles, the House of Delegates refused to concur in the Senate amendment and requested the Senate to recede therefrom.

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

**RESOLUTIONS INTRODUCED**

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

**H. C. R. 153** - "Requesting the Joint Committee on Government and Finance to study the methods of handling 'zero dollar claims' in regard to property and casualty insurance and the impacts of such methods upon consumers of commercial and domestic property and casualty insurance."

WHEREAS, Comprehensive policies for property and casualty insurance may not cover all types of hazards or risks that, nevertheless, occur within our area and purchasers of property and casualty insurance in West Virginia may experience uncovered losses arising from such hazards; and

WHEREAS, Consumers of commercial and domestic property and casualty insurance may be obliged for various, legitimate reasons to report these losses or to report the occurrences of incidents that are later determined not to be compensable under the terms of the insurance policies; and

WHEREAS, These claims for loss or damage, which are not compensable under policies for property and casualty insurance, are commonly known as "zero dollar claims"; and

WHEREAS, An occurrence of a "zero dollar claim" may be used by an insurer to increase a property owner's rate for insurance coverage or may be used to deny coverage entirely even though the insurer was not required to make any payout for the claim; and

WHEREAS, The impact of "zero dollar claims" and their handling by providers of property and casualty insurance has adversely and unreasonably affected owners of commercial and domestic property within this state; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Joint Committee on Government and Finance is hereby requested to study the methods of handling “zero dollar claims” in regard to property and casualty insurance and the impacts of such methods upon consumers of commercial and domestic property and casualty insurance; and, be it

*Further Resolved,* That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2016, on its findings, conclusions and recommendations, together with drafts of any legislation necessary to effectuate its recommendations; and, be it

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

Delegates Reynolds, Pushkin, Byrd, Hornbuckle, Sponaule, Caputo, Eldridge, Ferro, Fleischauer, Fluharty, Folk, Guthrie, Hartman, Howell, Longstreth, Manchin, Moore, Morgan, Pasdon, Perdue, Rowe, Skinner, Storch, Trecost and H. White offered the following resolution, which was read by its title and referred to the Committee on Health and Human Resources then Rules:

**H. C. R. 154** - “Requesting the Joint Committee on Government and Finance to study the financial implications and benefits of the cultivation and sales of marijuana to be sold only in states where sales are legal.”

WHEREAS, The State of West Virginia has experienced great difficulty in generating needed revenue to yield a balanced budget in fiscal years 2014, 2015 and 2016; and

WHEREAS, The state has relied on temporary sources of revenue in attempts to close large budget gaps, and cannot continue to rely on

“one-time” revenue sources, such as severance taxes due to their erratic and unpredictable nature; and

WHEREAS, The cultivation of marijuana and its legal sales could lead to enhanced prosperity of the State of West Virginia by creating jobs, generating revenue through its taxation, encouraging tourism and fostering economic diversification; and

WHEREAS, Since its legalization in Colorado, the excise tax on marijuana has produced \$2.35 million in revenue that has gone to fund public improvements such as schools and their facilities; and

WHEREAS, Over 146 million people in the United States reside in a state where some form of marijuana is legalized; and

WHEREAS, With proven, far-reaching financial benefits, the cultivation of marijuana could greatly foster economic growth in West Virginia; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Joint Committee on Government and Finance study the cultivation and legal sales of marijuana as a potential solution to budgetary issues, and also study how such sales and cultivation could serve as a means by which West Virginia could reap economic benefits and growth; and, be it

*Further Resolved*, That the Clerk of the House of Delegates forward a copy of this resolution to the Department of Agriculture and to the Commissioner of Agriculture; and be it

*Further Resolved*, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2016, on its findings, conclusions and recommendations, together with drafts of any legislation necessary to effectuate its recommendations; and, be it

*Further Resolved*, That the expenses necessary to conduct this study, to prepare a report and to draft necessary legislation be paid

from legislative appropriations to the Joint Committee on Government and Finance.

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

**H. R. 21** - “Recognizing the importance of self-care and over-the-counter medicines in the improvement of West Virginians’ overall health and in the preservation and appropriate use of the state’s healthcare resources.”

WHEREAS, Self-care is a lifelong daily habit of healthy lifestyle choices, good hygiene practices, prevention of infection and illnesses, avoiding unhealthy choices, monitoring for signs and symptoms of changes in health, knowing when to consult a healthcare practitioner and knowing when it is appropriate to self-treat conditions; and

WHEREAS, The United States Food and Drug Administration deems over-the-counter (OTC) medicines safe and effective for the self-care treatment of minor acute and chronic health conditions and symptoms such as pain, the common cold, allergies and other conditions that impact large segments of the population; and

WHEREAS, OTC medicines are either developed as new nonprescription medicines or switched from existing prescription medicines; and

WHEREAS, OTC nonprescription medicines are self-care products that consumers purchase in pharmacies, supermarkets, retail stores and online; and

WHEREAS, Every dollar spent on over-the-counter medicines saves the United States healthcare system \$6 to \$7 each year totaling \$102 billion in annual savings; and

WHEREAS, Nonprescription medicines help to ease the burden on healthcare practitioners, eliminating unnecessary medical examinations that could be avoided with appropriate self-care; and

WHEREAS, West Virginia benefits when its citizens practice appropriate self-care; do not unnecessarily visit healthcare practitioners and are empowered by higher self-esteem, improved health, and reduced use of health care services; and

WHEREAS, West Virginia encourages its citizens to take advantage of self-care's potential to improve personal and public health, save personal and public treasury and strengthen the sustainability of West Virginia's health care system; and

WHEREAS, Achieving self-care's potential is a shared opportunity for consumers, healthcare practitioners, policymakers and regulators; therefore, be it

*Resolved by the House of Delegates:*

That the House of Delegates:

(1) Recognizes the importance of improving awareness of self-care and the value it represents to the citizens of West Virginia;

(2) Supports increased consumer empowerment through the development of new nonprescription medicines and the appropriate switch of certain prescription medicines to nonprescription medicines;

(3) Acknowledges that OTC medications can greatly improve and reduce costs to the public health system;

(4) Encourages consumers, healthcare practitioners, policymakers and regulators to communicate the benefits of self-care.

## **SPECIAL CALENDAR**

### **UNFINISHED BUSINESS**

#### **Action on Senate Message**

**Com. Sub. for H. B. 2478**, Relating to public school finance; coming up in regular order, as unfinished business, was reported by the Clerk.

At the request of Delegate Cowles, and by unanimous consent, consideration of the bill was postponed.

**THIRD READING**

**Com. Sub. for S. B. 60**, Requiring food handler examinations and cards; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 559**), and there were—yeas 96, nays 4, absent and not voting none, with the nays being as follows:

NAYS: A. Evans, Fast, Miller and Pushkin.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 60) passed.

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

**Com. Sub. for S. B. 60** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-2-16, relating to the regulation of food handlers; permitting the issuance of a food handler’s card; permitting the issuance of the food handler’s permit; requiring a food handler’s card to be valid for a certain time frame; requiring a food handler’s permit to be valid for a certain time frame; permitting the food handler’s card to be valid in all counties subject to payment of an additional fee; permitting the food handler’s permit to be valid in all counties subject to payment of an additional fee; requiring a food handler’s card to be obtained within thirty days of being hired; requiring a food handler’s permit to be obtained within thirty days of being hired; requiring the Bureau for Public Health to develop minimum training guidelines; permitting a local health department to adopt certain training programs.”

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

**Com. Sub. for S. B. 88**, Creating WV Clearance for Access: Registry and Employment Screening Act; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 560**), and there were—yeas 100, nays none, absent and not voting none.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 88) passed.

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

**Com. Sub. for S. B. 88** - “A Bill to amend and reenact §15-2-24 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §16-46-1, §16-46-2, §16-46-3, §16-46-4, §16-46-5, §16-46-6, §16-46-7, §16-46-8 and §16-46-9, all relating to requiring background checks for individuals who have direct access to residents, members or beneficiaries of covered providers participating in the West Virginia Clearance for Access: Registry and Employment Screening program; defining terms; requiring the Secretary of the Department of Health and Human Resources to develop a plan and a program for conducting background checks; requiring centralized database to maintain criminal history record information and results; establishing prescreening process conducted by covered providers; requiring applicants to provide fingerprints and undergo criminal background check; authorizing the State Police to assess a fee for conducting the criminal background check; providing for deposit of State Police collected fees into a non-appropriated special revenue fund; directing notification to be given to applicants regarding the retention of fingerprints; establishing procedures and criteria for obtaining and reviewing criminal history



record information; establishing criteria for approving applicants as covered individuals; authorizing contractors and fees; creating special revenue account for administrative fees; providing for protests of the secretary's decisions and permitting variances; creating exceptions; authorizing legislative rules; providing monetary penalties; and providing civil and criminal immunity.”

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

**S. B. 195**, Authorizing Conservation Committee promulgate legislative rule relating to financial assistance programs; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 561**), and there were—yeas 100, nays none, absent and not voting none.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 195) passed.

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

On this question, the yeas and nays were taken (**Roll No. 562**), and there were—yeas 100, nays none, absent and not voting none.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 195) takes effect from its passage.

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

### REORDERING OF THE CALENDAR

Delegate Cowles announced that the Committee on Rules had placed S. B. 434, on Third Reading, Special Calendar, after Com. Sub. for S. B. 234, on Third Reading, Special Calendar.

## SPECIAL CALENDAR

## THIRD READING

-continued-

**Com. Sub. for S. B. 234**, Relating to operation and regulation of certain water and sewer utilities owned by political subdivisions; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 563**), and there were—yeas 92, nays 8, absent and not voting none, with the nays being as follows:

NAYS: Arvon, Cadle, Folk, Frich, Howell, Skinner, Statler and Waxman.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 234) passed.

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

**Com. Sub. for S. B. 234** - “A Bill to amend and reenact §8-12-17 of the Code of West Virginia, 1931, as amended; to amend and reenact §8-16-19 of said code; to amend and reenact §8-19-4 of said code; to amend and reenact §16-13A-1a, §16-13A-9 and §16-13A-25 of said code; to amend and reenact §24-1-1, §24-1-1b and §24-1-2 of said code; to amend and reenact §24-2-1, §24-2-2, §24-2-3, §24-2-4a, §24-2-4b, §24-2-7 and §24-2-11 of said code; and to amend and reenact §24-3-5 of said code, all relating to operation and regulation of certain water and sewer utilities owned or operated by political subdivisions of the state; modifying procedure for sale or lease of municipal public utility; providing procedures for adjustment of rates by certain public service districts and municipal water and sewer utilities; eliminating requirement for consent and approval of Public

Service Commission with respect to public service districts borrowing money, issuing bonds and entering into certain engineering contracts; relating to the authority of bondholders to petition the Public Service Commission for redress when there is a deficiency in bond revenue or bond reserve accounts or is otherwise in breach of bond covenants; limiting jurisdiction of Public Service Commission over certain water and sewer utilities owned or operated by political subdivisions of the state; defining terms; providing procedure for providing notice of construction projects to be undertaken by certain water and sewer utilities; requiring all public utilities to file schedules of rates with Public Service Commission; expanding jurisdiction of the Public Service Commission to provide assistance to public service districts and municipal corporations regarding proposed rate changes; providing for a working capital reserve; expanding powers of certain public service boards; providing mechanism for Public Service Commission to address deficiencies in the measurements, practices acts or services provided by certain public utility that is a political subdivision of the state; and providing mechanisms for various functions of political subdivisions related to water and sewer services.”

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

**S. B. 434**, Relating to horse racing; on third reading, coming up in regular order, was reported by the Clerk.

Delegate E. Nelson asked and obtained unanimous consent to amend the bill on third reading.

On motion of Delegates E. Nelson and Boggs, the bill was amended on page two, following the enacting section, by inserting the following:

**“CHAPTER 19. AGRICULTURE.”**

On page twenty-three, following line seven, by inserting the following:

**“CHAPTER 29. MISCELLANEOUS BOARDS AND OFFICERS.****ARTICLE 22A. RACETRACK VIDEO LOTTERY.****§29-22A-10g. Distributions to various funds during fiscal year 2016.**

(a) Notwithstanding any provision of section ten or ten-d of this article to the contrary, during the fiscal year beginning July 1, 2015, the commission shall not make a deposit of such amounts as are available under subdivision (1), subsection (b), section ten of this article into a separate facility modernization account maintained within the Licensed Racetrack Modernization Fund for each racetrack as prescribed by subdivision (2), subsection (b), section ten of this article. In lieu thereof, the commission shall deposit the amounts otherwise made available by those calculations as follows:

(1) Up to \$6 million shall be deposited into the state road fund of the state to be expended for maintenance, contract paving, and secondary road maintenance purposes;

(2) Up to \$1 million shall be deposited into the Department of Human Services Medical Services Fund established pursuant to section two, article four, chapter nine of this code to be expended for the state’s Title XIX Aged and Disabled Waiver program;

(3) Up to \$1 million shall be deposited into the West Virginia Department of Health and Human Resources Division of Health General Administrative Fund established pursuant to subsection (b) of this section to be expended for Health Right Free Clinics; and

(4) Up to \$1 million shall be deposited into the West Virginia Department of Health and Human Resources Division of Health General Administrative Fund established pursuant to subsection (b) of this section to be expended by the Secretary of Health and Human Resources after consultation with, and pursuant to the guidance provided by, the Governor’s Advisory Council on Substance Abuse

created by Executive Order No. 5-11 on September 6, 2011, for the purposes of implementing the approved Statewide Substance Abuse Strategic Action Plan for the improvement of the statewide substance abuse continuum of care, or for other purposes as may be recommended by the Advisory Council pursuant to the duties imposed by said Executive Order.

(b) The West Virginia Department of Health and Human Resources Division of Health General Administrative Fund is hereby established in the State Treasury. The fund shall be administered by the Secretary of the West Virginia Department of Health and Human Resources and shall consist of all moneys made available for the administration of programs or other activities of the Department as established by law or as directed by the Legislature from any source, including, but not limited to, all gifts, grants, bequests, deposits or transfers from any source, any moneys that may be transferred, designated or appropriated to the fund by the Legislature, and all interest or other return earned from investment of the fund. Expenditures from the fund are not authorized from collections but are to be made only in accordance with appropriation by the Legislature and in accordance with the provisions of article three, chapter twelve of this code and upon the fulfillment of the provisions set forth in article two, chapter eleven-b of this code. Any balance, including accrued interest and other returns, remaining in the fund at the end of each fiscal year shall not revert to the General Revenue Fund but shall remain in the fund and be expended as provided by this subsection.”

And,

On page two, by striking out the enacting section and inserting in lieu thereof the following:

“That §19-23-12b and §19-23-13b of the Code of West Virginia, 1931, as amended, be amended and reenacted; and that said code be further amended by adding thereto a new section, designated §29-22A-10g, all to read as follows” followed by a colon.

Delegate Skinner arose to a point of order as to the germaneness of the amendment.

To the point of order the Speaker replied, stating that the bill includes language that changes the manner in which monies are spent from the fund, and therefore the amendment is germane to the fundamental purpose of the bill.

The amendment offered by Delegates E. Nelson and Boggs was then adopted.

The bill was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 564**), and there were—yeas 92, nays 8, absent and not voting none, with the nays being as follows:

NAYS: Byrd, Fluharty, Folk, McGeehan, Skinner, Storch, Weld and Zatezalo.

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

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

**S. B. 434** - “A Bill to amend and reenact §19-23-12b and §19-23-13b of the Code of West Virginia, 1931, as amended; and to further amend said code by adding thereto a new section, designated §29-22A-10g, all relating to licensed racetracks generally; allowing applications for reduced number of live racing dates; removing requirements to give representatives of mutuel clerks certain notice; changing designations of hearings to special meetings; removing provisions that a certain racetrack may find restricted races in an amount not to exceed \$1,000,000 per year; directing the lottery commission to suspend the deposit of certain amounts into accounts within the Licensed Racetrack Modernization Fund during the fiscal year beginning July 1, 2015, and in lieu thereof to deposit those amounts into the state road fund and

other funds for specific purposes; and creating a new fund in the state treasury.”

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

**Com. Sub. for S. B. 242**, Creating criminal penalties for certain automated telephone calls during state of emergency or preparedness; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 565**), and there were—yeas 78, nays 22, absent and not voting none, with the nays being as follows:

NAYS: Azinger, Byrd, Cadle, Fluharty, Folk, Hicks, Hornbuckle, Ihle, Kurcaba, Marcum, McGeehan, Moffatt, Morgan, J. Nelson, R. Phillips, Pushkin, Reynolds, Rodighiero, Skinner, Trecost, Wagner and H. White.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 242) passed.

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

**S. B. 250**, Relating to Conservation Agency financial assistance applications from district supervisors; on third reading, coming up in regular order, was reported by the Clerk.

Delegate Hanshaw asked and obtained unanimous consent to amend the bill on third reading.

On motion of Delegate Hanshaw, the bill was amended on page three, after line twenty-two, by inserting the following: “(d) The State Conservation Committee may propose emergency rules as necessary to implement the provisions of this section.”

The bill was then read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 566**), and there were—yeas 100, nays none, absent and not voting none.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 250) passed.

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

On this question, the yeas and nays were taken (**Roll No. 567**), and there were—yeas 100, nays none, absent and not voting none.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 250) takes effect from its passage.

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

**Com. Sub. for S. B. 274**, Relating to TANF program sanctions; on third reading, coming up in regular order, with an amendment pending, was reported by the Clerk.

An amendment recommended by Delegate Ellington was reported by the Clerk on page four, line thirty, by striking out “promulgate emergency rules and propose for legislative promulgation legislative rules, pursuant to article three, chapter twenty-nine-a of this code, setting forth” and inserting in lieu thereof, “prescribe policies in accordance with the Temporary Assistance for Needy Families Program” and a comma.

On page four, line thirty-seven, by striking out the word “rules” and inserting in lieu thereof the word “policies”.

On page four, line forty-three, by striking out the words “also promulgate legislative rules” and inserting the words “by policies”.



On page six, line eight, by striking out the word, “on” and inserting the word “by”.

And,

On page six, line eighty, by striking out “Copies of that report shall also be furnished to the President of the Senate and Speaker of the House.”

Delegate Ellington then asked and obtained unanimous consent to withdraw the amendment.

The bill was then read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 568**), and there were—yeas 100, nays none, absent and not voting none.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 274) passed.

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

**Com. Sub. for S. B. 286**, Relating to compulsory immunizations of students; exemptions; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 569**), and there were—yeas 62, nays 36, absent and not voting 2, with the nays and absent and not voting being as follows:

NAYS: Boggs, Byrd, Campbell, Caputo, Eldridge, Fleischauer, Guthrie, Hartman, Hicks, Hornbuckle, Lynch, Manchin, Marcum, Miley, Moore, Morgan, J. Nelson, Perdue, Perry, Pethtel, L. Phillips, R. Phillips, Pushkin, Reynolds, Rodighiero, Rohrbach, Rowe, Skinner,

P. Smith, Sponaugle, Stansbury, Statler, Trecost, Wagner, H. White and Williams.

ABSENT AND NOT VOTING: Bates and Pasdon.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 286) passed.

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

**Com. Sub. for S. B. 286** - "A Bill to amend and reenact §16-3-4 and §16-3-5 of the Code of West Virginia, 1931, as amended, all relating generally to compulsory immunizations; adding chickenpox, hepatitis-B, meningitis and mumps to the list of diseases for which vaccination is required; requiring children entering or enrolled in state regulated child care centers to be immunized; providing for qualifications for medical exemptions to compulsory vaccination; authorizing the Commissioner of the Bureau for Public Health to condition, deny, suspend or revoke a medical exemption to compulsory immunization requirements; providing for a review of a decision by the State Health Officer; providing a right of appeal of a final determination of the State Health Officer; prohibiting the Secretary of the Department of Health and Human Resources and the Commissioner of the Bureau of Public Health from adding compulsory vaccinations through promulgation of a rule; providing that amendments made to this section supercede any interpretative rules; clarifying the duty of county health departments to provide immunization services; repealing the criminal offense of refusing to permit a child to be vaccinated; removing an inaccurate legislative finding; clarifying the duties of the Commissioner to acquire and distribute vaccines; clarifying the duties of the Immunization Advisory Committee; establishing a date upon which members of the advisory committee must be appointed; prohibiting members of the advisory committee from participating in matters that will have a direct and predictable effect on their financial

interests; establishing the Commissioner as the chair of the advisory committee; extending the terms of the members of the advisory committee from two to four years; and requiring health insurance policies and prepaid care to provide coverage for child immunization services through age eighteen.”

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

At 1:43 P.M., on motion of Delegate Cowles, the House of Delegates recessed until 2:30 P.M.

**S. B. 295**, Establishing appeal process for DHHR Board of Review and Bureau for Medical Services decisions; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 570**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Campbell, Guthrie, Hornbuckle, Kessinger and Moffatt.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 295) passed.

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

**S. B. 310**, Exempting nonprofit public utility companies from B&O tax; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 571**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Campbell, Kessinger and Moffatt.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 310) passed.

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

**Com. Sub. for S. B. 315**, Relating to civil actions filed under Consumer Protection Act; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 572**), and there were—yeas 79, nays 19, absent and not voting 2, with the nays and absent and not voting being as follows:

NAYS: Byrd, Caputo, Eldridge, Fleischauer, Fluharty, Hornbuckle, Longstreth, Lynch, Manchin, Marcum, Miley, Moore, Moye, Perdue, Pushkin, Reynolds, Rowe, Skinner and Sponaugle.

ABSENT AND NOT VOTING: Campbell and Moffatt.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 315) passed.

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

**Com. Sub. for S. B. 316**, Exempting new veteran-owned business from certain fees paid to Secretary of State; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 573**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Moffatt.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 316) passed.

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

#### MESSAGES FROM THE SENATE

A message from the Senate, by

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

**Com. Sub. for S. B. 192**, Authorizing Department of Transportation promulgate legislative rules.

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

Whereupon,

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

Delegates Fast, Hanshaw and Lynch.

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

A message from the Senate, by

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

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

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

Whereupon,

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

Delegates Walters, Espinosa and H. White.

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had refused to recede from its amendment and requested the House of Delegates to agree to the appointment of a Committee of Conference of three from each house on the disagreeing votes of the two houses as to

**Com. Sub. for H. B. 2939**, Relating to requirements for mandatory reporting of sexual offenses on school premises involving students.

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

Senators Nohe, D. Hall and Woelfel.

On motion of Delegate Cowles, the House of Delegates agreed to the appointment of a Committee of Conference of three from each house on the disagreeing votes of the two houses.

Whereupon,

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

Delegates Sobonya, Summers and Hicks.

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

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates and the passage, as amended, to take effect from passage, of

**Com. Sub. for S. B. 140**, Amending State Administrative Procedures Act.

On motion of Delegate Cowles, the bill was taken up for immediate consideration.

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

On this question, the yeas and nays were taken (**Roll No. 574**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Bates, Hanshaw, Moffatt, Morgan and Skinner.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 140) takes effect from its passage.

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

A message from the Senate, by

The Clerk of the Senate, announced that, upon reconsideration the Senate had amended and again passed, in an effort to meet the objections of the Governor, and requested the concurrence of the House of Delegates in the same, as to

**Enr. Com. Sub. for S. B. 435**, Creating WV Sheriffs' Bureau of Professional Standards.

**MESSAGES FROM THE EXECUTIVE**

The Speaker laid before the House of Delegates a communication from His Excellency, the Governor, setting forth his disapproval of a bill heretofore passed by both houses, as follows:

STATE OF WEST VIRGINIA  
OFFICE OF THE GOVERNOR  
1900 KANAWHA BLVD., EAST  
CHARLESTON, WV 25305

March 13, 2105

**Veto Message**

The Honorable Tom Armstead  
Speaker, West Virginia House of Delegates  
State Capitol  
Charleston, West Virginia

Re: Enrolled Committee Substitute for Senate Bill No. 435

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 Senate Bill No. 435.

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



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

Sincerely,

EARL RAY TOMBLIN,  
*Governor.*

On motion of Delegate Cowles, the bill was taken up for immediate consideration and the House of Delegates proceeded to reconsider the bill as amended by the Senate, in an effort to meet the objections of the Governor.

The following Senate amendments were reported by the Clerk:

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

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

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

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

(1) Two statutory members:

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

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

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

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

(ii) Two citizen members.

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

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

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

And,

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

**Enr. Com. Sub. for S. B. 435** - "An Act to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §7-26-1, §7-26-2, §7-26-3, §7-26-4, §7-26-5 and §7-26-6, all relating to creating West Virginia Sheriffs' Bureau of Professional Standards; purpose and composition; general powers and duties; authorizing the bureau to promulgate legislative rules; officers; promotion of training; standards for vehicles, badges and uniforms; and standards for interagency cooperation."

On motion of Delegate Cowles, the House of Delegates concurred in the Senate amendments.

The Speaker propounded, “Shall the bill pass, in an effort to meet the objections of the Governor?”

On this question, the yeas and nays were taken (**Roll No. 575**), and there were—yeas 97, nays none, absent and not voting 3, with the yeas, nays and absent and not voting being as follows:

YEAS: Ambler, Anderson, Arvon, Ashley, Azinger, Blair, Boggs, Border, Butler, Byrd, Cadle, Campbell, Canterbury, Caputo, Cooper, Cowles, Deem, Duke, Eldridge, Ellington, Espinosa, A. Evans, D. Evans, Faircloth, Fast, Ferro, Fleischauer, Fluharty, Folk, Foster, Frich, Gearheart, Guthrie, Hamilton, Hamrick, Hartman, Hicks, Hill, Hornbuckle, Householder, Howell, Ihle, Ireland, Kelly, Kessinger, Kurcaba, Lane, Longstreth, Lynch, Manchin, Marcum, McCuskey, McGeehan, Miley, Miller, Moffatt, Moore, Morgan, Moye, E. Nelson, J. Nelson, O’Neal, Overington, Pasdon, Perdue, Perry, Pethtel, L. Phillips, R. Phillips, Pushkin, Reynolds, Rodighiero, Rohrbach, Romine, Rowan, Rowe, Shott, P. Smith, R. Smith, Sobonya, Sponaugle, Stansbury, Statler, Storch, Summers, Trecost, Upson, Wagner, Walters, Waxman, Weld, Westfall, B. White, H. White, Williams, Zatezalo and Mr. Speaker (Mr. Armstead).

NAYS: None.

ABSENT AND NOT VOTING: Bates, Hanshaw and Skinner.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Enr. Com. Sub. for S. B. 435) passed, as a result of the objections of the Governor.

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

**MESSAGES FROM THE SENATE**

A message from the Senate, by

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

**Com. Sub. for H. B. 2011**, Relating to disbursements from the Workers' Compensation Fund where an injury is self inflicted or intentionally caused by the employer.

On motion of Delegate Cowles, the bill was taken up for immediate consideration.

The following Senate amendments were reported by the Clerk:

On page one, 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

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\* **NOTE:** Roll No. 576 was taken out of order and does not appear in the Journal.

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 clause 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.”

And,

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

**Com. Sub. for H. B. 2011** - “A Bill to amend and reenact §23-4-2 of the Code of West Virginia, 1931, as amended, relating generally to a workplace employee injury caused by the deliberate intention of the employer required for the employer to lose immunity from a lawsuit; defining actual knowledge; eliminating obsolete language referring to the West Virginia Workers Compensation Fund and board of managers; establishing standards related to blood tests administered after accident; providing that intoxication shown by a positive blood

test for alcohol or drugs that meet certain thresholds is the proximate cause of any injury; clarifying provisions outlining who may assert claims on behalf of an employee under this section; requiring that a claim for worker's compensation benefits be filed prior to bringing a cause of action under this section unless good cause is shown; providing that actual knowledge must be specifically proven by the employee or other person seeking to recover under this section and shall not be deemed or presumed; providing an employee may prove actual knowledge by evidence of an employer's intentional or deliberate failure to conduct a legally required inspection, audit or assessment; establishing actual knowledge is not established by what an employee's immediate supervisor or management personnel should have known had they exercised reasonable care or been more diligent; establishing that proof of actual knowledge of prior accidents, near misses, safety complaints or citations must be proven by documentary or other credible evidence; defining a commonly accepted and well-known safety standard within the industry or business of the employer; exempting certain codes or standards from applying to volunteer fire departments, municipal fire departments and emergency medical response personnel if those entities have followed rules promulgated by the Fire Commission; requiring that if the unsafe working condition relates to a violation of a state or federal safety provision that safety provision must address the specific work, working conditions and hazards involved; establishing that the applicability of state or federal safety provisions is a matter for judicial determination; defining generally serious compensable injury; establishing four categories of serious compensable injury including an injury rated at a whole person impairment of at least thirteen percent (13%) and other threshold requirements, an injury or condition likely to result in death within eighteen (18) months from the date of the filing of the complaint, an injury not capable of whole person impairment if it causes permanent serious disfigurement, causes permanent loss or significant impairment of function of any bodily organ or system, or results in objectively verifiable bilateral or multi-level dermatomal radiculopathy and is not a physical injury that has no objective medical

evidence to support a diagnosis, or if an employee suffers from complicated pneumoconiosis or pulmonary massive fibrosis and that condition has resulted in an impairment rating of at least fifteen percent (15%); establishing certification requirements for the categories of serious compensable injury; requiring that a verified statement submitted from a person with knowledge and expertise of the workplace safety, statutes, rules, regulations and consensus industry standards specifically applicable to the industry and workplace involved in an injury be served with any complaint asserting certain causes of action brought under this section; providing for the minimum contents of the required verified statement; limiting the use of the required verified statement during litigation; providing for consideration of bifurcation of discovery in certain circumstances; and establishing the venue in which claims under this section may be brought.”

Delegate Cowles moved to concur in the Senate amendments and on this question the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 577**), and there were—yeas 61, nays 36, absent and not voting 3, with the nays and absent and not voting being as follows:

NAYS: Boggs, Byrd, Campbell, Caputo, Eldridge, Fast, Ferro, Fleischauer, Fluharty, Guthrie, Hamilton, Hartman, Hicks, Hornbuckle, Longstreth, Lynch, Manchin, Marcum, Miley, Moore, Morgan, Perdue, Perry, Pethel, L. Phillips, Pushkin, Reynolds, Rodighiero, Rowan, Rowe, P. Smith, Sponaugle, Storch, Trecost, H. White and Williams.

ABSENT AND NOT VOTING: Bates, Hanshaw and Skinner.

So, a majority of the members present and voting having voted in the affirmative, the motion to concur in the Senate amendment was adopted.

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 578**), and there were—yeas 63, nays 33, absent and not voting 4, with the nays and absent and not voting being as follows:

NAYS: Boggs, Byrd, Caputo, Eldridge, Ferro, Fleischauer, Fluharty, Guthrie, Hamilton, Hicks, Hornbuckle, Longstreth, Lynch, Manchin, Marcum, Miley, Moore, Morgan, Moye, Perdue, Perry, Pethtel, L. Phillips, Pushkin, Reynolds, Rodighiero, Rowe, P. Smith, Sponaugle, Storch, Trecost, H. White and Williams.

ABSENT AND NOT VOTING: Bates, Hanshaw, Skinner and Zatezalo.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2011) passed.

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

**Com. Sub. for H. B. 2011** - “A Bill to amend and reenact §23-4-2 of the Code of West Virginia, 1931, as amended, relating generally to a workplace employee injury caused by the deliberate intention of the employer required for the employer to lose immunity from a lawsuit; defining actual knowledge; eliminating obsolete language referring to the West Virginia Workers Compensation Fund and board of managers; establishing standards related to blood tests administered after accident; providing that intoxication shown by a positive blood test for alcohol or drugs that meet certain thresholds is the proximate cause of any injury; clarifying provisions outlining who may assert claims on behalf of an employee under this section; requiring that a claim for worker’s compensation benefits be filed prior to bringing a cause of action under this section unless good cause is shown; providing that actual knowledge must be specifically proven by the employee or other person seeking to recover under this section and

shall not be deemed or presumed; providing an employee may prove actual knowledge by evidence of an employer's intentional or deliberate failure to conduct a legally required inspection, audit or assessment; establishing actual knowledge is not established by what an employee's immediate supervisor or management personnel should have known had they exercised reasonable care or been more diligent; establishing that proof of actual knowledge of prior accidents, near misses, safety complaints or citations must be proven by documentary or other credible evidence; defining a commonly accepted and well-known safety standard within the industry or business of the employer; exempting certain codes or standards from applying to volunteer fire departments, municipal fire departments and emergency medical response personnel if those entities have followed rules promulgated by the Fire Commission; requiring that if the unsafe working condition relates to a violation of a state or federal safety provision that safety provision must address the specific work, working conditions and hazards involved; establishing that the applicability of state or federal safety provisions is a matter for judicial determination; defining generally serious compensable injury; establishing four categories of serious compensable injury including an injury rated at a whole person impairment of at least thirteen percent (13%) and other threshold requirements, an injury or condition likely to result in death within eighteen (18) months from the date of the filing of the complaint, an injury not capable of whole person impairment if it causes permanent serious disfigurement, causes permanent loss or significant impairment of function of any bodily organ or system, or results in objectively verifiable bilateral or multi-level dermatomal radiculopathy and is not a physical injury that has no objective medical evidence to support a diagnosis, or if an employee suffers from complicated pneumoconiosis or pulmonary massive fibrosis and that condition has resulted in an impairment rating of at least fifteen percent (15%); establishing certification requirements for the categories of serious compensable injury; requiring that a verified statement submitted from a person with knowledge and expertise of the workplace safety, statutes, rules, regulations and consensus industry



standards specifically applicable to the industry and workplace involved in an injury be served with any complaint asserting certain causes of action brought under this section; providing for the minimum contents of the required verified statement; limiting the use of the required verified statement during litigation; providing for consideration of bifurcation of discovery in certain circumstances; establishing the venue in which claims under this section may be brought; providing that actions accruing prior to the effective date are not affected; and establishing the effective date of July 1, 2015, for the amendments to this section.”

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

A message from the Senate, by

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

**Com. Sub. for H. B. 2240**, Providing that an act of domestic violence or sexual offense by strangling is an aggravated felony offense.

On motions of Delegate Cowles, the bill was taken up for immediate consideration and the House of Delegates concurred in the following Senate amendments:

On page one, 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 §61-2-9d, to read as follows:

**§61-2-9d. Strangulation; definitions; penalties.**

(a) As used in this section:

(1) ‘Bodily injury’ means substantial physical pain, illness or any impairment of physical condition;

(2) ‘Strangle’ means knowingly and willfully restricting another person’s air intake or blood flow by the application of pressure on the neck or throat;

(b) Any person who strangles another and thereby causes them bodily injury or thereby to lose consciousness is guilty of a felony and upon conviction thereof shall be confined in a state correctional facility for not less than one year or more than five years fined not more than \$2,500.00, or both.”

And,

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

**Com. Sub. for H. B. 2240** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-2-9d, relating to crimes against the person; providing that strangling is a criminal offense; defining bodily injury and strangling; providing a felony offense of strangling another; and providing criminal penalties.”

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 579**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Bates, Hanshaw and Skinner.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2240) passed.

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

A message from the Senate, by

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

**Com. Sub. for H. B. 2549**, Relating to the preparation and publication of county financial statements.

On motions of Delegate Cowles, the bill was taken up for immediate consideration and the House of Delegates concurred in the following amendments:

On page four, section sixteen, line forty-five through fifty-one, by striking out all of subsection (e) and inserting in lieu thereof a new subsection, designated subsection (e), to read as follows:

“(e) By October 15 of each fiscal year, each county commission shall publish the financial statement as a Class I-0 legal advertisement in compliance with the provisions of article three, chapter fifty-nine of this code, and the publication area for such publication shall be the county.”

And,

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

**Com. Sub. for H. B. 2549** - “A Bill to amend and reenact §7-5-16 of the Code of West Virginia, 1931, as amended, relating to changing the deadline of disclosure of county financial statements; and requiring publication as a Class I-0 legal advertisement of the county financial statements.”

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 580**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Bates, Hanshaw and Skinner.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2549) passed.

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

A message from the Senate, by

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

**Com. Sub. for H. B. 2674**, Making home schooled students eligible for a PROMISE scholarship without taking the GED test.

On motions of Delegate Cowles, the bill was taken up for immediate consideration and the House of Delegates concurred in the following amendments:

On page three, section six, lines thirty-two through thirty-seven, by striking out all of paragraph (A) and inserting in lieu thereof a new paragraph, designated paragraph (A), to read as follows:

“(A) Within two years of ~~graduating from a high~~ completing a secondary education program in a public, private or home school or within two years of ~~acquiring a general equivalency degree if provided instruction in the home or other approved place pursuant to~~ obtaining a high school equivalency certificate as approved by the commission in compliance with subsection (c), section one, article eight, chapter eighteen of this code; or”.

And,

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

**Com. Sub. for H. B. 2674** - “A Bill to amend and reenact §18C-7-6 of the Code of West Virginia, 1931, as amended, relating to

making home-schooled students eligible for a PROMISE scholarship without obtaining a high school equivalency certificate.”

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 581**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Bates, Hanshaw and Skinner.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2674) passed.

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

On this question, the yeas and nays were taken (**Roll No. 582**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Bates, Hanshaw and Skinner.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2674) takes effect from its passage.

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

A message from the Senate, by

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

**Com. Sub. for H. B. 2878**, Creating a one-stop electronic business portal in West Virginia.

On motions of Delegate Cowles, the bill was taken up for immediate consideration and the House of Delegates concurred in the following Senate amendments:

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

**“ARTICLE 1. GENERAL PROVISIONS.**

**§31D-1-131. One-stop electronic state business portal.**

(a) The Secretary of State shall establish a web-based business portal to facilitate interaction among businesses and governmental agencies in West Virginia. The web-based business portal shall provide a single point-of-entry to state government for businesses based in the state and for businesses looking to establish a presence in the state. The web-based business portal shall:

(1) Provide guidance to users who want to start, operate or expand a business in the state;

(2) Permit e-payments and provide businesses information about transaction statuses in a paperless environment;

(3) Provide business owners with the option to electronically:

(A) Make application, including the payment of fees, for permits and licenses;

(B) Make application, including the payment of fees, for the renewal of permits and licenses;

(C) File annual reports;

(D) Pay unemployment taxes;

(E) Pay sales and use taxes through a link to the web-based portal maintained by the Tax Division of the Department of Revenue for electronic payment; and

(F) Pay any other fees or remittances that the business owners are subject to under state law;

(4) Provide businesses with downloadable access to all editable forms that are necessary for compliance with all reporting and filing requirements with the following agencies:

- (A) West Virginia State Tax Department;
- (B) Workforce West Virginia;
- (C) West Virginia Division of Labor; and
- (D) West Virginia Secretary of State;

(5) Provide for the electronic filing of documents by city, county and local governments: *Provided*, That nothing in this section shall be construed to permit the Secretary of State to receive tax returns, or any other documents required to be filed with the State Tax Commissioner, or to require any taxpayer to file tax returns, or any other documents required to be filed with the State Tax Commissioner, with the Secretary of State. Nor shall the Secretary of State be permitted to receive payments for taxes, including interest, penalties or additions to tax, that are required to be collected by the Tax Commissioner. Notwithstanding the foregoing, the Secretary of State and the Tax Commissioner may develop policies and procedures allowing the Secretary of State to accept applications and renewals, and to collect the appropriate fee, for Business Registration Certificates. *Provided*, further, That nothing in this section shall be construed as requiring the State Tax Commissioner or the Tax Division of the Department of Revenue to disclose confidential taxpayer information to the Secretary of State.

(b) The Secretary of State shall establish a consolidated call center to be staffed by trained and knowledgeable persons who are able to assist businesses obtain information and services relating to compliance with state law.

- (c) The Secretary of State shall:

(1) Develop the requirements of the web-based business portal by August 31, 2015, including but not limited to:

(A) Establishing, through cooperative efforts, the standards and requirements necessary to design, build, implement and maintain the business portal; and

(B) Establishing the standards and requirements necessary for a state or local agency to participate in the business portal;

(2) Coordinate and cooperate with the appropriate entities to facilitate the payment by businesses of any payments or remittances made pursuant to this section, via the web-based business portal; and

(3) Propose rules for legislative approval, in accordance with the provisions of article three, chapter twenty-nine-a of this code, to implement the provisions of this article.”

And,

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

**Com. Sub. for H. B. 2878** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §31D-1-131, relating to creating a web-based electronic business portal in West Virginia; requiring the Secretary of State to create a web-based business portal to facilitate interaction between government and businesses in West Virginia; requiring Secretary of State to establish a call center to assist businesses obtain information regarding compliance with state law; requiring the Secretary of State to develop requirements for the web-based business portal; and requiring the Secretary of State to propose rules for legislative approval to implement the provisions of the bill.”

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 583**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:



ABSENT AND NOT VOTING: Bates and Hanshaw.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2878) passed.

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

A message from the Senate, by

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

**Com. Sub. for H. B. 2688**, Providing for the unitization of interests in drilling units in connection with all horizontal oil or gas wells.

#### **SPEAKER PRO TEMPORE ANDERSON IN THE CHAIR**

Mr. Speaker, Mr. Armstead, arose from his seat and requested to be excused from voting on the passage of Com. Sub. for H. B. 2688 under the provisions of House Rule 49.

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

Delegate Howell requested to be excused from voting on the passage of Com. Sub. for H. B. 2688 under the provisions of House Rule 49.

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

**MR. SPEAKER, MR. ARMSTEAD, IN THE CHAIR**

Delegate Cowles then asked unanimous consent to postpone further consideration of the bill which consent was not given, objections being heard.

Delegate Cowles then moved to postpone further consideration of the bill.

On this question, the yeas and nays were taken (**Roll No. 584**), and there were—yeas 54, nays 43, absent and not voting 3, with the nays and absent and not voting being as follows:

NAYS: Boggs, Byrd, Campbell, Caputo, Duke, Eldridge, Faircloth, Ferro, Fleischauer, Fluharty, Folk, Gearheart, Guthrie, Hamilton, Hartman, Hicks, Hornbuckle, Ihle, Kurcaba, Longstreth, Lynch, Manchin, McGeehan, Miley, Moore, Morgan, Moye, J. Nelson, Perdue, Perry, Pethtel, L. Phillips, Pushkin, Reynolds, Rodighiero, Rowe, Skinner, P. Smith, Sponaugle, Trecost, B. White, H. White and Williams.

ABSENT AND NOT VOTING: Bates, Hanshaw and Marcum.

So, a majority of the members present and voting having voted in the affirmative, the motion prevailed.

**SPECIAL CALENDAR****THIRD READING**

-continued-

**S. B. 318**, Relating to payment of wages by employers; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 585**), and there were—yeas 71, nays 26, absent

and not voting 3, with the nays and absent and not voting being as follows:

NAYS: Byrd, Caputo, Eldridge, Ferro, Fleischauer, Fluharty, Guthrie, Hicks, Hornbuckle, Longstreth, Lynch, Manchin, Miley, Moore, Morgan, Moye, Perdue, Perry, Pethtel, Pushkin, Reynolds, Rodighiero, Rowe, Skinner, Sponaugle and Trecost.

ABSENT AND NOT VOTING: Bates, Hanshaw and Marcum.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 318) passed.

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

**Com. Sub. for S. B. 325**, Relating to filing of candidates' financial disclosure statements; on third reading, coming up in regular order, with amendments pending and the restricted right to amend jointly by Delegates Shott and Manchin was reported by the Clerk.

An amendment, recommended by the Committee on the Judiciary, was reported by the Clerk on page one, following the enacting section, by striking out the remainder of the bill and inserting in lieu thereof the following:

**“ARTICLE 2. WEST VIRGINIA ETHICS COMMISSION; POWERS AND DUTIES; DISCLOSURE OF FINANCIAL INTEREST BY PUBLIC OFFICIALS AND EMPLOYEES; APPEARANCES BEFORE PUBLIC AGENCIES; CODE OF CONDUCT FOR ADMINISTRATIVE LAW JUDGES.**

**§6B-2-6. Financial disclosure statement; filing requirements.**

(a) The financial disclosure statement shall be filed on February 1 of each calendar year to cover the period of the preceding calendar year, except insofar as may be otherwise provided herein. The following persons must file the financial disclosure statement required by this section with the Ethics Commission:

(1) All elected officials in this state, including, but not limited to, all persons elected statewide, all county elected officials, municipal elected officials in municipalities which have, by ordinance, opted to be covered by the disclosure provisions of this section, all members of the several county or district boards of education and all county or district school board superintendents;

(2) All members of state boards, commissions and agencies appointed by the Governor; and

(3) Secretaries of departments, commissioners, deputy commissioners, assistant commissioners, directors, deputy directors, assistant directors, department heads, deputy department heads and assistant department heads.

(b) For purposes of subsection (a), a person is required to file if the person holds one of the positions listed in subdivisions (1), (2) or (3) as of January 31 of each calendar year.

(c) A person who is required to file a financial disclosure statement under this section by virtue of becoming an elected or appointed public official whose office is described in subdivision (1), (2) or (3) of this subsection and who assumes the office less than ten days before a filing date established herein or who assumes the office after the filing date shall file a financial disclosure statement for the previous twelve months no later than thirty days after the date on which the person assumes the duties of the office, unless the person has filed a financial disclosure statement with the commission during the twelve-month period before he or she assumed office.

~~(b) A candidate for public office shall file a financial disclosure statement for the previous calendar year with the state Ethics Commission no later than ten days after he or she files a certificate of candidacy, but in all circumstances, not later than ten days prior to the election, unless he or she has filed a financial disclosure statement with the state Ethics Commission during the previous calendar year.~~

(d) A person seeking to be a candidate for office shall first file a certificate of candidacy as provided by law, and, second, shall file, no later than ten days of filing the certificate of candidacy, a financial disclosure statement with the Ethics Commission. No person may be certified as a candidate who has failed to file both documents.

(e) The Ethics Commission shall file a duplicate copy of the financial disclosure statement required in this section in the following offices within ten business days of the receipt of the candidate's statement of disclosure or by the eighty-fourth day prior to the general election, whichever is sooner:

(1) Municipal candidates in municipalities which have opted, by ordinance, to be covered by the disclosure provisions of this section, in the office of the clerk of the municipality in which the candidate is seeking office;

~~(2) Legislative candidates in single county districts and candidates~~ Candidates for a county office or county school board, in the office of the clerk of the county commission of the county in which the candidate is seeking office;

(3) Legislative candidates, circuit judge or family court judge candidates ~~from multicounty districts~~, candidates for statewide office and congressional candidates, in the office of the ~~clerk of the county commission of the county of the candidate's residence~~ Secretary of State.

After a ninety-day period following any election, the ~~clerks who~~ offices that receive the financial disclosure statements of candidates may destroy or dispose of those statements filed by candidates who were unsuccessful in the election.

~~(c) No candidate for public office may maintain his or her place on a ballot and no~~

(f) (1) Any candidate for public office who has failed to file a financial disclosure statement with the state Ethics Commission as required by this section is disqualified and the vacancy on the ballot created by the disqualification is subject to section nineteen, article five, chapter three of this code.

(2) No public official may take the oath of office or enter or continue upon his or her duties or receive compensation from public funds unless he or she has filed a financial disclosure statement with the state Ethics Commission as required by the provisions of this section.

~~(d)~~(g) The Ethics Commission may, upon request of any person required to file a financial disclosure statement, and for good cause shown, extend the deadline for filing such statement for a reasonable period of time: *Provided*, That no extension of time shall be granted to a candidate who has not filed a financial disclosure statement for the preceding filing period.

~~(e)~~(h) No person shall fail to file a statement required by this section.

~~(f)~~(i) No person shall knowingly file a materially false statement that is required to be filed under this section.

~~(g)~~(j) The Ethics Commission shall publish either on the Internet or by printed document made available to the public a list of all persons who have violated any Ethics Commission's financial disclosure statement filing deadline.

~~(h)~~(k) The Ethics Commission shall, in addition to making all financial disclosure statements available for inspection upon request:

(1) Publish on the Internet all financial disclosure statements filed by members of the Legislature and candidates for legislative office, elected members of the executive department and candidates for the offices that constitute the executive department, and members of the

Supreme Court of Appeals and candidates for the Supreme Court of Appeals, commencing with those reports filed on or after January 1, 2012; and

(2) Publish on the Internet all financial disclosure statements filed by any other person required to file such financial disclosure statements, as the commission determines resources are available to permit the Ethics Commission to make such publication on the Internet. The commission shall redact financial disclosure statements published on the Internet to exclude from publication personal information such as signatures, home addresses and mobile and home telephone numbers.”

Whereupon,

Delegate Lane asked and obtained unanimous consent that the amendment be withdrawn.

On motion of Delegates Shott and Manchin, the bill was amended on page one, following the enacting section, by striking out the remainder of the bill and inserting in lieu thereof the following:

**“ARTICLE 2. WEST VIRGINIA ETHICS COMMISSION; POWERS AND DUTIES; DISCLOSURE OF FINANCIAL INTEREST BY PUBLIC OFFICIALS AND EMPLOYEES; APPEARANCES BEFORE PUBLIC AGENCIES; CODE OF CONDUCT FOR ADMINISTRATIVE LAW JUDGES.**

**§6B-2-6. Financial disclosure statement; filing requirements.**

(a) The financial disclosure statement shall be filed on February 1 of each calendar year to cover the period of the preceding calendar year, except insofar as may be otherwise provided herein. The following persons must file the financial disclosure statement required by this section with the Ethics Commission:

(1) All elected officials in this state, including, but not limited to, all persons elected statewide, all county elected officials, municipal elected officials in municipalities which have, by ordinance, opted to

be covered by the disclosure provisions of this section, all members of the several county or district boards of education and all county or district school board superintendents;

(2) All members of state boards, commissions and agencies appointed by the Governor; and

(3) Secretaries of departments, commissioners, deputy commissioners, assistant commissioners, directors, deputy directors, assistant directors, department heads, deputy department heads and assistant department heads.

(b) For purposes of subsection (a), a person is required to file if the person holds one of the positions listed in subdivisions (1), (2) or (3) as of January 31 of each calendar year.

(c) A person who is required to file a financial disclosure statement under this section by virtue of becoming an elected or appointed public official whose office is described in subdivision (1), (2) or (3) of this subsection and who assumes the office less than ten days before a filing date established herein or who assumes the office after the filing date shall file a financial disclosure statement for the previous twelve months no later than thirty days after the date on which the person assumes the duties of the office, unless the person has filed a financial disclosure statement with the commission during the twelve-month period before he or she assumed office.

~~(b) A candidate for public office shall file a financial disclosure statement for the previous calendar year with the state Ethics Commission no later than ten days after he or she files a certificate of candidacy, but in all circumstances, not later than ten days prior to the election, unless he or she has filed a financial disclosure statement with the state Ethics Commission during the previous calendar year.~~

(d) A person seeking to be a candidate for office shall first file a certificate of candidacy as provided by law, and, second, shall file, no



later than ten days of filing the certificate of candidacy, a financial disclosure statement with the Ethics Commission. No person may be certified as a candidate who has failed to file both documents.

(e) The Ethics Commission shall ~~file~~ provide a duplicate copy of the financial disclosure statement required in this section in the following offices within ~~ten~~ three days of the receipt of the candidate's statement of disclosure or by the eighty-fourth day prior to the general election, whichever is sooner. The Ethics Commission may transmit such duplicate copy by mail, electronic communication, or facsimile to ensure prompt and timely delivery.

(1) Municipal candidates in municipalities which have opted, by ordinance, to be covered by the disclosure provisions of this section, in the office of the clerk of the municipality in which the candidate is seeking office;

~~(2) Legislative candidates in single county districts and candidates~~ Candidates for a county office or county school board, in the office of the clerk of the county commission of the county in which the candidate is seeking office;

(3) Legislative candidates, circuit judge or family court judge candidates ~~from multicounty districts~~, candidates for statewide office and congressional candidates, in the office of the ~~clerk of the county commission of the county of the candidate's residence~~ Secretary of State.

After a ninety-day period following any election, the ~~clerks who~~ offices that receive the financial disclosure statements of candidates may destroy or dispose of those statements filed by candidates who were unsuccessful in the election.

~~(c) No candidate for public office may maintain his or her place on a ballot and no~~

(f) (1) Any candidate for public office who has failed to file a financial disclosure statement with the state Ethics Commission as required by this section is disqualified and the vacancy on the ballot created by the disqualification is subject to section nineteen, article five, chapter three of this code.

(2) No public official may take the oath of office or enter or continue upon his or her duties or receive compensation from public funds unless he or she has filed a financial disclosure statement with the state Ethics Commission as required by the provisions of this section.

~~(d)~~(g) The Ethics Commission may, upon request of any person required to file a financial disclosure statement, and for good cause shown, extend the deadline for filing such statement for a reasonable period of time: *Provided*, That no extension of time shall be granted to a candidate who has not filed a financial disclosure statement for the preceding filing period.

~~(e)~~(h) No person shall fail to file a statement required by this section.

~~(f)~~(i) No person shall knowingly file a materially false statement that is required to be filed under this section.

~~(g)~~(j) The Ethics Commission shall publish either on the Internet or by printed document made available to the public a list of all persons who have violated any Ethics Commission's financial disclosure statement filing deadline.

~~(h)~~(k) The Ethics Commission shall, in addition to making all financial disclosure statements available for inspection upon request:

(1) Publish on the Internet all financial disclosure statements filed by members of the Legislature and candidates for legislative office, elected members of the executive department and candidates for the offices that constitute the executive department, and members of the

Supreme Court of Appeals and candidates for the Supreme Court of Appeals, commencing with those reports filed on or after January 1, 2012; and

(2) Publish on the Internet all financial disclosure statements filed by any other person required to file such financial disclosure statements, as the commission determines resources are available to permit the Ethics Commission to make such publication on the Internet. The commission shall redact financial disclosure statements published on the Internet to exclude from publication personal information such as signatures, home addresses and mobile and home telephone numbers.”

The bill was then read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 586**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Bates and Hanshaw.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 325) passed.

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

**S. B. 363**, Establishing maximum rates and service limitations for reimbursement of health care services by Court of Claims; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 587**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Overington.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 363) passed.

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

**S. B. 425**, Relating to investments by MU, WVU and WVSOM; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 588**), and there were—yeas 100, nays none, absent and not voting none.

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

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

**Com. Sub. for S. B. 439**, Relating to higher education personnel; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 589**), and there were—yeas 100, nays none, absent and not voting none.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 439) passed.

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

**Com. Sub. for S. B. 439** - “A Bill to amend and reenact §18B-4-2a of the Code of West Virginia, 1931, as amended; to amend and reenact §18B-7-1, §18B-7-2, §18B-7-8, §18B-7-9, §18B-7-11 and §18B-7-16

of said code; to amend and reenact §18B-9-1 and §18B-9-2 of said code; to amend and reenact §18B-9A-1, §18B-9A-2, §18B-9A-3, §18B-9A-4, §18B-9A-5, §18B-9A-6 and §18B-9A-7 of said code; and to amend said code by adding thereto a new section, designated §18B-9A-5a, all relating to public higher education personnel generally; clarifying roles and certain responsibilities of Higher Education Policy Commission, Council for Community and Technical College Education and state organizations of higher education; modifying legislative purposes and intent for higher education personnel, classification and compensation system, and classified employee salary schedule; defining terms and modifying defined terms; modifying and clarifying duties of Vice Chancellor for Human Resources of the Higher Education Policy Commission; eliminating outdated and redundant reporting, rule and review requirements; requiring certain personnel provisions be created and specifying responsibilities; modifying certain reporting requirements; providing for evaluation and reviews of organizations for certain human resource deficiencies, best practices and compliance with state higher education personnel laws; modifying percentages and criteria of percentages of employees designated as ‘nonclassified’; modifying requirements for study of employment practices; expanding applicability of certain salary schedule provisions and flexibilities; clarifying that certain provisions are only applicable to classified employees; modifying and clarifying powers and duties of the Job Classification Committee and Compensation Planning and Review Committee; eliminating certain approval of members of Job Classification Committee and Compensation Planning and Review Committee; eliminating requirement that salary schedules fall within relative market equity; clarifying role and considerations of the Higher Education Policy Commission and Community and Technical College Council in developing salary schedules for classified employees; requiring classification and compensation rules; and deleting obsolete provisions and making technical corrections.”

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

**S. B. 447**, Allowing issuance of diploma by public, private or home school administrator; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 590**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Deem.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 447) passed.

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

**S. B. 447** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-8-12, relating to allowing administrator of secondary education program at public, private or home school to issue diploma or other appropriate credential; establishing legal sufficiency of diploma or credential; prohibiting discrimination by state agency or institution of higher learning; and reserving to state agency and institution of higher learning authority to inquire about program content for certain purposes.”

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

**Com. Sub. for S. B. 453**, Relating to motor vehicle dealers, distributors, wholesalers and manufacturers; on third reading, coming up in regular order, was read a third time.

Delegates Miller and Moye requested to be excused from voting on the passage of Com. Sub. for S. B. 453 under the provisions of House Rule 49.

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 591**), and there were—yeas 91, nays 8, absent and not voting 1, with the nays and absent and not voting being as follows:

**NAYS:** Caputo, Fast, Fleischauer, Guthrie, Manchin, Pushkin, Rowe and Sponagle.

**ABSENT AND NOT VOTING:** Walters.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 453) passed.

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

#### **CONFERENCE COMMITTEE REPORT AVAILABILITY**

At 5:15 P.M., the Clerk announced availability in his office of the report of the Committee of Conference on Com. Sub. for S. B. 37, Creating Revised Uniform Arbitration Act.

#### **SPECIAL CALENDAR**

##### **THIRD READING**

-continued-

**Com. Sub. for S. B. 455**, Relating to public higher education procurement and payment of expenses; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 592**), and there were—yeas 96, nays 3, absent

and not voting 1, with the nays and absent and not voting being as follows:

NAYS: Marcum, L. Phillips and Pushkin.

ABSENT AND NOT VOTING: Hartman.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 455) passed.

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

**Com. Sub. for S. B. 523**, Creating Alcohol and Drug Overdose Prevention and Clemency Act; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 593**), and there were—yeas 99, nays 1, absent and not voting none and the nays being as follows:

NAYS: Fast.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 523) passed.

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

At the request of Delegate Cowles, and by unanimous consent, the House of Delegates returned to further consideration of **Com. Sub. for H. B. 2478**, Relating to public school finance, having been postponed in earlier proceedings.

The following Senate amendments were reported by the Clerk:



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

“That §18-9A-7 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

**ARTICLE 9A. PUBLIC SCHOOL SUPPORT.**

**§18-9A-7. Foundation allowance for transportation cost.**

(a) The allowance in the foundation school program for each county for transportation shall be the sum of the following computations:

(1) A percentage of the transportation costs incurred by the county for maintenance, operation and related costs exclusive of all salaries, including the costs incurred for contracted transportation services and public utility transportation, as follows:

(A) For each high-density county, eighty-seven and one-half percent;

(B) For each medium-density county, ninety percent;

(C) For each low-density county, ninety-two and one-half percent;

(D) For each sparse-density county, ninety-five percent;

(E) For any county for the transportation cost for maintenance, operation and related costs, exclusive of all salaries, for transporting students to and from classes at a multicounty vocational center, the percentage provided in paragraphs (A) through (D) of this subdivision as applicable for the county plus an additional ten percent; and

(F) For any county for that portion of its school bus system that uses as an alternative fuel compressed natural gas or propane, the percentage provided in paragraphs (A) through (D) of this subdivision as applicable for the county plus an additional ten percent: *Provided,*

That for any county receiving an additional ten percent for that portion of their bus system using bio-diesel as an alternative fuel during the school year 2012-2013, bio-diesel shall continue to qualify as an alternative fuel under this paragraph to the extent that the additional percentage applicable to that portion of the bus system using bio-diesel shall be decreased by two and one-half percent per year for four consecutive school years beginning in school year 2014-2015: *Provided, however,* That any county using an alternative fuel and qualifying for the additional allowance under this subdivision shall submit a plan regarding the intended future use of alternatively fueled school buses;

(2) The total cost, within each county, of insurance premiums on buses, buildings and equipment used in transportation;

(3) An amount equal to eight and one-third percent of the current replacement value of the bus fleet within each county as determined by the state board: *Provided, That the amount for the school year beginning July 1, 2015 will be \$17,815,268.* The amount shall only be used for the replacement of buses. Buses purchased after July 1, 1999 that are driven one hundred eighty thousand miles, regardless of year model, will be subject to the replacement value of eight and one-third percent as determined by the state board. In addition, in any school year in which its net enrollment increases when compared to the net enrollment the year immediately preceding, a school district may apply to the state superintendent for funding for an additional bus or buses. The state superintendent shall make a decision regarding each application based upon an analysis of the individual school district's net enrollment history and transportation needs: *Provided,* That the superintendent shall not consider any application which fails to document that the county has applied for federal funding for additional buses. If the state superintendent finds that a need exists, a request for funding shall be included in the budget request submitted by the state board for the upcoming fiscal year; and

(4) Aid in lieu of transportation equal to the state average amount per pupil for each pupil receiving the aid within each county.

(b) The total state share for this purpose ~~shall be~~ is the sum of the county shares: *Provided*, That no county shall receive an allowance which is greater than one-third above the computed state average allowance per transportation mile multiplied by the total transportation mileage in the county exclusive of the allowance for the purchase of additional buses.

(c) One half of one percent of the transportation allowance distributed to each county shall be for the purpose of trips related to academic classroom curriculum and not related to any extracurricular activity. Any remaining funds credited to a county for the purpose of trips related to academic classroom curriculum during the fiscal year shall be carried over for use in the same manner the next fiscal year and shall be separate and apart from, and in addition to, the appropriation for the next fiscal year. The state board may request a county to document the use of funds for trips related to academic classroom curriculum if the board determines that it is necessary.”

And,

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

**Com. Sub. for H. B. 2478** - “A Bill to amend and reenact §18-9A-7 of the Code of West Virginia, 1931, as amended, relating to the foundation allowance for public education transportation cost; including propane as an eligible fuel for the ten percent additional percentage allowance for school bus systems using alternative fuels; and fixing the amount to be used for the replacement of buses for the school year beginning July 1, 2015.”

On motion of Delegate Cowles, the House of Delegates concurred in the Senate amendment with further amendment, on page two, line fourteen, following the words “amount for”, by striking out the words “the school year beginning July 1, 2015 will be \$17,815,268”, and inserting in lieu thereof the words “the school year beginning July 1, 2015, will be \$15,000,000 and the amount for the school year beginning July 1, 2016, will be \$18,000,000”.

And,

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

**Com. Sub. for H. B. 2478** - “A Bill to amend and reenact §18-9A-7 of the Code of West Virginia, 1931, as amended, relating to the foundation allowance for public education transportation cost; including propane as an eligible fuel for the ten percent additional percentage allowance for school bus systems using alternative fuels; and fixing the amount to be used for the replacement of buses for the school years beginning July 1, 2015, and July 1, 2016.”

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 594**), and there were—yeas 74, nays 25, absent and not voting 1, with the nays and absent and not voting being as follows:

NAYS: Caputo, Eldridge, Ferro, Fleischauer, Fluharty, Folk, Guthrie, Kelly, Kurcaba, Lane, Manchin, McGeehan, Miley, Moore, Pasdon, Perdue, Pethtel, L. Phillips, Reynolds, Rowe, Sponaule, Statler, Trecost, Wagner and Weld.

ABSENT AND NOT VOTING: Deem.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2478) passed.

Delegate Cowles moved that the bill take effect July 1, 2015.

On this question, the yeas and nays were taken (**Roll No. 595**), and there were—yeas 76, nays 23, absent and not voting 1, with the nays and absent and not voting being as follows:

NAYS: Byrd, Caputo, Ferro, Fleischauer, Fluharty, Folk, Kelly, Kurcaba, Manchin, Marcum, McGeehan, Miley, Moore, Pasdon,

Perdue, L. Phillips, Reynolds, Sponaugle, Statler, Summers, Trecost, Wagner and Weld.

ABSENT AND NOT VOTING: Deem.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2478) takes effect July 1, 2015.

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

#### MESSAGES FROM THE SENATE

A message from the Senate, by

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

**H. B. 2664**, Creating “Andrea and Willy’s Law”; increasing certain penalties for driving under the influence of alcohol, controlled substances or drugs.

On motion of Delegate Cowles, the bill was taken up for immediate consideration and the following Senate amendments were reported by the Clerk:

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

“That §17C-5-2 of the Code of West Virginia, 1931, as amended, be amended and reenacted; and to amend and reenact §17C-5A-2 all to read as follows:

#### ARTICLE 5. SERIOUS TRAFFIC OFFENSES.

**§17C-5-2. Driving under influence of alcohol, controlled substances or drugs; penalties.**

(a) Any person who:

(1) Drives a vehicle in this state while he or she:

(A) Is under the influence of alcohol;

(B) Is under the influence of any controlled substance;

(C) Is under the influence of any other drug;

(D) Is under the combined influence of alcohol and any controlled substance or any other drug; or

(E) Has an alcohol concentration in his or her blood of eight hundredths of one percent or more, by weight; and

(2) While driving does any act forbidden by law or fails to perform any duty imposed by law in the driving of the vehicle, which act or failure proximately causes the death of any person within one year next following the act or failure: ~~and~~

~~(3) Commits the act or failure to act in reckless disregard of the safety of others and when the influence of alcohol, controlled substances or drugs is shown to be a contributing cause to the death; ,~~ is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for not less than two years nor more than ten years and shall be fined not less than \$1,000 nor more than \$3,000.

~~(b) Any person who:~~

~~(1) Drives a vehicle in this state while he or she:~~

~~(A) Is under the influence of alcohol;~~

~~(B) Is under the influence of any controlled substance;~~

~~(C) Is under the influence of any other drug;~~

~~(D) Is under the combined influence of alcohol and any controlled substance or any other drug;~~

~~(E) Has an alcohol concentration in his or her blood of eight hundredths of one percent or more, by weight; and~~

~~(2) While driving does any act forbidden by law or fails to perform any duty imposed by law in the driving of the vehicle, which act or failure proximately causes the death of any person within one year next following the act or failure, is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not less than ninety days nor more than one year and shall be fined not less than \$500 nor more than \$1,000.~~

(b) Any person who:

(1) Drives a vehicle in this state while he or she:

(A) Is under the influence of alcohol;

(B) Is under the influence of any controlled substance;

(C) Is under the influence of any other drug;

(D) Is under the combined influence of alcohol and any controlled substance or any other drug; or

(E) Has an alcohol concentration in his or her blood of eight hundredths of one percent or more, by weight; and

(2) While driving does any act forbidden by law or fails to perform any duty imposed by law in the driving of the vehicle, which act or failure proximately causes serious bodily injury to any person other than himself or herself, is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for not less than two nor more than ten years and shall be fined not less than \$1,000 nor more than \$3,000 dollars.

(3) As used in this subsection, the words 'serious bodily injury' mean bodily injury that creates a substantial risk of death, that causes

serious or prolonged disfigurement, prolonged impairment of health, or prolonged loss or impairment .

(c) Any person who:

(1) Drives a vehicle in this state while he or she:

(A) Is under the influence of alcohol;

(B) Is under the influence of any controlled substance;

(C) Is under the influence of any other drug;

(D) Is under the combined influence of alcohol and any controlled substance or any other drug; or

(E) Has an alcohol concentration in his or her blood of eight hundredths of one percent or more, by weight; and

(2) While driving does any act forbidden by law or fails to perform any duty imposed by law in the driving of the vehicle, which act or failure proximately causes bodily injury to any person other than himself or herself, is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not less than one day nor more than one year, which jail term is to include actual confinement of not less than twenty-four hours, and shall be fined not less than \$200 nor more than \$1,000.

(3) As used in this subsection, the words 'bodily injury' mean bodily injury that causes substantial pain, illness or any impairment of physical condition.

(d) Any person who:

(1) Drives a vehicle in this state while he or she:

(A) Is under the influence of alcohol;



(B) Is under the influence of any controlled substance;

(C) Is under the influence of any other drug;

(D) Is under the combined influence of alcohol and any controlled substance or any other drug; or

(E) Has an alcohol concentration in his or her blood of eight hundredths of one percent or more, by weight, but less than fifteen hundredths of one percent, by weight;

(2) Is guilty of a misdemeanor and, upon conviction thereof, except as provided in section two-b of this article, shall be confined in jail for up to six months and shall be fined not less than \$100 nor more than \$500. A person sentenced pursuant to this subdivision shall receive credit for any period of actual confinement he or she served upon arrest for the subject offense.

(e) Any person who drives a vehicle in this state while he or she has an alcohol concentration in his or her blood of fifteen hundredths of one percent or more, by weight, is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not less than two days nor more than six months, which jail term is to include actual confinement of not less than twenty-four hours, and shall be fined not less than \$200 nor more than \$1,000. A person sentenced pursuant to this subdivision shall receive credit for any period of actual confinement he or she served upon arrest for the subject offense.

(f) Any person who, being an habitual user of narcotic drugs or amphetamine or any derivative thereof, drives a vehicle in this state is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not less than one day nor more than six months, which jail term is to include actual confinement of not less than twenty-four hours, and shall be fined not less than \$100 nor more than \$500. A person sentenced pursuant to this subdivision shall receive credit for any period of actual confinement he or she served upon arrest for the subject offense.

(g) Any person who:

(1) Knowingly permits his or her vehicle to be driven in this state by any other person who:

(A) Is under the influence of alcohol;

(B) Is under the influence of any controlled substance;

(C) Is under the influence of any other drug;

(D) Is under the combined influence of alcohol and any controlled substance or any other drug;

(E) Has an alcohol concentration in his or her blood of eight hundredths of one percent or more, by weight;

(2) Is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not more than six months and shall be fined not less than \$100 nor more than \$500.

(h) Any person who knowingly permits his or her vehicle to be driven in this state by any other person who is an habitual user of narcotic drugs or amphetamine or any derivative thereof is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not more than six months and shall be fined not less than \$100 nor more than \$500.

(i) Any person under the age of twenty-one years who drives a vehicle in this state while he or she has an alcohol concentration in his or her blood of two hundredths of one percent or more, by weight, but less than eight hundredths of one percent, by weight, for a first offense under this subsection is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$25 nor more than \$100. For a second or subsequent offense under this subsection, the person is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for twenty-four hours and shall be fined not less than \$100 nor

more than \$500. A person who is charged with a first offense under the provisions of this subsection may move for a continuance of the proceedings, from time to time, to allow the person to participate in the Motor Vehicle Alcohol Test and Lock Program as provided in section three-a, article five-a of this chapter. Upon successful completion of the program, the court shall dismiss the charge against the person and expunge the person's record as it relates to the alleged offense. In the event the person fails to successfully complete the program, the court shall proceed to an adjudication of the alleged offense. A motion for a continuance under this subsection may not be construed as an admission or be used as evidence.

A person arrested and charged with an offense under the provisions of this subsection or subsection (a), (b), (c), (d), (e), (f), (g) or (h) of this section may not also be charged with an offense under this subsection arising out of the same transaction or occurrence.

(j) Any person who:

(1) Drives a vehicle in this state while he or she:

(A) Is under the influence of alcohol;

(B) Is under the influence of any controlled substance;

(C) Is under the influence of any other drug;

(D) Is under the combined influence of alcohol and any controlled substance or any other drug; or

(E) Has an alcohol concentration in his or her blood of eight hundredths of one percent or more, by weight; and

(2) The person while driving has on or within the motor vehicle one or more other persons who are unemancipated minors who have not reached their sixteenth birthday is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not less than two

days nor more than twelve months, which jail term is to include actual confinement of not less than forty-eight hours and shall be fined not less than \$200 nor more than \$1,000.

(k) A person violating any provision of subsection (b), (c), (d), (e), (f), (g) or (i) of this section, for the second offense under this section, is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not less than six months nor more than one year and the court may, in its discretion, impose a fine of not less than \$1,000 nor more than \$3,000.

(l) A person violating any provision of subsection (b), (c), (d), (e), (f), (g) or (i) of this section, for the third or any subsequent offense under this section, is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for not less than one nor more than three years and the court may, in its discretion, impose a fine of not less than \$3,000 nor more than \$5,000.

(m) For purposes of subsections (k) and (l) of this section relating to second, third and subsequent offenses, the following events shall be regarded as offenses under this section:

(1) Any conviction under the provisions of subsection (a), (b), (c), (d), (e), (f) or (g) of this section or under a prior enactment of this section for an offense which occurred within the ten-year period immediately preceding the date of arrest in the current proceeding;

(2) Any conviction under a municipal ordinance of this state or any other state or a statute of the United States or of any other state of an offense which has the same elements as an offense described in subsection (a), (b), (c), (d), (e), (f), (g) or (h) of this section, which offense occurred within the ten-year period immediately preceding the date of arrest in the current proceeding; and,

(3) Any period of conditional probation imposed pursuant section two-b of this article for violation of subsection (d) of this article, which

violation occurred within the ten-year period immediately preceding the date of arrest in the current proceeding.

(n) A person may be charged in a warrant or indictment or information for a second or subsequent offense under this section if the person has been previously arrested for or charged with a violation of this section which is alleged to have occurred within the applicable time period for prior offenses, notwithstanding the fact that there has not been a final adjudication of the charges for the alleged previous offense. In that case, the warrant or indictment or information must set forth the date, location and particulars of the previous offense or offenses. No person may be convicted of a second or subsequent offense under this section unless the conviction for the previous offense has become final, or the person has previously had a period of conditional probation imposed pursuant to section two-b of this article.

(o) The fact that any person charged with a violation of subsection (a), (b), (c), (d), (e) or (f) of this section, or any person permitted to drive as described under subsection (g) or (h) of this section, is or has been legally entitled to use alcohol, a controlled substance or a drug does not constitute a defense against any charge of violating subsection (a), (b), (c), (d), (e), (f), (g) or (h) of this section.

(p) For purposes of this section, the term ‘controlled substance’ has the meaning ascribed to it in chapter sixty-a of this code.

(q) The sentences provided in this section upon conviction for a violation of this article are mandatory and are not subject to suspension or probation: *Provided*, That the court may apply the provisions of article eleven-a, chapter sixty-two of this code to a person sentenced or committed to a term of one year or less for a first offense under this section: *Provided further*, That the court may impose a term of conditional probation pursuant to section two-b of this article to persons adjudicated thereunder. An order for home detention by the court pursuant to the provisions of article eleven-b of said chapter may be used as an alternative sentence to any period of incarceration

required by this section for a first or subsequent offense: *Provided, however,* That for any period of home incarceration ordered for a person convicted of second offense under this section, electronic monitoring shall be required for no fewer than five days of the total period of home confinement ordered and the offender may not leave home for those five days notwithstanding the provisions of section five, article eleven-b, chapter sixty-two of this code: *Provided further,* That for any period of home incarceration ordered for a person convicted of a third or subsequent violation of this section, electronic monitoring shall be included for no fewer than ten days of the total period of home confinement ordered and the offender may not leave home for those ten days notwithstanding section five, article eleven-b, chapter sixty-two of this code.

**ARTICLE 5A. ADMINISTRATIVE PROCEDURES FOR SUSPENSION AND  
REVOCATION OF LICENSES FOR DRIVING UNDER  
THE INFLUENCE OF ALCOHOL, CONTROLLED  
SUBSTANCES OR DRUGS.**

**§17C-5A-2. Hearing; revocation; review.**

(a) Written objections to an order of revocation or suspension under the provisions of section one of this article or section seven, article five of this chapter shall be filed with the Office of Administrative Hearings. Upon the receipt of an objection, the Office of Administrative Hearings shall notify the Commissioner of the Division of Motor Vehicles, who shall stay the imposition of the period of revocation or suspension and afford the person an opportunity to be heard by the Office of Administrative Hearings. The written objection must be filed with Office of Administrative Hearings in person, by registered or certified mail, return receipt requested, or by facsimile transmission or electronic mail within thirty calendar days after receipt of a copy of the order of revocation or suspension or no hearing will be granted: *Provided,* That a successful transmittal sheet shall be necessary for proof of written objection in the case of filing by fax. The hearing shall be before a hearing examiner employed by the Office of Administrative Hearings who shall rule on evidentiary issues. The

West Virginia Rules of Evidence shall apply without exception to all proceedings before the hearing examiner. Upon consideration of the designated record, the hearing examiner shall, based on the determination of the facts of the case and applicable law, render a decision affirming, reversing or modifying the action protested; Provided, That the DUI information sheet may only be used to refresh the memory of the officer who completed it. The decision shall contain findings of fact and conclusions of law and shall be provided to all parties by registered or certified mail, return receipt requested, or with a party's written consent, by facsimile or electronic mail.

(b) The hearing shall be held at an office of the Division of Motor Vehicles suitable for hearing purposes located in or near the county in which the arrest was made in this state or at some other suitable place in the county in which the arrest was made if an office of the division is not available. At the discretion of the Office of Administrative Hearings, the hearing may also be held at an office of the Office of Administrative Hearings located in or near the county in which the arrest was made in this state. The Office of Administrative Hearings shall send a notice of hearing to the person whose driving privileges are at issue and the person's legal counsel if the person is represented by legal counsel, by regular mail, or with the written consent of the person whose driving privileges are at issue or their legal counsel, by facsimile or electronic mail. The Office of Administrative Hearings shall also send a notice of hearing by regular mail, facsimile or electronic mail to the Division of Motor Vehicles, and the Attorney General's Office, if the Attorney General has filed a notice of appearance of counsel on behalf of the Division of Motor Vehicles.

(c) (1) Any hearing shall be held within one hundred eighty days after the date upon which the Office of Administrative Hearings received the timely written objection unless there is a postponement or continuance.

(2) The Office of Administrative Hearings may postpone or continue any hearing on its own motion or upon application by the

party whose license is at issue in that hearing or by the commissioner for good cause shown.

(3) The Office of Administrative Hearings may issue subpoenas commanding the appearance of witnesses and subpoenas duces tecum commanding the submission of documents, items or other things. Subpoenas duces tecum shall be returnable on the date of the next scheduled hearing unless otherwise specified. The Office of Administrative hearings shall issue subpoenas and subpoenas duces tecum at the request of a party or the party's legal representative. The party requesting the subpoena shall be responsible for service of the subpoena upon the appropriate individual. Every subpoena or subpoena duces tecum shall be served at least five days before the return date thereof, either by personal service made by a person over eighteen years of age or by registered or certified mail, return receipt requested, and received by the party responsible for serving the subpoena or subpoena duces tecum: *Provided*, That the Division of Motor Vehicles may serve subpoenas to law-enforcement officers through electronic mail to the department of his or her employer. If a person does not obey the subpoena or fails to appear, the party who issued the subpoena to the person may petition the circuit court wherein the action lies for enforcement of the subpoena.

(d) Law-enforcement officers shall be compensated for the time expended in their travel and appearance before the Office of Administrative Hearings by the law-enforcement agency by whom they are employed at their regular rate if they are scheduled to be on duty during said time or at their regular overtime rate if they are scheduled to be off duty during said time.

(e) The principal question at the hearing shall be whether the person did drive a motor vehicle while under the influence of alcohol, controlled substances or drugs, or did drive a motor vehicle while having an alcohol concentration in the person's blood of eight hundredths of one percent or more, by weight, or did refuse to submit to the designated secondary chemical test, or did drive a motor vehicle



while under the age of twenty-one years with an alcohol concentration in his or her blood of two hundredths of one percent or more, by weight, but less than eight hundredths of one percent, by weight.

(f) In the case of a hearing in which a person is accused of driving a motor vehicle while under the influence of alcohol, controlled substances or drugs, or accused of driving a motor vehicle while having an alcohol concentration in the person's blood of eight hundredths of one percent or more, by weight, or accused of driving a motor vehicle while under the age of twenty-one years with an alcohol concentration in his or her blood of two hundredths of one percent or more, by weight, but less than eight hundredths of one percent, by weight, the Office of Administrative Hearings shall make specific findings as to: (1) Whether the investigating law-enforcement officer had reasonable grounds to believe the person to have been driving while under the influence of alcohol, controlled substances or drugs, or while having an alcohol concentration in the person's blood of eight hundredths of one percent or more, by weight, or to have been driving a motor vehicle while under the age of twenty-one years with an alcohol concentration in his or her blood of two hundredths of one percent or more, by weight, but less than eight hundredths of one percent, by weight; (2) whether the person was lawfully placed under arrest for an offense involving driving under the influence of alcohol, controlled substances or drugs, or was lawfully taken into custody for the purpose of administering a secondary test: *Provided*, That this element shall be waived in cases where no arrest occurred due to driver incapacitation; (3) whether the person committed an offense involving driving under the influence of alcohol, controlled substances or drugs; and (4) whether the tests, if any, were administered in accordance with the provisions of this article and article five of this chapter.

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

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

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

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

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

(j) If the Office of Administrative Hearings finds by a preponderance of the evidence that the person did drive a motor vehicle while under the influence of alcohol, controlled substances or drugs, or did drive a motor vehicle while having an alcohol concentration in the person's blood of eight hundredths of one percent or more, by weight, but less than fifteen hundredths of one percent or more, by weight, or finds that the person knowingly permitted the person's vehicle to be driven by another person who was under the influence of alcohol, controlled substances or drugs, or knowingly permitted the person's vehicle to be driven by another person who had an alcohol concentration in his or her blood of eight hundredths of one percent or more, by weight the commissioner shall revoke the person's license for a period of six months or a period of fifteen days with an additional one hundred and twenty days of participation in the Motor Vehicle Alcohol Test and Lock Program in accordance with the provisions of section three-a of this article: *Provided*, That any period of participation in the Motor Vehicle Alcohol Test and Lock Program that has been imposed by a court pursuant to section two-b, article five of this chapter shall be credited against any period of participation imposed by the commissioner: *Provided, however*, That a person whose license is revoked for driving while under the influence of drugs

is not eligible to participate in the Motor Vehicle Alcohol Test and Lock Program: *Provided* further, That if the person's license has previously been suspended or revoked under the provisions of this section or section one of this article within the ten years immediately preceding the date of arrest, the period of revocation shall be ten years: *And provided further*, That if the person's license has previously been suspended or revoked more than once under the provisions of this section or section one of this article within the ten years immediately preceding the date of arrest, the period of revocation shall be for the life of the person.

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

(2) If a person whose license is revoked pursuant to subdivision (1) of this subsection proves by clear and convincing evidence that they do not own a motor vehicle upon which the alcohol test and lock device may be installed or is otherwise incapable of participating in the Motor

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

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

(M) If, in addition to a finding that the person did drive a motor vehicle while under the age of twenty-one years with an alcohol concentration in his or her blood of two hundredths of one percent or more, by weight, but less than eight hundredths of one percent, by weight, the Office of Administrative Hearings also finds by a preponderance of the evidence that the person when driving did an act forbidden by law or failed to perform a duty imposed by law, which act or failure proximately caused bodily injury to a person other than himself or herself, and if the Office of Administrative Hearings further

finds that the alcohol concentration in the blood was a contributing cause to the bodily injury, the commissioner shall revoke the person's license for a period of Two years: *Provided*, That if the person's license has previously been suspended or revoked under the provisions of this section or section one of this article within the ten years immediately preceding the date of arrest, the period of revocation shall be ten years: *Provided, however*, That if the person's license has previously been suspended or revoked more than once under the provisions of this section or section one of this article within the ten years immediately preceding the date of arrest, the period of revocation shall be for the life of the person.

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

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

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

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

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

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

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

(q) In the case of a hearing in which a person is accused of refusing to submit to a designated secondary test, the Office of Administrative Hearings shall make specific findings as to: (1) Whether the arresting law-enforcement officer had reasonable grounds to believe the person had been driving a motor vehicle in this state while under the influence of alcohol, controlled substances or drugs; (2) whether the person was lawfully placed under arrest for an offense involving driving under the influence of alcohol, controlled substances or drugs, or was lawfully taken into custody for the purpose of administering a secondary test:

*Provided*, That this element shall be waived in cases where no arrest occurred due to driver incapacitation; (3) whether the person committed an offense relating to driving a motor vehicle in this state while under the influence of alcohol, controlled substances or drugs; (4) whether the person refused to submit to the secondary test finally designated in the manner provided in section four, article five of this chapter; and (5) whether the person had been given a written statement advising the person that the person's license to operate a motor vehicle in this state would be revoked for at least forty-five days and up to life if the person refused to submit to the test finally designated in the manner provided in said section.

(r) If the Office of Administrative Hearings finds by a preponderance of the evidence that: (1) The investigating officer had reasonable grounds to believe the person had been driving a motor vehicle in this state while under the influence of alcohol, controlled substances or drugs; (2) whether the person was lawfully placed under arrest for an offense involving driving under the influence of alcohol, controlled substances or drugs, or was lawfully taken into custody for the purpose of administering a secondary test: *Provided*, That this element shall be waived in cases where no arrest occurred due to driver incapacitation; (3) the person committed an offense relating to driving a motor vehicle in this state while under the influence of alcohol, controlled substances or drugs; (4) the person refused to submit to the secondary test finally designated in the manner provided in section four, article five of this chapter; and (5) the person had been given a written statement advising the person that the person's license to operate a motor vehicle in this state would be revoked for at least forty-five days and up to life if the person refused to submit to the test finally designated, the commissioner shall revoke the person's license to operate a motor vehicle in this state for the periods specified in section seven, article five of this chapter. The revocation period prescribed in this subsection shall run concurrently with any other revocation period ordered under this section or section one of this article arising out of the same occurrence. The revocation period



prescribed in this subsection shall run concurrently with any other revocation period ordered under this section or section one of this article arising out of the same occurrence.

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

A person whose license is at issue and the commissioner shall be entitled to judicial review as set forth in chapter twenty-nine-a of this code. Neither the commissioner nor the Office of Administrative Hearings may stay enforcement of the order. The court may grant a stay or supersede as of the order only upon motion and hearing, and a finding by the court upon the evidence presented, that there is a substantial probability that the appellant shall prevail upon the merits and the appellant will suffer irreparable harm if the order is not stayed: *Provided*, That in no event shall the stay or supersede as of the order exceed one hundred fifty days. The Office of Administrative Hearings may not be made a party to an appeal. The party filing the appeal shall pay the Office of Administrative Hearings for the production and transmission of the certified file copy and the hearing transcript to the court. Notwithstanding the provisions of section four, article five of said chapter, the Office of Administrative Hearings may not be compelled to transmit a certified copy of the file or the transcript of the

hearing to the circuit court in less than sixty days. Circuit clerk shall provide a copy of the circuit court's final order on the appeal to the Office of Administrative Hearings by regular mail, by facsimile, or by electronic mail if available.

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

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

And,

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

**H. B. 2664** - "A Bill to amend and reenact §17C-5-2 of the Code of West Virginia, 1931, as amended; and to amend and reenact §17C-5A-2 of said code, all relating to creating 'Andrea, Willy and Nelson's Law'; making driving under the influence of alcohol, controlled substances or drugs causing death a felony in all instances; eliminating the misdemeanor offense of driving under the influence of alcohol, controlled substances or drugs; creating a new felony offense of driving while under the influence of alcohol, controlled substances or drugs causing serious bodily injury; providing definitions of 'bodily injury' and 'serious bodily injury'; providing that the West Virginia Rules of Evidence apply without exception to administrative proceedings concerning license revocation for driving under the influence; and providing that DUI information sheets may only be used

to refresh an officer's memory at administrative proceedings concerning license revocation for driving under the influence.”

On motion of Delegate Cowles, the House of Delegates refused to concur in the Senate amendments and requested the Senate to recede therefrom.

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

A message from the Senate, by

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

**Com. Sub. for H. B. 2934**, Repealing the common core standards.

On motion of Delegate Cowles, the bill was taken up for immediate consideration and the following Senate amendments were reported by the Clerk:

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

**“ARTICLE 2E. HIGH QUALITY EDUCATIONAL PROGRAMS.**

**§18-2E-5b. Legislative findings with respect to West Virginia's education standards; state superintendent duties.**

(a) The Legislature finds that:

(1) As the constitutional body charged with providing for a thorough and efficient system of schools, the Legislature has enacted, by general law, a process for improving education that includes four primary elements, these being: Standards, assessments, accountability and capacity building to ensure that students attain the knowledge and skills that result from a thorough and efficient system of education;

(2) The Legislature has the authority and the responsibility to establish and be engaged constructively in the determination of the knowledge and skills that students should know and be able to do as the result of a thorough and efficient education and this determination is made by using the process for improving education to determine when school improvement is needed, by evaluating the results and the efficiency of the system of schools, by ensuring accountability and by providing for the necessary capacity and its efficient use. As the constitutional body charged with the general supervision of schools as provided by the West Virginia Constitution, the state board has the authority and the responsibility to establish the standards, assess the performance and progress of students against the standards, hold schools and school systems accountable and assist schools and school systems to build capacity and improve efficiency so that the standards are met, including, when necessary, seeking additional resources in consultation with the Legislature and the Governor;

(3) Congressional reauthorization of the Elementary and Secondary Education Act (ESEA), known as the No Child Left Behind Act (NCLB), required states to implement state specific criterion referenced summative assessment tests, establish accountability measures and annual targets for adequate yearly progress through a U. S. Department of Education approved process, and impose designations and consequences on schools for failure to meet the annual targets necessary for all students to score at the proficient level on the tests by 2014;

(4) West Virginia moved to the new curriculum-based testing program during the 2003-04 school year with the WESTEST developed under a contract with CTB/McGraw Hill as a part of its compliance plan to meet the NCLB requirements;

(5) In March 2006, the West Virginia Board of Education assembled teams of master teachers to develop 21st Century Content Standards and Objectives for West Virginia Schools to incorporate higher levels of critical thinking and problem solving skills and

improve alignment with other national and international assessments. First placed on public comment for 60 days in July, 2005, these standards underwent several additional reviews by state and national experts and the public and several revisions before final adoption by the West Virginia Board of Education and placed into effect July 1, 2008;

(6) In May 2009, WESTEST 2, a new statewide assessment aligned with the new 21st Century Content Standards and Objectives, was administered for the first time;

(7) Also in 2009, West Virginia joined other states in an effort to develop Common Core State Standards. The West Virginia Board of Education, as recorded in the minutes of its May 12, 2010, meeting, unanimously approved the Common Core State Standards for English Language Arts and Literacy in History/Social Studies and Science and the Common Core State Standards for Mathematics for alignment with West Virginia's 21st Century Content Standards and Objectives for implementation beginning in fall 2011. Shortly thereafter, separate committees in these two subject areas, each consisting of classroom teachers and representatives of higher education faculty, began this work and placed a particular standard into the West Virginia framework only when the best available evidence indicated that its mastery was essential for college and career readiness;

(8) Following this process and a public comment period, the West Virginia Board of Education adopted Next Generation Content Standards and Objectives;

(9) A requirement for college and career readiness standards enacted during the 2013 regular legislative session in section thirty-nine, article two of this chapter directs the state board, the Higher Education Policy Commission and the Council for Community and Technical College Education to collaborate in formally adopting uniform and specific college and career readiness standards for English/language arts and math that allow for a determination of

whether a student needs to enroll in a post-secondary remedial course. The results on the statewide student assessment in grade eleven must be used to determine whether a student has met the college and career readiness standards in these subjects or allow for the student's enrollment in transitional courses in the twelfth grade if necessary;

(10) A decade-long trend of gradually closing the gap with national averages in math and scoring near or above the national averages in reading for West Virginia student scores on the National Assessment of Educational Progress (NAEP) reversed course beginning in 2001. This unintended negative consequence was likely, in part, the result of accumulated inconsistencies and loss of focus on sustained instructional improvement as teachers continually readjusted to frequently changing standards and assessments, and the system goal became how to avoid the harsh consequences of failing to meet the AYP targets required by NCLB as they increasing became statistically unattainable. As the 2014 deadline approached for 100% of students scoring proficient on the state summative assessment, it was apparent that no schools in West Virginia would achieve this NCLB goal and, therefore, all schools would be labeled as failing and face the required sanctions. In the face of long overdue reauthorization of the Elementary and Secondary Education Act, schools in West Virginia, like most across the country, had little choice but to seek the relief offered under the ESEA Flexibility process;

(11) West Virginia applied for flexibility during the 3rd application window, due September 6, 2012. The ESEA Flexibility Request required states to address three principles:

(A) Principle 1: College and Career-Ready Expectations for All Students;

(B) Principle 2: State-Developed Differentiated Recognition, Accountability and Support; and

(C) Principle 3: Supporting Effective Instruction and Leadership;

(12) West Virginia met Principle 1 with the adopted Next Generation Standards for English Language Arts and Mathematics, met Principle 2 by designing an accountability method and support system for schools recognized as success, transition, focus, support or priority schools based on rates of student academic growth and achievement, and met Principle 3 by modifying the statutory professional personnel performance evaluation system to place the entire measure of student learning for teachers of English Language Arts and Mathematics in the tested grades on the state summative assessment. West Virginia's ESEA Flexibility was approved in May, 2013;

(13) The state board has since also modified West Virginia's accountability system by adopting an A-F grading system for schools which will be embedded in the federal flexibility renewal request. It also has modified its rules for Next Generation Standards to comply with WV Code by adding twelfth grade transition courses in English Language Arts and Mathematics for students below the college and career ready level; and

(14) ESEA Flexibility is subject to continued monitoring by the U. S. Department of Education and is subject to renewal due March 31, 2015.

(b) The Legislature further finds that the funding for West Virginia public schools comes from about 59% state and 31% local revenue sources with the federal government contributing only about 10% of the state's total school funding. Federal funding under the Elementary and Secondary Education Act amounted to about \$362 million for the 2012-13 school year and supplements the education of disadvantaged and special needs students. The receipt of federal funding allows the federal government to require accountability for funds expended for certain educational purposes and to require college and career ready standards and aligned assessments. The West Virginia Board of Education and Department of Education shall collaborate with the federal government to implement these accountability systems in a manner which does not hamper their constitutional mandate to

supervise the free schools of the state and does not hamper the Legislature's constitutional mandate to provide a thorough and efficient system of free schools.

(c) In response to the foregoing findings the state superintendent shall:

(1) Undertake a comprehensive review of the standards to ensure that:

(A) West Virginia's standards are college and career ready as required in section thirty-nine, article two of this chapter;

(B) West Virginia's standards are revised as needed to ensure that West Virginia students will be adequately prepared for college and careers;

(C) Schools and school systems in West Virginia have adequate and appropriate curriculum and instructional strategies to provide instruction that enables students to meet college and career ready standards;

(D) Sufficient training and professional development is provided to equip teachers and leaders to utilize curriculum and instructional strategies that enable students to meet college and career ready standards; and

(E) Schools and school systems in West Virginia have appropriate information and resources to engage and assist parents with helping improve the learning of their children.

(2) Establish English Language Arts and Mathematics standards review committees which may be subdivided by content and grade level. The review committees shall assist and advise the state superintendent in the review and revision process to ensure that the standards recommended to the West Virginia Board of Education for



adoption are college and career ready. The review committees shall consist of, at a minimum, the following members:

(A) West Virginia certified teachers with subject matter and grade level expertise;

(B) At least one representative from each of the following groups:

(i) A West Virginia parent;

(ii) A West Virginia teacher organization representative;

(iii) A West Virginia school administrator;

(iv) A West Virginia principal;

(v) A representative of the West Virginia School Board Association;

(vi) A West Virginia employer;

(vii) Three Senators appointed by the President of the Senate, one of whom shall be the chair of the Senate Education Committee and one of whom shall be a member of the minority party, and three Delegates appointed by the Speaker of the House, one of whom shall be the chair of the House Education Committee and one of whom shall be a member of the minority party; and

(viii) Other individuals selected by the state superintendent.

(3) Conduct at least four regional town hall style meetings to engage members of the public in the standards review process: *Provided*, That the public also shall be provided an opportunity to participate in the standards review process through an online review and comment platform.

(4) Regularly inform the Legislature of any actions taken with respect to standards, assessments, accountability and professional

development through reporting to the Legislative Oversight Commission on Education Accountability.

(d) At the conclusion of the comprehensive review process set forth in subdivision (c) of this section, but not later than January 1, 2017, the state superintendent shall recommend to the West Virginia Board of Education such amendments, additions or deletions to the English Language arts and Mathematics standards as are necessary to assure that the standards are college and career ready.

(e) As part of review process the state superintendent shall recommend to the West Virginia Board of Education an appropriate schedule of statewide summative assessment schedule for grades 3-12. Also, as part of the review process, the state superintendent shall direct a review of the Student Data Accessibility, Transparency and Accountability Act set forth in section five-h, article two of this chapter and the longitudinal data system set forth in section ten, article one-d, chapter eighteen-b of this code.

(f) The collection of confidential student information and the disclosure of personally identifiable student information not in accordance with section five-h, article two of this chapter and other applicable state law is prohibited.

(g) As a result of the review process set forth in subsection (c) of this section, the state superintendent shall recommend to the state board the appropriate statewide summative assessments and schedule of assessments.

(h) The content standards and objectives based upon the Common Core State Standards for all programs of study in effect on March 14, 2015 shall remain in effect and may not be amended in any way until the comprehensive review process is completed in accordance with subsection (d) of this section.

(i) The Legislative Oversight Commission on Education Accountability shall monitor and inform the Legislature on implementation of this section.”

And,

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

**Com. Sub. for H. B. 2934** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2E-5b, relating to making findings with respect to a thorough and efficient education and role of the Legislature; making findings with respect to the West Virginia Board of Education; making findings with respect to the Elementary and Secondary Education Act and the affect of certain amendments; making findings with respect to changes in standards and assessments; making findings with respect to reverse in trend of improving student National Assessment of Educational Progress scores and likely causes; making findings with respect to ESEA flexibility relief, state application and subsequent actions; and making findings with respect to school funding sources, the influence of federal funds and the use of federal funds to coerce changes in standards, assessments and accountability system; making findings with respect to inappropriate usurpation of state sovereignty over public education and results sufficient to impede process for improving education; directing certain actions by state superintendent in response to findings; requiring state superintendent to undertake a comprehensive review of standards; requiring state superintendent to establish English Language Arts and Mathematics standards review committees; requiring state superintendent to conduct at least four regional town hall style meetings; require the public be provided an opportunity to participate in the standards review process through an online review and comment platform; requiring the state superintendent to regularly inform the legislature of certain actions; requiring the state superintendent to recommend to the state board such amendments, additions or deletions to the English Language Arts and Mathematics standards as are necessary to assure that the standards are college and career ready; requiring recommendation relating to an appropriate schedule of statewide summative assessment schedule; requiring review of the Student Data Accessibility, Transparency and

Accountability Act and the longitudinal data system; prohibiting collection and disclosure of certain information; requiring the state superintendent to make certain recommendations to the state board; requiring certain content standards and objectives remain in effect and not be amended until review process completed; and requiring the Legislative Oversight Commission on Education Accountability to monitor and inform the Legislature on the implementation of certain provisions.”

On motion of Delegate Cowles, the House of Delegates refused to concur in the Senate amendments and requested the Senate to recede therefrom.

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

### SPECIAL CALENDAR

#### THIRD READING

-continued-

**Com. Sub. for S. B. 529**, Relating to PERS, SPRS and TRS benefits and costs; on third reading, coming up in regular order, with amendments pending, and with restricted right to amend jointly by Delegates E. Nelson and Boggs, was reported by the Clerk.

An amendment, recommended by the Committee on Finance, was reported by the Clerk and adopted, amending the bill on page forty-nine, section twenty-one, line eighteen, following the word “member”, by inserting “who first becomes a member of the retirement system before July 1, 2015 and”.

On page ninety-nine, following line fifteen, by striking out all of section twenty-three in its entirety and inserting in lieu thereof the following:

**“18-7A-23. Withdrawal and death benefits.**

(a) Benefits upon withdrawal from service prior to retirement under the provisions of this article shall be as follows:

(1) A contributor who withdraws from service for any cause other than death, disability or retirement shall, upon application, be paid his or her accumulated contributions up to the end of the fiscal year preceding the year in which application is made, after offset of any outstanding loan balance, plus accrued loan interest, pursuant to section thirty-four of this article, but in no event shall interest be paid beyond the end of five years following the year in which the last contribution was made: *Provided*, That the contributor, at the time of application, is then no longer under contract, verbal or otherwise, to serve as a teacher; or

(2) Except as provided in section twenty-five-b of this article, if ~~If~~ the inactive member has completed twenty years of total service, he or she may elect to receive at age sixty an annuity which shall be computed as provided in this article: *Provided*, That if the inactive member has completed at least five, but fewer than twenty, years of total service in this state, he or she may elect to receive at age sixty-two an annuity which shall be computed as provided in this article. The inactive member must notify the retirement board in writing concerning the election. If the inactive member has completed fewer than five years of service in this state, he or she shall be subject to the provisions as outlined in subdivision (1) of this subsection.

(b) Benefits upon the death of a contributor prior to retirement under the provisions of this article shall be paid as follows:

(1) If the contributor was at least fifty years old and if his or her total service as a teacher or nonteaching member was at least twenty-five years at the time of his or her death, then the surviving spouse of the deceased, provided the spouse is designated as the sole primary refund beneficiary, is eligible for an annuity computed as though the deceased were actually a retirant at the time of death and had selected

a survivorship option which pays the spouse the same monthly amount which would have been received by the deceased; or

(2) If the facts do not permit payment under subdivision (1) of this subsection, then the following sum shall be paid to the refund beneficiary of the contributor: (A) The contributor's accumulated contributions up to the plan year of his or her death plus an amount equal to his or her member contributions. *Provided*, That the latter sum shall emanate from the Employer's Accumulation Fund; and (B) the refund beneficiary of any individual who became a member of the retirement system as a result of the voluntary transfer contemplated in article seven-d of this chapter shall also be paid the member contributions plus the vested portion of employer contributions made on his or her behalf to the Teachers' Defined Contribution Retirement System, plus any earnings thereon, as of June 30, 2008, as stated by the retirement board."

And,

On page one hundred six, section twenty-five-b, line seventeen, following the word "age", by striking out the words "sixty-four" and inserting in lieu thereof the word "sixty-two".

An amendment offered by Delegates Eldridge and Skinner was reported by the Clerk on page one hundred ten, line seven, following section twenty-five-b, by inserting the following:

**"ARTICLE 7D. VOLUNTARY TRANSFER FROM TEACHERS' DEFINED CONTRIBUTION RETIREMENT SYSTEM TO STATE TEACHERS RETIREMENT SYSTEM.**

**§18-7D-6. Service credit in State Teachers Retirement System following transfer; conversion of assets; adjustments.**

(a) Any member who has affirmatively elected to transfer to the state Teachers Retirement System within the period provided in section

seven of this article whose assets have been transferred from the Teachers' Defined Contribution Retirement System to the State Teachers Retirement System pursuant to the provisions of this article and who has not made any withdrawals or cash-outs from his or her assets is, depending upon the percentage of actively contributing members affirmatively electing to transfer, entitled to service credit in the State Teachers Retirement System in accordance with the provisions of subsection (c) of this section.

(b) Any member who has made withdrawals or cash-outs will receive service credit based upon the amounts transferred. The board shall make the appropriate adjustment to the service credit the member will receive.

(c) More than seventy-five percent of actively contributing members of the Teachers' Defined Contribution Retirement System affirmatively elected to transfer to the state Teachers Retirement System within the period provided in section seven of this article. Therefore, any member of the Defined Contribution Retirement System who decides to transfer to the State Teachers Retirement System, calculates his or her service credit in the State Teachers Retirement System as follows:

(1) For any member affirmatively electing to transfer, the member's State Teachers Retirement System credit shall be seventy-five percent of the member's Teachers' Defined Contribution Retirement System service credit, less any service previously withdrawn by the member or due to a qualified domestic relations order and not repaid;

(2) To receive full credit in the State Teachers Retirement System for service in the Teachers' Defined Contribution Retirement System for which assets are transferred, members who affirmatively elected to transfer and who provided to the board a signed verification of cost for service credit purchase form by the effective date of the amendments to this section enacted in the 2009 regular legislative session shall pay

into the State Teachers Retirement System a one and one-half percent contribution by no later than ~~June 30, 2009~~ July 1, 2015, or no later than ninety days after the postmarked date on a final and definitive contribution calculation from the board, whichever is later. This contribution shall be calculated as one and one-half percent of the member's estimated total earnings for which assets are transferred, plus interest of four percent per annum accumulated from the date of the member's initial participation in the Defined Contribution Retirement System through June 30, 2009: *Provided*, That any member who transferred and provided to the board a signed verification of cost for service credit purchase form by June 30, 2009, but was unable to complete the purchase of the one and one-half percent contribution, or any member who did not request a verification of cost letter but attempted to purchase the one and one-half percent contribution and was denied in writing by the board on or before December 31, 2009, may request the board on or before ~~April 15, 2010~~ April 15, 2015, to recalculate the contribution for ~~2010~~ 2015. To receive full credit, the member shall pay into the State Teachers Retirement System the recalculated purchase amount by ~~June 30, 2010~~ July 1, 2015, or no later than sixty days after the postmarked date on a contribution recalculation from the board, whichever is later. The recalculated contribution shall include the interest loss at the actuarial rate of seven and one-half percent. The board's executive director may correct clerical errors.

(A) For a member contributing to the Defined Contribution Retirement System at any time during the 2008 fiscal year and commencing membership in the State Teachers Retirement System on July 1, 2008, or August 1, 2008, as the case may be:

(i) The estimated total earnings shall be calculated based on the member's salary and the member's age nearest birthday on June 30, 2008;

(ii) This calculation shall apply both an annual backward salary scale from that date for prior years' salaries and a forward salary scale for the salary for the 2008 fiscal year.



(B) The calculations in paragraph (A) of this subdivision are based upon the salary scale assumption applied in the West Virginia Teachers Retirement System actuarial valuation as of July 1, 2007, prepared for the Consolidated Public Retirement Board. This salary scale shall be applied regardless of breaks in service.

(d) All service previously transferred from the State Teachers Retirement System to the Teachers' Defined Contribution Retirement System is considered Teachers' Defined Contribution Retirement System service for the purposes of this article.

(e) Notwithstanding any provision of this code to the contrary, the retirement of a member who becomes eligible to retire after the member's assets are transferred to the State Teachers Retirement System pursuant to the provisions of this article may not commence before September 1, 2008: *Provided*, That the Consolidated Public Retirement Board may not retire any member who is eligible to retire during the calendar year 2008 unless the member has provided a written notice to his or her county board of education by July 1, 2008, of his or her intent to retire.

(f) The provisions of section twenty-eight-e, article seven-a of this chapter do not apply to the amendments to this section enacted during the 2009 regular legislative session.”

And,

By amending the enacting section to read as follows:

“That §5-10-2, §5-10-14, §5-10-15, §5-10-15a, §5-10-20, §5-10-21 and §5-10-29 of the Code of West Virginia, 1931, as amended, be amended and reenacted; that said code be amended by adding thereto a new section, designated §5-10-21a; that §5-13-2 of said code be amended and reenacted; that §5-16-13 of said code be amended and reenacted; that §15-2A-21 of said code be amended and reenacted; that §18-7A-17, §18-7A-23, §18-7A-25 of said code be amended and

reenacted; that §18-7D-6 of said code be amended and reenacted; and that said code be amended by adding thereto two new sections, designated §18-7A-17a and §18-7a-25b, all to read as follows” followed by a colon.

Delegate Skinner was recognized and asked unanimous consent to offer an amendment to the amendment.

At the request of Delegate Cowles and by unanimous consent, the bill was placed at the foot of bills on third reading.

**Com. Sub. for S. B. 537**, Changing mandatory school instructional time from days to minutes; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 596**), and there were—yeas 100, nays none, absent and not voting none.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 537) passed.

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

On this question, the yeas and nays were taken (**Roll No. 597**), and there were—yeas 100, nays none, absent and not voting none.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 537) takes effect from its passage.

**Com. Sub. for S. B. 542**, Clarifying provisions of Consumer Credit and Protection Act relating to debt collection; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 598**), and there were—yeas 61, nays 34, absent

and not voting 5, with the nays and absent and not voting being as follows:

NAYS: Bates, Byrd, Cadle, Campbell, Caputo, Eldridge, Fleischauer, Fluharty, Frich, Guthrie, Hartman, Hornbuckle, Lane, Longstreth, Lynch, Manchin, Marcum, Miley, Moore, Morgan, Moye, Perdue, L. Phillips, R. Phillips, Pushkin, Reynolds, Rodighiero, Rowe, Skinner, P. Smith, Sponaugle, Statler, Trecost and Wagner.

ABSENT AND NOT VOTING: Hanshaw, Hicks, Moffatt, Sobonya and Summers.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 542) passed.

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

**Com. Sub. for S. B. 548**, Changing procedure for filling U. S. Senator vacancies; on third reading, coming up in regular order, was, at the request of Delegate Cowles, and by unanimous consent, placed at the foot of bills.

**S. B. 577**, Allowing higher education governing boards invest certain funds with nonprofit foundations; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 599**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Deem, Hamrick and Marcum

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 577) passed.

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

**S. B. 582**, Relating to Herbert Henderson Office of Minority Affairs; on third reading, coming up in regular order, with amendments pending and the right to amend, was reported by the Clerk.

On motion of Delegate Cowles, the bill was amended on page five, section one, line sixteen, following the word “review”, by striking out the word “the” and inserting in lieu thereof the words “and consider any”.

And,

On page five, section one, line eighteen, following the word “recommendations”, by inserting a period and striking out the remainder of the sentence.

The bill was then read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 600**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Walters.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 582) passed.

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

On this question, the yeas and nays were taken (**Roll No. 601**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Walters.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 582) takes effect from its passage.

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

**S. B. 584**, Transferring Cedar Lakes Camp and Conference Center to private, nonstock, not-for-profit corporation; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 602**), and there were—yeas 98, nays 1, absent and not voting 1, with the nays and absent and not voting being as follows:

NAYS: Pushkin.

ABSENT AND NOT VOTING: Walters.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 584) passed.

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

**Com. Sub. for S. B. 537**, Changing mandatory school instructional time from days to minutes; still being in possession of the Clerk, was taken up for further consideration.

On motion of Delegate Cowles the House of Delegates then reconsidered the vote on the effective date of the bill.

An amendment, recommended by the Committee on Education, was reported by the Clerk and adopted, amending the bill as follows:

**Com. Sub. for S. B. 537** - “A Bill to amend and reenact §18-5-45 of the Code of West Virginia, 1931, as amended, relating to the school

calendar; requiring county board lost time recovery policies to include recovery for emergency closures and restricting applicable lost time to conditions that make attendance unsafe for students; requiring instructional time accrued or added in excess of certain minimums counted toward meeting 180 separate instructional day requirement; specifying per day minimums and amounts accumulated that count as day recovered for schools of different grade levels; counting days recovered prior to scheduling instruction on other days; authorizing decrease of instructional term for declared state of emergency or emergency preparedness; removing expired provisions; and referencing other alternative provisions for school term or instructional term approval.”

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

On this question, the yeas and nays were taken (**Roll No. 603**), and there were—yeas 100, nays none, absent and not voting none.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 537) takes effect from its passage.

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

#### MESSAGES FROM THE SENATE

A message from the Senate, by

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

**Com. Sub. for S. B. 518**, Permitting county and municipal economic development authorities invest certain funds.

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

Senators M. Hall, Blair and Snyder.

A message from the Senate, by

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

**Com. Sub. for S. B. 192**, Authorizing Department of Transportation promulgate legislative rules.

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

Senators Trump, Carmichael and Palumbo.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had refused to recede from its amendment and requested the House of Delegates to agree to the appointment of a Committee of Conference of three from each house on the disagreeing votes of the two houses as to

**Com. Sub. for H. B. 2664**, Creating “Andrea and Willy’s Law”; increasing certain penalties for driving under the influence of alcohol, controlled substances or drugs.

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

Senators Walters, Gaunch and Palumbo.

On motion of Delegate Cowles, the House of Delegates agreed to the appointment of a Committee of Conference of three from each house on the disagreeing votes of the two houses.

Whereupon,

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

Delegates Sobonya, Summers and Byrd.

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

At 6:20 P.M., on motion of Delegate Cowles, the House of Delegates recessed until 7:30 P.M.

### MESSAGES FROM THE SENATE

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had refused to recede from its amendment and requested the House of Delegates to agree to the appointment of a Committee of Conference of three from each house on the disagreeing votes of the two houses as to

**H. B. 2646**, Legalizing and regulating the sale and use of fireworks.

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

Senators D. Hall, Leonhardt and Williams.

On motion of Delegate Cowles, the House of Delegates agreed to the appointment of a Committee of Conference of three from each house on the disagreeing votes of the two houses.

Whereupon,

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

Delegates O'Neal, Cooper and R. Phillips.

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



A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, without amendment, of concurrent resolutions of the House of Delegates as follows:

**H. C. R. 7**, The Kenneth A. Chapman, Sr. Memorial Bridge,

**Com. Sub. for H. C. R. 24**, The US Army SP5 Johnnie Marvin Ayers Memorial Bridge,

**H. C. R. 30**, The Baisden Family Memorial Bridge,

**Com. Sub. for H. C. R. 32**, The Lipscomb Brothers Veterans Bridge,

**Com. Sub. for H. C. R. 39**, The USMC LCpl Julius C. “Corky” Foster Memorial Bridge,

**Com. Sub. for H. C. R. 42**, The Boyhood Home of Booker T. Washington,

**Com. Sub. for H. C. R. 98**, Jack Furst Drive,

And,

**H. C. R. 131**, Requesting the Joint Committee on Government and Finance to study the issues, needs and challenges facing senior citizens in this state.

A message from the Senate, by

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

**Com. Sub. for H. B. 2571**, Creating a fund for pothole repair contributed to by private businesses or entities,

**H. B. 2598**, Ensuring that teachers of students with disabilities receive complete information about the school’s plan for accommodating the child’s disabilities,

**Com. Sub. for H. B. 2810**, Implementing the West Virginia Property Rescue Initiative to reduce the number of properties posing a threat to public health and safety,

**H. B. 2877**, Relating to electronic filing of tax returns and electronic funds transfers in payment of taxes,

And,

**Com. Sub. for H. B. 3006**, Relating to the determination of the adjusted rate established by the Tax Commissioner for the administration of tax deficiencies.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, to take effect from passage, the following bills of the House of Delegates:

**Com. Sub. for H. B. 2160**, WV Schools for the Deaf and Blind eligible for School Building Authority funding,

**Com. Sub. for H. B. 2772**, Expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, from the Auditor's Office - Purchasing Card Administration Fund,

**Com. Sub. for H. B. 2766**, Expiring funds to the unappropriated balance in the State Fund, General Revenue from the Joint Expenses, and from the Department of Health and Human Resources,

**H. B. 3020**, Making a supplementary appropriation to the Department of Military Affairs and Public Safety, Division of Corrections,

**H. B. 3021**, Making a supplementary appropriation to the Department of Health and Human Resources,

And,

**H. B. 3022**, Making a supplementary appropriation to the Treasurer's Office, to the State Board of Education, to Mountwest Community and Technical College, to the West Virginia School of Osteopathic Medicine, and to West Virginia State University.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, to take effect July 1, 2015, a bill of the House of Delegates as follows:

**Com. Sub. for H. B. 2840**, Providing an alternative plan to make up lost days of instruction.

### SPECIAL CALENDAR

#### THIRD READING

-continued-

**Com. Sub. for S. B. 529**, Relating to PERS, SPRS and TRS benefits and costs; on third reading, was reported by the Clerk.

Delegate Skinner asked and obtained unanimous consent that the amendment reported previously be replaced.

On motion of Delegates Eldridge and Skinner the bill was amended on page one hundred ten, line seven, after section twenty-five (b), by inserting the following:

**“ARTICLE 7D. VOLUNTARY TRANSFER FROM TEACHERS’ DEFINED CONTRIBUTION RETIREMENT SYSTEM TO STATE TEACHERS RETIREMENT SYSTEM.**

**§18-7D-6. Service credit in State Teachers Retirement System following transfer; conversion of assets; adjustments.**

(a) Any member who has affirmatively elected to transfer to the state Teachers Retirement System within the period provided in section

seven of this article whose assets have been transferred from the Teachers' Defined Contribution Retirement System to the state Teachers Retirement System pursuant to the provisions of this article and who has not made any withdrawals or cash-outs from his or her assets is, depending upon the percentage of actively contributing members affirmatively electing to transfer, entitled to service credit in the State Teachers Retirement System in accordance with the provisions of subsection (c) of this section.

(b) Any member who has made withdrawals or cash-outs will receive service credit based upon the amounts transferred. The board shall make the appropriate adjustment to the service credit the member will receive.

(c) More than seventy-five percent of actively contributing members of the Teachers' Defined Contribution Retirement System affirmatively elected to transfer to the state Teachers Retirement System within the period provided in section seven of this article. Therefore, any member of the Defined Contribution Retirement System who decides to transfer to the State Teachers Retirement System, calculates his or her service credit in the State Teachers Retirement System as follows:

(1) For any member affirmatively electing to transfer, the member's State Teachers Retirement System credit shall be seventy-five percent of the member's Teachers' Defined Contribution Retirement System service credit, less any service previously withdrawn by the member or due to a qualified domestic relations order and not repaid;

(2) To receive full credit in the State Teachers Retirement System for service in the Teachers' Defined Contribution Retirement System for which assets are transferred, members who affirmatively elected to transfer and who provided to the board a signed verification of cost for service credit purchase form by the effective date of the amendments to this section enacted in the 2009 regular legislative session shall pay into the State Teachers Retirement System a one and one-half percent

contribution by no later than ~~June 30, 2009~~ July 1, 2015, or no later than ninety days after the postmarked date on a final and definitive contribution calculation from the board, whichever is later. This contribution shall be calculated as one and one-half percent of the member's estimated total earnings for which assets are transferred, plus interest of four percent per annum accumulated from the date of the member's initial participation in the Defined Contribution Retirement System through June 30, 2009, and interest of seven and one-half percent per annum accumulated from July 1, 2009 through July 1, 2015:: *Provided*, That any member who transferred and provided to the board a signed verification of cost for service credit purchase form by June 30, 2009, but was unable to complete the purchase of the one and one-half percent contribution, or any member who did not request a verification of cost letter but attempted to purchase the one and one-half percent contribution and was denied in writing by the board on or before December 31, 2009, may request the board on or before ~~April 15, 2010~~ April 15, 2015, to recalculate the contribution for ~~2010~~ 2015. To receive full credit, the member shall pay into the State Teachers Retirement System the recalculated purchase amount by ~~June 30, 2010~~ July 1, 2015, or no later than sixty days after the postmarked date on a contribution recalculation from the board, whichever is later. The recalculated contribution shall include the interest loss at the actuarial rate of seven and one-half percent. The board's executive director may correct clerical errors.

(A) For a member contributing to the Defined Contribution Retirement System at any time during the 2008 fiscal year and commencing membership in the State Teachers Retirement System on July 1, 2008, or August 1, 2008, as the case may be:

(i) The estimated total earnings shall be calculated based on the member's salary and the member's age nearest birthday on June 30, 2008;

(ii) This calculation shall apply both an annual backward salary scale from that date for prior years' salaries and a forward salary scale for the salary for the 2008 fiscal year.

(B) The calculations in paragraph (A) of this subdivision are based upon the salary scale assumption applied in the West Virginia Teachers Retirement System actuarial valuation as of July 1, 2007, prepared for the Consolidated Public Retirement Board. This salary scale shall be applied regardless of breaks in service.

(d) All service previously transferred from the State Teachers Retirement System to the Teachers' Defined Contribution Retirement System is considered Teachers' Defined Contribution Retirement System service for the purposes of this article.

(e) Notwithstanding any provision of this code to the contrary, the retirement of a member who becomes eligible to retire after the member's assets are transferred to the State Teachers Retirement System pursuant to the provisions of this article may not commence before September 1, 2008: *Provided*, That the Consolidated Public Retirement Board may not retire any member who is eligible to retire during the calendar year 2008 unless the member has provided a written notice to his or her county board of education by July 1, 2008, of his or her intent to retire.

(f) The provisions of section twenty-eight-e, article seven-a of this chapter do not apply to the amendments to this section enacted during the 2009 regular legislative session or the 2015 regular legislative session."

And,

By amending the enacting section to read as follows:

"That §5-10-2, §5-10-14, §5-10-15, §5-10-15a, §5-10-20, §5-10-21 and §5-10-29 of the Code of West Virginia, 1931, as amended, be amended and reenacted; that said code be amended by adding thereto a new section, designated §5-10-21a; that §5-13-2 of said code be amended and reenacted; that §5-16-13 of said code be amended and reenacted; that §15-2A-21 of said code be amended and reenacted; that §18-7A-17, §18-7A-23, §18-7A-25 of said code be amended and

reenacted; that §18-7D-6 of said code be amended and reenacted; and that said code be amended by adding thereto two new sections, designated §18-7A-17a and §18-7a-25b, all to read as follows” and a colon.

The bill was then read a third time.

Delegates J. Nelson and Ambler requested to be excused from voting on the passage of Com. Sub. for S. B. 529 under the provisions of House Rule 49.

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 604**), and there were—yeas 58, nays 41, absent and not voting 1, with the nays and absent and not voting being as follows:

**NAYS:** Ambler, Anderson, Bates, Boggs, Byrd, Cadle, Campbell, Caputo, Duke, Ferro, Fleischauer, Fluharty, Guthrie, Hartman, Hicks, Hornbuckle, Kelly, Lane, Longstreth, Lynch, Manchin, Marcum, Miley, Moore, Morgan, Moye, Perdue, Perry, Pethtel, L. Phillips, R. Phillips, Pushkin, Reynolds, Rodighiero, Rowe, P. Smith, Sponaugle, Trecost, Upton, H. White and Williams.

**ABSENT AND NOT VOTING:** Statler.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 529) passed.

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

**Com. Sub. for S. B. 529** - “A bill to amend and reenact §5-10-2, §5-10-14, §5-10-15, §5-10-15a, §5-10-20, §5-10-21 and §5-10-29 of the Code of West Virginia, 1931, as amended; to amend said code by

adding thereto a new section, designated §5-10-21a; to amend and reenact §5-13-2 of said code; to amend and reenact §5-16-13 of said code; to amend and reenact §5-2A-21 of said code; to amend and reenact §18-7D-6 of said code; to amend and reenact §18-7A-17, §18-7A-23 and §18-7A-25 of said code; and to amend said code by adding thereto two new sections, designated §18-7A-17a and §18-7A-25b, all relating generally to benefits and costs for certain members of the West Virginia Public Employees Retirement System, State Police Retirement System and Teachers Retirement System; calculating final average salary and service credit for certain public employees; authorizing purchase of military service for certain members of the West Virginia Public Employees Retirement System and Teachers Retirement System; providing military service credit for certain members of the West Virginia Public Employees Retirement System; increasing contribution rate and years of contributing service required for certain public employees to qualify for certain annuities; providing for determination of years of service; providing that accrued annual and sick leave of certain employees participating in the West Virginia Public Employees Retirement System, the State Police Retirement System and the Teachers Retirement System may not be applied for retirement service credit; allowing certain persons to buy service credit and interest into the West Virginia Public Employees Retirement System for service in the Teachers Retirement System; and revising the reciprocal retirement provisions for certain members of the teachers and the public employees system.”

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

On this question, the yeas and nays were taken (**Roll No. 605**), and there were—yeas 66, nays 34, absent and not voting none, with the nays being as follows:

NAYS: Boggs, Byrd, Campbell, Caputo, Duke, Faircloth, Ferro, Fleischauer, Fluharty, Guthrie, Hicks, Hornbuckle, Longstreth, Lynch, Manchin, Marcum, Miley, Moore, Morgan, Moye, Perdue, Perry, Pethtel, L. Phillips, Pushkin, Reynolds, Rodighiero, Rowe, P. Smith, Sponaugle, Trecost, Upson, H. White and Williams.



So, two thirds of the members elected to the House of Delegates not having voted in the affirmative, the Speaker declared the motion rejected.

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

Having voted on the prevailing side, Delegate Manchin moved to reconsider action on the effective date of Com. Sub. for S. B. 529.

Whereupon,

Delegate Manchin then withdrew the motion.

#### CONFERENCE COMMITTEE REPORT AVAILABILITY

At 8:18 p.m., the Clerk announced the availability in his office of the report of the Committee on Conference on Com. Sub. for H. B. 2664, Com. Sub. for H. B. 2939 and Com. Sub. for S. B. 192.

#### MESSAGES FROM THE SENATE

A message from the Senate, by

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

**H. B. 2161**, Adopting the Uniform Act on Prevention of and Remedies for Human Trafficking.

On motions of Delegate Cowles, the bill was taken up for immediate consideration and the House of Delegates concurred in the following Senate amendments:

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

“That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new article, designated §15-14-1, §15-14-2, §15-14-3, §15-14-4, §15-14-5 and §15-14-6; that §61-2-17 of said code be amended and reenacted; that said code be amended by adding

thereto two new sections, designated §61-2-17a and §61-2-17b; and that §62-1D-8 of said code be amended and reenacted, all to read as follows:

## **CHAPTER 15. PUBLIC SAFETY.**

### **ARTICLE 14. UNIFORM ACT ON PREVENTION OF AND REMEDIES FOR HUMAN TRAFFICKING.**

#### **§15-14-1. Short title.**

This article may be cited as the Uniform Act on Prevention of and Remedies for Human Trafficking.

#### **§15-14-2. Legislative findings.**

(a) The Legislature hereby finds and declares that:

(1) Human trafficking constitutes a serious problem in West Virginia and across the nation;

(2) Human trafficking is abhorrent to a civilized society and deserving of the most diligent response from the state;

(3) Human trafficking often involves minors who have been forced into involuntary servitude and commercial sexual activity;

(4) Human trafficking can take many forms, but generally includes the use of physical abuse, threats of harm, or fear of other consequences to prevent victims from reporting the activity; and

(5) Human trafficking creates a cycle of violence, impacting victims, families, and communities.

(b) The Legislature further finds and declares that:

(1) Legislation is required to combat this despicable practice, to make it easier to prosecute and punish persons who engage in human trafficking and to protect and support the victims; and

(2) The Legislature supports a comprehensive approach to combating human trafficking, which approach includes prevention, protection, prosecution, and partnerships.

(c) Now, therefore, the Legislature joins the federal government and other states around the nation in passing legislation in order to combat human trafficking and protect the victims.

**§15-14-3. Definitions.**

Unless otherwise specified in this article, the terms used in this article have same meaning ascribed to them by section seventeen, article two, chapter sixty-one of this code. ‘Commission’ means the Commission on the Prevention of Human Trafficking.

**§15-14-4. Commission on the Prevention of Human Trafficking.**

(a) The Commission on Human Trafficking is hereby created. Membership on the commission consists of the following:

(1) The Director of the Division of Justice and Community Service or a designee;

(2) The Attorney General, or a designee;

(3) The Secretary of the Department of Health and Human Resources, or a designee;

(4) The Superintendent of the State Police, or a designee;

(5) The Commissioner of Labor, or a designee;

(6) The Commissioner of the Division of Highways, or a designee;

(7) The Director of Juvenile Services, or a designee;

(8) A representative of the West Virginia Sheriff’s Association, selected by the membership of the Association;

(9) A representative from the membership of the West Virginia Chiefs of Police Association, selected by the membership of the Association;

(10) A representative of the West Virginia Prosecuting Attorneys Association, selected by the leadership of the Association;

(11) A representative from the membership of the West Virginia Foundation for Rape and Information Services, selected by the membership of the Foundation;

(12) A representative from the membership of the West Virginia Child Advocacy Network, selected by the membership of the Network; and

(13) A representative from the membership of the West Virginia Coalition Against Domestic Violence, selected by the membership of the Coalition;

(b) The state agencies represented on the commission created under this section shall provide staff to the commission.

(c) The first meeting of the commission shall be held no later than September 1, 2015, where the members of the commission shall elect a chairperson. Thereafter, the commission shall meet at least twice each calendar year. Meetings may be held via teleconference or other electronic means. A majority of the members of the council constitute a quorum.

(d) The commission created under this section shall:

(1) Develop a coordinated and comprehensive plan to provide victims with services;

(2) Promote public awareness about human trafficking, victim remedies and services, and trafficking prevention;

(3) Create a public-awareness poster that contains the National Human Trafficking Resource Center hotline information;

(4) Develop a concise card or brochure for victims, concerning their rights to any state, federal, or privately funded services;

(5) Coordinate training on human-trafficking prevention and victim services for state and local employees who may have recurring contact with victims or perpetrators; and

(6) Submit a report to the Governor and the Joint Committee on Government and Finance summarizing the accomplishments of the commission during the preceding fiscal year and making recommendations regarding the development and coordination of the state's responses to fight human trafficking and support victims.

**§15-14-5. Display of public-awareness poster; penalty for failure to display.**

(a) The Division of Highways shall display a public-awareness poster that contains the National Human Trafficking Resource Center hotline information in every rest area and welcome center in the state which is open to the public.

(b) An employer shall display the public-awareness poster described in subsection (a) in a place that is clearly conspicuous and visible to employees and the public at each of the following locations in this state at which the employer has employees:

(1) A strip club or other sexually-oriented business;

(2) A business entity that has been found to be in violation of section five, article eight, chapter sixty-one of this code;

(3) A job-recruitment center;

(4) A hospital; or

(5) An emergency-care provider.

**§15-14-6. Eligibility for services.**

(a) A victim is eligible for benefits or services available through the state or identified in the plan developed under subsection (d), section four of this article, including, but not limited to, the advocacy and shelter services required by article twenty-six, chapter forty-eight of this code.

(b) A victim is eligible for compensation under the Crime Victim's Compensation Fund established in article two-a, chapter fourteen of this code.

(c) A minor who has engaged in commercial sexual activity is eligible for benefits or services available through the state and identified in the plan developed under subsection (d), section four of this article, including, but not limited to, the children's protective services required by article six, chapter forty-nine of this code.

(d) As soon as practicable after a first encounter with an individual who reasonably appears to a law-enforcement officer to be a victim or minor who has engaged in commercial sexual activity, the law enforcement officer shall notify the appropriate agencies identified in the co-ordinated and comprehensive plan developed under subsection (d), section four of this article, that the individual may be eligible for a benefit or service under this code. Nothing in this article is intended to prevent individuals from reporting suspected commercial sexual activity of a victim or minor to law enforcement, or any other appropriate agency or entity.

**CHAPTER 61. CRIMES AND THEIR PUNISHMENT.**

**ARTICLE 2. CRIMES AGAINST THE PERSON.**

**§61-2-17. Human trafficking; criminal penalties.**

(a) As used in this section:

(1) 'Coercion' means:

(A) The use or threat of force against, abduction of, serious harm to, or physical restraint of, an individual;

(B) The use of a plan, pattern, or statement with intent to cause an individual to believe that failure to perform an act will result in the use of force against, abduction of, serious harm to, or physical restraint of, an individual;

(C) The abuse or threatened abuse of law or legal process;

(D) Controlling or threatening to control an individual's access to a controlled substance as defined in article two, chapter sixty-a of this code;

(E) The destruction or taking of or the threatened destruction or taking of an individual's identification document or other property;

(F) The use of debt bondage;

(G) The use of an individual's physical or mental impairment when the impairment has a substantial adverse effect on the individual's cognitive or volitional function; or

(H) The commission of civil or criminal fraud.

(H) (2) 'Debt bondage' means inducing an individual to provide:

(A) Commercial sexual activity in payment toward or satisfaction of a real or purported debt; or

(B) Labor or services in payment toward or satisfaction of a real or purported debt, if the status or condition of a debtor arising from a pledge by the debtor of the debtor's personal services, or those of a person under the debtor's control as a security for debt, if the value of those services as reasonably assessed is not applied toward the liquidation of the debt or the length and nature of those services are not respectively limited and defined.

~~(2)~~ (3) 'Forced labor or services' means labor or services that are performed or provided by ~~another~~one person and are obtained or maintained through a another person's:

(A) Threat, either implicit or explicit, deception or fraud, scheme, plan, or pattern, or other action intended to cause a person to believe that, if the person did not perform or provide the labor or services that person or another person would suffer serious bodily harm or physical restraint: *Provided*, That, this does not include work or services provided by a minor to the minor's parent or legal guardian so long as the legal guardianship or custody of the minor was not obtained for the purpose compelling the minor to participate in commercial sex acts or sexually explicit performance, or perform forced labor or services.

(B) Physically restraining or threatening to physically restrain a person;

(C) Abuse or threatened abuse of the legal process; or

(D) Knowingly destroying, concealing, removing, confiscating, or possessing any actual or purported passport or other immigration document, or any other actual or purported government identification document, of another person.

'Forced labor or services' does not mean labor or services required to be performed by a person in compliance with a court order or as a required condition of probation, parole, or imprisonment.

~~(3)~~ (4) 'Human trafficking' means the labor trafficking or sex trafficking involving adults or minors where two or more persons are trafficked within any one year period the commission of an offense created by subsection (b) of this section.

(5) 'Identification document' means a passport, driver's license, immigration document, travel document or other government-issued identification document, including a document issued by a foreign government.



(6) ‘Labor or services’ means activity having economic value.

(7) ‘Person’ means an individual, estate, business or nonprofit entity, or other legal entity. The term does not include a public corporation or government or governmental subdivision agency or instrumentality.

(8) ‘Sexual activity’ includes sexual contact, sexual intercourse, and sexual intrusion as defined by section one, article eight-b, chapter sixty-one of this code. The term also includes a sexually explicit performance.

(9) ‘Sexually explicit performance’ means an act or show, whether public or private, live, or photographed, recorded, or videotaped, intended to appeal to an individual’s prurient interest or to depict in a patently offensive way, sexual conduct, and to do so in a way that lacks artistic or scientific value.

(10) ‘Victim’ means an individual who is subjected to human trafficking or to conduct that would have constituted human trafficking had this section been in effect when the conduct occurred, regardless of whether a perpetrator is identified, apprehended, prosecuted, or convicted.

~~(4) ‘Labor trafficking’ means the promotion, recruitment, transportation, transfer, harboring, enticement, provision, obtaining or receipt of a person by any means, whether a United States citizen or foreign national, for the purpose of:~~

~~(A) Debt bondage or forced labor or services; or~~

~~(B) Slavery or practices similar to slavery.~~

~~(5) ‘Sex trafficking of minors’ means the promotion, recruitment, transportation, transfer, harboring, enticement, provision, obtaining or receipt of a person under the age of eighteen by any means, whether a United States citizen or foreign national, for the purpose of causing the~~

~~minor to engage in sexual acts, or in sexual conduct violating the provisions of subsection (b), section five, article eight of this chapter or article eight-c of this chapter.~~

~~(6) ‘Sex trafficking of adults’ means the promotion, recruitment, transportation, transfer, harboring, enticement, provision, obtaining, receipt of a person eighteen years of age or older, whether a United States citizen or foreign national for the purposes of engaging in violations of subsection (b), section five, article eight of this chapter by means of force, threat, coercion, deception, abuse or threatened abuse of the legal process, or any scheme, plan, pattern, or other action intended to cause a person to believe that, if the person did not engage in a violation of subsection (b), section five, article eight of this chapter, that person or another person would suffer serious bodily harm or physical restraint.~~

(b) A person commits the offense of human trafficking if the person:

(1) Knowingly recruits, transports, transfers, harbors, receives, provides, obtains, isolates, maintains, or entices an individual in furtherance of forced labor or to coerce an individual to engage in commercial sexual activity.

(2) Knowingly uses coercion to compel an individual to provide labor or services, except when such conduct is permissible under federal law or state law.

(3) Knowingly maintains or makes available a minor for the purpose of engaging the minor in commercial sexual activity; or

(4) Uses coercion or deception to compel an adult to engage in commercial sexual activity.

(c) A business entity may be prosecuted for human trafficking under this section if:

(1) The entity knowingly engaged in conduct that constitutes human trafficking; or

(2) An employee or agent of the entity engaged in conduct that constitutes human trafficking and the commission of the offense was part of a pattern of illegal activity under this section for the benefit of the entity, which the entity knew was occurring and failed to take effective action to stop.

~~(b)~~(d) Any person who knowingly and willfully engages in human trafficking is guilty of a felony and, upon conviction shall be incarcerated in a state correctional facility for an indeterminate sentence of not less than three nor more than fifteen years or fined not more than \$200,000, or both. Any business entity that engages in human trafficking may be fined not more than \$500,000 for each offense, be required to disgorge profit from activity in violation of this section pursuant to section five, article thirteen of this chapter, and be debarred from state and local government contracts.

~~(c)~~ (e) A victim may bring a civil action against a person that commits an offense of human trafficking for compensatory damages, punitive damages, injunctive relief, and any other appropriate relief. The court may award compensatory damages, punitive damages, injunctive relief and any other appropriate relief. A prevailing victim is also entitled to attorney's fees and costs. Treble damages shall be awarded on proof of actual damages where defendant's acts were willful and malicious. An action under this section must be commenced not later than ten (10) years after the later date on which the victim was freed from the human trafficking situation, or attained 18 years of age. Damages awarded to the victim under this section must be offset by any other restitution paid to the victim. This section does not preclude any other remedy available to the victim under federal law or the law of this state other than the Uniform Act on Prevention of and Remedies for Human Trafficking.

~~(d)~~ (f) Notwithstanding the definition of victim in subsection (k), section three, article two-a, chapter fourteen of this code, a person who

is a victim of human trafficking is a victim for all purposes of article two-a, chapter fourteen of this code.

~~(e)~~ (g) This article and the rights and remedies provided in this article are cumulative and in addition to other existing rights.

~~(f) Notwithstanding the age and criminal history limitations set forth in section twenty-six, article eleven of this chapter, any person convicted of prostitution in violation of subsection (b), section five, article eight of this chapter where the conviction was a result of the person being a victim of human trafficking as defined in this section, may petition the circuit court of the county of conviction for an order of expungement pursuant to section twenty-six, article eleven of this chapter.~~

~~No victim of human trafficking seeking relief under this subsection shall be required to prove her or she has rehabilitated himself or herself in order to obtain expungement.~~

#### **§61-2-17a. Immunity of a minor victim of sex trafficking.**

(a) The terms used in this section have the same meaning ascribed to them by subsection (a), section seventeen of this article.

(b) An individual is not criminally liable or subject to juvenile-delinquency proceedings for prostitution, in violation of subsection (b), section five, article eight of this chapter, if the individual was a minor at the time of the offense and committed the offense as a direct result of being a victim.

(c) A minor who under subsection (a) or (b) is not subject to criminal liability or a juvenile-delinquency proceeding is presumed to be a neglected or abused child, in need of services under section nine, article six, chapter forty-nine of this code.

(d) This section does not apply in a prosecution or a juvenile-delinquency proceeding for soliciting, inducing, enticing or

procuring a prostitute in violation of subsection (b), section five, article eight of this chapter.

**§61-2-17b. Petition to vacate and expunge conviction of sex trafficking victim.**

(a) The terms used in this section have the same meaning ascribed to them by subsection (a), section seventeen of this article.

(b) Notwithstanding the age and criminal history limitations set forth in section twenty-six, article eleven of this chapter, an individual convicted of prostitution in violation of subsection (b), section five, article eight of this chapter as a direct result of being a victim of human trafficking may apply by petition to the circuit court in the county of conviction to vacate the conviction and expunge the record of conviction. The court may grant the petition on a finding that the individual's participation in the offense was a direct result of being a victim of human trafficking.

(c) No victim of human trafficking seeking relief under this section shall be required to prove he or she has rehabilitated himself or herself in order to obtain expungement.

(d) A petition filed under subsection (b), any hearing conducted on the petition, and any relief granted shall meet the procedural requirements of section twenty-six, article eleven, chapter sixty-one of this code: *Provided*, That a victim of human trafficking is not subject to the age and criminal history limitations set forth in that section.

**CHAPTER 62. CRIMINAL PROCEDURE.**

**ARTICLE 1D. WIRETAPPING AND ELECTRONIC SURVEILLANCE ACT.**

**§62-1D-8. County prosecuting attorney or duly appointed special prosecutor may apply for order authorizing interception.**

The prosecuting attorney of any county or duly appointed special prosecutor may apply to one of the designated circuit judges referred

to in section seven of this article and such judge, in accordance with the provisions of this article, may grant an order authorizing the interception of wire, oral or electronic communications by an officer of the investigative or law-enforcement agency when the prosecuting attorney or special prosecutor has shown reasonable cause to believe the interception would provide evidence of the commission of: (i) Kidnaping or abduction as defined and prohibited by the provisions of sections fourteen and fourteen-a, article two, chapter sixty-one of this code and including threats to kidnap or demand ransom as defined and prohibited by the provisions of section fourteen-c of said article two; or (ii) of any offense included and prohibited by section eleven, article four, chapter twenty-five of said code, sections eight, nine and ten, article five, chapter sixty-one of said code or section one, article eight, chapter sixty-two of said code to the extent that any of said sections provide for offenses punishable as a felony; or (iii) dealing, transferring or trafficking in any controlled substance or substances in the felonious violation of chapter sixty-a of this code; or (iv) human trafficking as defined and prohibited by section seventeen, article two, chapter sixty-one of this code; or ~~(iv)~~(v) any aider or abettor to any of the foregoing offenses or any conspiracy to commit any of the foregoing offenses if any aider, abettor or conspirator is a party to the communication to be intercepted.”

And,

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

**H. B. 2161** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §15-14-1, §15-14-2, §15-14-3, §15-14-4, §15-14-5 and §15-14-6; to amend and reenact §61-2-17 of said code; to amend said code by adding thereto two new sections, designated §61-2-17a and §61-2-17b; and to amend and reenact §62-1D-8 of said code, all relating to adopting the Uniform Act on Prevention of and Remedies for Human Trafficking; creating a Commission on the Prevention of Human Trafficking; requiring the public posting of hotline information in certain business and public

locations; making services available to victims of human trafficking; providing victims immunity from criminal prosecution for certain crimes directly resulting from human trafficking; changing the definition of human trafficking; expanding criminal remedies and enforcement tools to combat human trafficking and allowing victims to petition the circuit court to vacate and expunge a conviction for certain crimes directly resulting from human trafficking.”

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 606**), and there were—yeas 94, nays none, absent and not voting 6, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Azinger, D. Evans, Fast, Marcum, R. Smith and Walters.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2161) passed.

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

A message from the Senate, by

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

**Com. Sub. for H. B. 2266**, Relating to the publication requirements of the administration of estates.

On motions of Delegate Cowles, the bill was taken up for immediate consideration and the House of Delegates concurred in the Senate amendments as follows:

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

“That §44-2-2 and §44-2-3 of the Code of West Virginia, 1931, as amended, be repealed; that said code be amended by adding thereto a new section, designated §16-5-9a; that §44-1-14a of said code be amended and reenacted; that said code be amended by adding thereto a new section, designated §44-1-30; and that §44-2-1 of said code be amended and reenacted, all to read as follows:

## **CHAPTER 16. PUBLIC HEALTH.**

### **ARTICLE 5. VITAL STATISTICS.**

#### **§16-5-9a. Legal residences to be included on certificates of death.**

In order to assist clerks of county commission fulfill their responsibilities under chapter forty-four of this code, the State Registrar shall require persons completing certificates of death, to include any known legal residences of the decedent, if different than the place of death.

## **CHAPTER 44. ADMINISTRATION OF ESTATES AND TRUSTS.**

### **ARTICLE 1. PERSONAL REPRESENTATIVES.**

#### **§44-1-14a. Notice of administration of estate; time limits for filing of objections; liability of personal representative.**

(a) Within thirty days of the filing of the appraisalment of any estate or within one hundred twenty days of the date of qualification of the personal representative if an appraisalment is not filed as required in section fourteen of this article, the clerk of the county commission shall publish, once a week for two successive weeks, in a newspaper of general circulation within the county of the administration of the estate, a notice, which is to include:

(1) The name of the decedent;

(2) The name and address of the county commission before whom the proceedings are pending;



(3) The name and address of the personal representative;

(4) The name and address of any attorney representing the personal representative;

(5) The name and address of the fiduciary commissioner, if any;

(6) The date of first publication;

(7) A statement that claims against the estate must be filed within sixty days of the date of first publication in accordance with ~~the provisions of~~ article two or article three-a of this chapter;

(8) A statement that any person seeking to impeach or establish a will must make a complaint in accordance with ~~the provisions of~~ section eleven, twelve or thirteen, article five, chapter forty-one of this code;

(9) A statement that an interested person objecting to the qualifications of the personal representative or the venue or jurisdiction of the court must be filed with the county commission within ~~three months~~ sixty days after the date of first publication or thirty days of service of the notice, whichever is later; and

(10) If the appraisalment of the assets of the estate shows the value to be ~~\$100,000~~ \$200,000 or less, exclusive of real estate specifically devised and nonprobate assets, or, if it appears to the clerk that there is only one beneficiary of the probate estate and that the beneficiary is competent at law, a statement substantially as follows: 'Settlement of the estate of the following named decedents will proceed without reference to a fiduciary commissioner unless within ~~ninety~~ sixty days from the first publication of this notice a reference is requested by a party in interest or an unpaid creditor files a claim and good cause is shown to support reference to a fiduciary commissioner'. If a party in interest requests the fiduciary commissioner to conclude the administration of the estate or an unpaid creditor files a claim, no further notice to creditors shall be published in the newspaper, and the

personal representative shall be required to pay no further fees, except to the fiduciary commissioner for conducting any hearings, or performing any other duty as a fiduciary commissioner. The time period for filing claims against the estate shall expire upon the time period set out in the notice to creditors published by the clerk of the county commission as required in this subsection (a). ~~In the event that~~ If an unpaid creditor files a claim, the fiduciary commissioner shall conduct a hearing on the claim filed by the creditor, otherwise, the fiduciary commissioner shall conclude the administration of the estate as requested by the interested party.

(11) This notice shall be published as a Class II legal advertisement in compliance with the provisions of article three, chapter fifty-nine of this code. The publication of such notice shall be equivalent to personal service on creditors, distributees and legatees.

(b) If no appraisal is filed within the time period established pursuant to section fourteen of this article, the county clerk shall send a notice to the personal representative by first class mail, postage prepaid, indicating that the appraisal has not been filed. ~~Notwithstanding any other provision of this code to the contrary, the county clerk shall publish the notice required in subsection (a) of this section within six months of the qualification of the personal representative.~~

(c) The personal representative shall promptly make a diligent search to determine the names and addresses of creditors of the decedent who are reasonably ascertainable.

(d) The personal representative shall, within sixty days after the date of first publication, serve a copy of the notice, published pursuant to subsection (a) of this section, by first class mail, postage prepaid, or by personal service on the following persons:

(1) If the personal representative is not the decedent's surviving spouse and not the sole beneficiary or sole heir, the decedent's surviving spouse, if any;

(2) If there is a will and the personal representative is not the sole beneficiary, any beneficiaries;

(3) If there is not a will and the personal representative is not the sole heir, any heirs;

(4) The trustee of any trust in which the decedent was a grantor, if any; and

(5) All creditors identified under subsection (c) of this section, other than a creditor who filed a claim as provided in article two of this chapter or a creditor whose claim has been paid in full.

(e) Any person interested in the estate who objects to the qualifications of the personal representative or the venue or jurisdiction of the court, shall file notice of an objection with the county commission within ninety days after the date of the first publication as required in subsection (a) of this section or within thirty days after service of the notice as required by subsection (d) of this section, whichever is later. If an objection is not timely filed, the objection is forever barred.

(f) A personal representative acting in good faith is not personally liable for serving notice under this section, notwithstanding a determination that notice was not required by this section. A personal representative acting in good faith who fails to serve the notice required by this section is not personally liable. The service of the notice in accordance with this subsection may not be construed to admit the validity or enforceability of a claim.

(g) The clerk of the county commission shall collect a fee of \$20 for the publication of the notice required in this section.

(h) For purposes of this section, the term beneficiary means a person designated in a will to receive real or personal property.

**§44-1-30. Death certificate or other proof of death and residence may be required.**

The clerk of the county commission may require a certified copy of a decedent's death certificate or other proof of death and residence prior to fulfilling the clerk's responsibilities under this chapter.

**ARTICLE 2. PROOF AND ALLOWANCE OF CLAIMS AGAINST ESTATES OF DECEDENTS.**

**§44-2-1. Reference of decedents' estates; proceedings thereon.**

(a) Upon the return of the appraisement by the personal representative to the county clerk, the estate of his or her decedent, by order of the county commission, must be referred to a fiduciary commissioner for proof and determination of debts and claims, establishment of their priority, determination of the amount of the respective shares of the legatees and distributees, and any other matter necessary for the settlement of the estate: *Provided*, That in counties where there are two or more commissioners, the estates of decedents must be referred to the commissioners in rotation, so there may be an equal division of the work. Notwithstanding any other provision of this code to the contrary, a fiduciary commissioner may not charge to the estate a fee greater than \$300 and expenses for the settlement of an estate, except upon: (I) Approval of the personal representative; or (ii) a determination by the county commission that the fee is based upon the actual time spent and actual services rendered pursuant to a schedule of fees or rate of compensation for fiduciary commissioners promulgated by the commission in accordance with the provisions of section nine, article one, chapter fifty-nine of this code.

(b) If the personal representative delivers to the clerk an appraisement of the assets of the estate showing their value to be ~~\$100,000~~ \$200,000 or less, exclusive of real estate specifically devised and nonprobate assets, or if it appears to the clerk that there is only one beneficiary of the probate estate and that the beneficiary is competent at law, the clerk shall record the appraisement. If an unpaid creditor

files a claim against the estate, the personal representative has twenty days after the date of the filing of a claim against the estate of the decedent to approve or reject the claim before the estate is referred to a fiduciary commissioner. If the personal representative approves all claims as filed, then no reference may be made.

The personal representative shall, within a reasonable time after the date of recordation of the appraisal: (I) File a waiver of final settlement in accordance with the provisions of section twenty-nine of this article; or (ii) make a report to the clerk of his or her receipts, disbursements and distribution and submit an affidavit stating that all claims against the estate for expenses of administration, taxes and debts of the decedent have been paid in full. Upon receipt of the waiver of final settlement or report, the clerk shall record the waiver or report and mail copies to each beneficiary and creditor by first-class mail, postage prepaid. The clerk shall retain the report for ten days to allow any beneficiary or creditor to appear before the county commission to request reference to a fiduciary commissioner. The clerk shall collect a fee of \$10 for recording and mailing the waiver of final settlement or report.

If no request or objection is made to the clerk or to the county commission, the county commission may confirm the report of the personal representative, the personal representative and his or her surety shall be discharged; but if an objection or request is made, the county commission may confirm and record the accounting or may refer the estate to its fiduciary commissioners: *Provided*, That the personal representative has twenty days after the date of the filing of a claim against the estate of the decedent to approve or reject the claim before the estate is referred to a fiduciary commissioner and if all claims are approved as filed, then no reference may be made.

(c) For purposes of this section, the term beneficiary means a person designated in a will to receive real or personal property.”

And,

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

**Com. Sub. for H. B. 2266** - “A Bill to repeal §44-2-2 and §44-2-3 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §16-5-9a; to amend and reenact §44-1-14a of said code; to amend said code by adding thereto a new section, designated §44-1-30; and to amend and reenact §44-2-1 of said code, all relating generally to administration of estates; repealing provision requiring fiduciary commissioner to publish notice of time for receiving claims against decedents’ estates; changing requirements for publication by county clerk; requiring legal residences to be included on certificates of death; reducing creditors claim period from ninety to sixty days; increasing value of estates for which a fiduciary commissioner need not be appointed; and authorizing clerk of the county commission to require a certified copy of a decedent’s certificate of death or other proof of death and residence.”

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 607**), and there were—yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Azinger.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2266) passed.

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

A message from the Senate, by

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

**Com. Sub. for H. B. 2395**, Storm Scammer Consumer Protection Act.

On motions of Delegate Cowles, the bill was taken up for immediate consideration and the House of Delegates concurred in the Senate amendment as follows:

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

**“ARTICLE 6M. STORM SCAMMER CONSUMER PROTECTION ACT.**

**§46A-6M-1. Definitions.**

As used in this article:

(1) ‘Emergency repair’ means a repair that is necessary to prevent the risk of imminent injury to a person or further damage to the homeowner’s residence;

(2) ‘Residential real estate’ means any real property located in West Virginia, upon which is constructed or intended to be constructed a dwelling;

(3) ‘Roof system’ means the components of a roof to include, but not be limited to, covering, framing, insulation, sheathing, ventilation, guttering and weatherproofing; and

(4) ‘Roofing contractor’ means a person or entity in the business of contracting or offering to contract with an owner of residential real estate to repair or replace a roof system.

**§46A-6M-2. Consumer’s right to cancel residential roofing contract.**

(a) An owner, who on or after July 1, 2015, enters into a contract with a roofing contractor to provide goods or services related to a roof system of residential real estate and who expects the goods or services to be paid from the proceeds of a property and casualty insurance policy, may cancel the contract prior to midnight of the fifth business

day after the owner has received notice from the insurer that all or part of the claim is not a covered loss under the property and casualty insurance policy.

(b) The contract with the roofing contractor is cancelled when the owner either personally delivers written notice of cancellation to the roofing contractor; deposits the written notice of cancellation in the United States mail, postage prepaid and addressed to the roofing contractor at the address stated in the contract; transmits the notice of cancellation to the roofing contractor by facsimile; or sends an e-mails containing a notice of cancellation.

(c) The owner may use any form of notice of cancellation that is sufficient to indicate, by any form of written expression, the intention of the owner not to be bound by the contract.

**§46A-6M-3. Roofing contractor's duty to disclose rights of the consumer via standard form.**

Prior to entering into a contract on or after July 1, 2015, for the provision of goods or services relating to the repair or replacement of any part of a roof system of residential real estate as provided in section two of this article, a roofing contractor shall furnish the owner of the residential real estate with:

(1) The mailing address of the roofing contractor through which written communication may be received;

(2) The telephone number of the roofing contractor and, if applicable, the facsimile number and e-mail address of the contractor;

(3) A statement in at least ten point boldface type that states: 'Because you expect all or part of the cost of the roofing repair or replacement to be paid out of the proceeds of a property and casualty insurance policy, you may cancel this contract at any time before midnight on the fifth business day after you have received written notification from your insurer that all or any part of the claim or



contract is not a covered loss under the insurance policy. This right to cancel is in addition to any other rights of cancellation you may have under state or federal law or rule or regulation. However, be advised that if you cancel this contract, you are still responsible to pay the reasonable and customary expenses of any emergency repair services you authorized. See the attached Notice of Cancellation form for an explanation of this right.’; and

(4) A fully completed form in duplicate, under the conspicuous caption ‘NOTICE OF CANCELLATION,’ and attached to, but easily detachable from the contract, in at least ten point boldface type that shall read as follows:

**‘NOTICE OF CANCELLATION**

(enter date of transaction)

If you are notified by your insurer that all or any part of the claim or contract is not a covered loss under the insurance policy, you may cancel this contract without penalty or monetary obligation, except where you have authorized emergency repair services for which you are still responsible for payment, before midnight of the fifth business day after you have received notice from your insurer. To cancel this transaction you may use any of the following methods: Mail or otherwise deliver a signed and dated copy of this cancellation notice, or any other written notice of cancellation which you- sign-and date, to (enter physical address of roofing contractor), or e-mail a notice of cancellation to (enter e-mail address of roofing contractor), or transmit a notice of cancellation to (enter facsimile number of roofing contractor), not later than midnight of the fifth day after you receive notice from your insurer. By signing below, you certify that your insurer has denied all or part of your claim.

**I HEREBY ATTEST THAT I HAVE BEEN NOTIFIED BY THE INSURER THAT ALL OR PART OF MY CLAIM HAS BEEN DENIED AND I HEREBY CANCEL THIS TRANSACTION.**

(Date)

(Buyer's Signature)

**§46A-6M-4. Advanced payments prohibited; refunds; emergency repairs; unenforceable contract.**

(a) Except as provided in subsection (c) of this section, on or after July 1, 2015, a roofing contractor may not require any advance payments under a contract for the repair or replacement of any part of a roof system of a residential real estate, when payment is expected to be made from the proceeds of a property or casualty insurance policy until the cancellation period, as provided in section two of this article has expired.

(b) Within ten days after a contract has been canceled, as provided in section two of this article, a roofing contractor shall tender to the owner, any payments, partial payments, or deposits made, and any note or other evidence of indebtedness, except as provided in subsection (c) of this section.

(c) A roofing contractor that performs any emergency repair services authorized by the owner of residential real estate, may collect a reasonable and customary amount for the emergency repair services performed for the authorizing owner.

(d) Any provision in a contract executed on or after July 1, 2015, for the repair of a roof system of residential real estate, as provided in sections one and five of this article, that requires the payment of any fee, except for repair services performed under subsection (c) of this section, is not enforceable against any person who has canceled a contract under section two of this article.

**§46A-6M-5. Roofing contractors; prohibited acts.**

(a) Notwithstanding the provisions relating to public adjusters, as defined in section one-e, article twelve-b, chapter thirty-three of this

code, on or after July 1, 2015, a roofing contractor may not represent, negotiate, or advertise to represent or negotiate on behalf of an owner of residential real estate on any insurance claim in connection with the repair or replacement of a roof system. Nothing in this subsection may be construed to prohibit a roofing contractor from:

(1) Providing an estimate for repair, replacement, construction or reconstruction of the roof system to the owner of residential real estate; or

(2) Conferring with an insurance company's representative about damage to the property after a claim has been submitted by the owner of residential real estate.

(b) On or after July 1, 2015, a roofing contractor or person representing a roofing contractor may not:

(1) Offer to pay or rebate all or any portion of an insurance deductible or claims proceeds as an inducement to the sale of goods or services related to a residential roofing contract;

(2) Pay the owner of residential real estate for whom services have been performed pursuant to this article for any reason or any form of compensation, including, but not limited to a:

(A) Bonus;

(B) Coupon;

(C) Credit;

(D) Gift;

(E) Prize;

(F) Referral fee; or

(G) Any other tangible item having a monetary value.

**§46A-6M-6. Private remedies for violation of article; criminal penalties.**

(a) If a roofing contractor violates the provisions of this article, the owner or the applicable insurer may bring an action against the roofing contractor in a court of competent jurisdiction for damages sustained by the owner or insurer as a consequence of the roofing contractor's violation.

(b) A roofing contractor who willfully violates the provisions of this article is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$5,000 or confined in jail not more than one year, or both fined and confined."

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 608**), and there were—yeas 96, nays 3, absent and not voting 1, with the nays and absent and not voting being as follows:

NAYS: Folk, McGeehan and Moffatt.

ABSENT AND NOT VOTING: Azinger.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2395) passed.

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

A message from the Senate, by

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

**H. B. 2607**, Relating to the violation of interfering with emergency services communications and clarifying penalties.

On motions of Delegate Cowles, the bill was taken up for immediate consideration and the House of Delegates concurred in the Senate title amendment as follows:

**H. B. 2607** - “A Bill to amend and reenact §61-5-17 of the Code of West Virginia, 1931, relating to penalties incurred from obstructing, fleeing from and making false statements to law-enforcement, probation and parole officers and interfering with emergency communications; and amending the penalties for several of the violations to make it clear that the convicted person may be both fined and confined.”

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 609**), and there were—yeas 100, nays none, absent and not voting none.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2607) passed.

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

A message from the Senate, by

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

**Com. Sub. for H. B. 2769**, Expiring funds to the unappropriated surplus balance in the State Fund, General Revenue from various agencies.

On motions of Delegate Cowles, the bill was taken up for immediate consideration and the House of Delegates concurred in the Senate amendments as follows:

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

And,

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

**Com. Sub. for H. B. 2769** - "A Bill expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2015 in the amount of \$1,500,000 from the Department of Military Affairs and Public Safety, Division of Corrections - Correctional Units, fund 0450, fiscal year 2012, organization 0608, appropriation 59200, and in the amount of \$400,103.30 from the Department of Transportation, Division of Public Transit, fund 0510, fiscal year 2013, organization 0805, appropriation 25800, and in the amount of \$3,861,297 from the Department of Administration, Risk and Insurance Management Board - Premium Tax Savings Fund, fund 2367, fiscal year 2015, organization 0218, and in the amount of \$1,329.28 from the Department of Health and Human Resources, Division of Health, Uniform Health Professional Data Collection Systems Fund, fund 5109, fiscal year 2015, organization 0506, and in the amount of \$478.81 from the Department of Health and Human Resources, Division of Health, Commonly Based Fetal and Infant Mortality Review Fund, fund 5131, fiscal year 2015, organization 0506, and in the amount of \$18,609.27 from the Department of Health and Human Resources, Division of Health, Claude Worthington Benedum Foundation Fund, fund 5132, fiscal year 2015, organization 0506, and in the amount of \$2,500 from the Department of Health and Human Resources, Division of Health, Behavioral Health Clearing Fund, fund 5151, fiscal year 2015, organization 0506, and in the amount of \$13,193.90 from the

Department of Health and Human Resources, Division of Health, Special Education Title I Fund, fund 5161, fiscal year 2015, organization 0506, and in the amount of \$45 from the Department of Health and Human Resources, Division of Health, Rural Health Networking Project Fund, fund 5184, fiscal year 2015, organization 0506, and in the amount of \$1,400,000 from the Department of Health and Human Resources, Division of Health, Vital Statistics Improvement Fund, fund 5225, fiscal year 2015, organization 0506, and in the amount of \$6,000,000 from the Department of Health and Human Resources, West Virginia Health Care Authority - Health Care Cost Review Fund, fund 5375, fiscal year 2015, organization 0507, and in the amount of \$4,000,000 from the Department of Health and Human Resources, West Virginia Health Care Authority - West Virginia Health Information Network Account, fund 5380, fiscal year 2015, organization 0507, and in the amount of \$2,000,000 from the Department of Health and Human Resources, West Virginia Health Care Authority - West Virginia Health Care Authority Revolving Loan Fund, fund 5382, fiscal year 2015, organization 0507, and in the amount of \$4,976.37 from the Department of Health and Human Resources, Division of Human Services, Special County General Relief Fund, fund 5054, fiscal year 2015, organization 0511, and in the amount of \$18,118.01 from the Department of Health and Human Resources, Division of Human Services, Individual and Family Grant Program, fund 5055, fiscal year 2015, organization 0511, and in the amount of \$251,657.05 from the Department of Health and Human Resources, Division of Human Services, TRIP Fund, fund 5070, fiscal year 2015, organization 0511, and in the amount of \$4,000,000 from the Department of Health and Human Resources, Division of Human Services, Medicaid Fraud Control Fund, fund 5141, fiscal year 2015, organization 0511, and in the amount of \$223,310.69 from the Department of Health and Human Resources, Division of Human Services - Marriage Education Fund, fund 5490, fiscal year 2015, organization 0511, and in the amount of \$16,700,000 from the Department of Revenue, Insurance Commissioner, fund 7152, fiscal year 2015, organization 0704, and all subject to the condition that

bonds authorized in section sixteen-b, article fifteen, chapter thirty-one of the Code of West Virginia for improvements to Cacapon State Park and Beach Fork State Park have been sold.”

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 610**), and there were—yeas 98, nays 2, absent and not voting none, with the nays being as follows:

NAYS: Morgan and Upson.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2769) passed.

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

On this question, the yeas and nays were taken (**Roll No. 611**), and there were—yeas 100, nays none, absent and not voting none.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2769) takes effect from its passage.

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

A message from the Senate, by

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

**H. B. 2926**, Relating to deferral charges in connection with a consumer credit sale or consumer loan.

On motions of Delegate Cowles, the bill was taken up for immediate consideration and the House of Delegates concurred in the Senate amendments as follows:



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

**“ARTICLE 3. FINANCE CHARGES AND RELATED PROVISIONS.**

**§46A-3-114. Deferral and modification charges.**

(1) With respect to a precomputed consumer credit sale or consumer loan, refinancing or consolidation, the parties before or after default may agree in writing to a deferral of all or part of one or more unpaid installments, and the seller or lender may make and collect a deferral charge: not exceeding the amount of the sales finance charge or loan finance charge attributable to the first of the deferred monthly installment periods multiplied by number of months in the deferral period (the period in which no payment is required or made by reason of a deferral): *Provided*, That no installment on which a delinquency charge has been collected or partial payment made shall be deferred unless the amount of the delinquency charge or partial payment is first applied to the deferral charge. If prepayment in full occurs during a deferral period, the portion of the deferral charge attributable to the unexpired full months in the deferral period shall be also rebated.

(2) The seller or lender, in addition to the deferral charge, may make appropriate additional charges, and the amount of these charges which is not paid in cash may be added to the amount deferred for the purpose of calculating the deferral charge.

(3) The parties may agree in writing at the time of a precomputed consumer credit sale or consumer loan, refinancing or consolidation that if an installment is not paid within ten days after its due date as originally scheduled or as deferred, the seller or lender may unilaterally grant a deferral and make charges as provided in this section. No deferral charge may be made for a period after the date on which the seller or lender elects to accelerate the maturity of the agreement.

(4) With respect to a real estate secured consumer credit sale or consumer loan, the parties before or after default may agree in writing

to a modification or amendment of, or allonge to, the consumer credit sale or consumer loan, and the seller or lender may make and collect a modification charge equal to the greater of \$250 or one percent of the outstanding balance of the consumer credit sale or consumer loan at the time of the modification, amendment or allonge: *Provided, That no modification charge may be made where prohibited by federal law or regulation.*

(4) (5) The commissioner shall prescribe by rule the method or procedure for the calculation of deferral charges consistent with the other provisions of this chapter where the precomputed consumer credit sale or consumer loan is payable in unequal or irregular installments.”

And,

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

**H. B. 2926** - “A Bill to amend and reenact §46A-3-114 of the Code of West Virginia, 1931, as amended, relating to modification charges in connection with a real estate secured consumer credit sale or consumer loan; and providing for a minimum and maximum modification charge that may be collected.”

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 612**), and there were—yeas 88, nays 12, absent and not voting none, with the nays being as follows:

NAYS: Byrd, Eldridge, Fleischauer, Hicks, Lane, Marcum, Perdue, Pushkin, Reynolds, Rodighiero, Skinner and Sponaugle.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 2926) passed.

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had refused to recede from its amendment and requested the House of Delegates to agree to the appointment of a Committee of Conference of seven from each house on the disagreeing votes of the two houses as to

**Com. Sub. for H. B. 2016**, Budget Bill, making appropriations of public money out of the treasury in accordance with section fifty-one, article six of the Constitution.

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

Senators M. Hall, Walters, Sypolt, Boso, Prezioso, Stollings and Plymale.

On motion of Delegate Cowles, the House of Delegates agreed to the appointment of a Committee of Conference of seven from each house on the disagreeing votes of the two houses.

Whereupon,

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

Delegates E. Nelson, Anderson, Ashley, Canterbury, Boggs, Williams and H. White.

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

At the request of Delegate Fleischauer, and by unanimous consent, the House of Delegates returned to the Seventh Order of Business for the purpose of introduction of a resolution.

**INTRODUCTION OF RESOLUTIONS**

Delegates Fleischauer, Arvon, Border, Campbell, Fluharty, Guthrie, Hartman, Kessinger, Longstreth, Marcum, Moore, Pushkin, Rowan, Sobonya and Sponaugle offered the following resolution, which was read by its title and referred to the Committee on Rules:

**H. C. R. 155** - "Requesting the Joint Committee on Government and Finance to study the reporting, investigation and prosecution of sexual assault cases in the West Virginia National Guard, and determine the need, if any, to adopt investigative procedures independent of the military justice system."

WHEREAS, The West Virginia National Guard serves with great distinction and honor, both on the home front and during conflicts abroad; and

WHEREAS, More than 200,000 women are on active duty within the military forces of the United States; women comprise eighteen percent of reservists and National Guard troops and nineteen percent of National Guard officers are women; and

WHEREAS, In 2014, the National Guard reported 19,000 incidents of unwanted sexual contact among its members; and

WHEREAS, Sixty-eight percent of service members who report incidents of sexual assault experience retaliation, among other consequences; and

WHEREAS, One in five female service members confirm being sexually assaulted, and fifty percent of those victims did not report the assault, fearing lack of action by commanding officers; and

WHEREAS, All military personnel deserve protection from sexual assault and other criminal conduct to ensure their continued service; and

WHEREAS, Reports of sexual assault are often handled by an internal system of justice within the National Guard, resulting in many cases being inappropriately handled, and necessitating further action at the state and national levels; and

WHEREAS, Although under consideration, Congress has failed to resolve the issue, thus, states have begun to implement legislation; and

WHEREAS, The West Virginia National Guard has an internal reporting and investigative process for sexual assault cases; and

WHEREAS, Other states, such as California, have enacted laws to remove the investigation and prosecution of sexual assault cases from the military chain of command to local law enforcement, thus ensuring no conflict of interest; and

WHEREAS, It is the intent of the Legislature to continue to recognize and honor those who serve, and to also provide them with a respectful and fair means of justice; and

WHEREAS, It is specifically the intent of the Legislature to ensure that laws and policies are reviewed and revised to guarantee justice to, and ensure that those in the West Virginia National Guard who report crimes do not suffer retaliation; and

WHEREAS, The Legislature is desirous of ensuring that all members of the West Virginia National Guard are treated in a just and fair manner with the understanding that, in cases of sexual assault, swift, proper and independent investigations will be undertaken to protect victims and that proper punishment will be imposed against the perpetrators of such crimes; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Joint Committee on Government and Finance is hereby requested to study the issue of reporting, investigation and prosecution of sexual assault cases in the West Virginia National Guard, and to

recognize the value, sacrifice and contributions of its members; and, be it

*Further Resolved*, That the Clerk of the House of Delegates forward a certified copy of this resolution to the Department of Veterans Affairs and to the West Virginia National Guard; and, be it

*Further Resolved*, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2016, on its findings, conclusions and recommendations, together with drafts of any legislation necessary to effectuate its recommendations; and, be it

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

#### MESSAGES FROM THE SENATE

A message from the Senate, by

The Clerk of the Senate, announced concurrence in an amendment of the House of Delegates, with further amendment, and the passage, as amended, to take effect May 17, 2015, of

**Com. Sub. for S. B. 393**, Reforming juvenile justice system.

On motions of Delegate Cowles, the bill was taken up for immediate consideration and the House of Delegates concurred in the Senate amendment to the House amendment, as follows:

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

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

And,

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 613**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Moffatt, L. Phillips and Walters.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 393) passed.

Delegate Cowles moved that the bill take effect May 17, 2015.

On this question, the yeas and nays were taken (**Roll No. 614**), and there were—yeas 97, nays 1, absent and not voting 2, with the nays and absent and not voting being as follows:

NAYS: Lane.

ABSENT AND NOT VOTING: L. Phillips and Walters.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 393) takes effect May 17, 2015.

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

A message from the Senate, by

The Clerk of the Senate, announced the Senate had concurred in the amendment of the House of Delegates and had passed, as amended, and changed the effective date, to take effect from passage, of

**Com. Sub. for S. B. 529**, Relating to PERS, SPRS and TRS benefits and costs.

On motion of Delegate Cowles, the bill was taken up for immediate consideration.

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

On this question, the yeas and nays were taken (**Roll No. 615**), and there were—yeas 96, nays 3, absent and not voting 1, with the nays and absent and not voting being as follows:

NAYS: Byrd, Lane and J. Nelson.

ABSENT AND NOT VOTING: L. Phillips.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 529) takes effect from its passage.

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

#### CONFERENCE COMMITTEE REPORT

Delegate Sobonya, from the Committee of Conference on matters of disagreement between the two houses, as to

**H. B. 2664**, Creating “Andrea and Willy’s Law”; increasing certain penalties for driving under the influence of alcohol, controlled substances or drugs.

Submitted the following report, which was received:

Your Committee of Conference on the disagreeing votes of the two houses as to the amendment of the Senate to Engrossed House Bill No.



2664 having met, after full and free conference, have agreed to recommend and do recommend to their respective houses, as follows:

That both houses recede from their respective positions as to amendments of the Senate striking out everything following the enacting clause and inserting new language, and agree to the same as follows:

That §17C-5-2 of the Code of West Virginia, 1931, as amended, be amended and reenacted; and to amend and reenact §17C-5A-2 all to read as follows:

**ARTICLE 5. SERIOUS TRAFFIC OFFENSES.**

**§17C-5-2. Driving under influence of alcohol, controlled substances or drugs; penalties.**

(a) Any person who:

(1) Drives a vehicle in this state while he or she:

(A) Is under the influence of alcohol;

(B) Is under the influence of any controlled substance;

(C) Is under the influence of any other drug;

(D) Is under the combined influence of alcohol and any controlled substance or any other drug; or

(E) Has an alcohol concentration in his or her blood of eight hundredths of one percent or more, by weight; and

(2) ~~While driving does any act forbidden by law or fails to perform any duty imposed by law in the driving of the vehicle, which act or failure~~ Whose impaired state proximately causes the death of any person within one year next following the act or failure; ~~and~~

~~(3) Commits the act or failure to act in reckless disregard of the safety of others and when the influence of alcohol, controlled substances or drugs is shown to be a contributing cause to the death; is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for not less than ~~two~~ three years nor more than ~~ten~~ fifteen years and shall be fined not less than \$1,000 nor more than \$3,000.~~

~~(b) Any person who:~~

~~(1) Drives a vehicle in this state while he or she:~~

~~(A) Is under the influence of alcohol;~~

~~(B) Is under the influence of any controlled substance;~~

~~(C) Is under the influence of any other drug;~~

~~(D) Is under the combined influence of alcohol and any controlled substance or any other drug;~~

~~(E) Has an alcohol concentration in his or her blood of eight hundredths of one percent or more, by weight; and~~

~~(2) While driving does any act forbidden by law or fails to perform any duty imposed by law in the driving of the vehicle, which act or failure proximately causes the death of any person within one year next following the act or failure, is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not less than ninety days nor more than one year and shall be fined not less than \$500 nor more than \$1,000:~~

(b) Any person who:

(1) Drives a vehicle in this state while he or she:

(A) Is under the influence of alcohol;

(B) Is under the influence of any controlled substance;

(C) Is under the influence of any other drug;

(D) Is under the combined influence of alcohol and any controlled substance or any other drug; or

(E) Has an alcohol concentration in his or her blood of eight hundredths of one percent or more, by weight; and

(2) Whose impaired state proximately causes serious bodily injury to any person other than himself or herself, is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for not less than two nor more than ten years and shall be fined not less than \$1,000 nor more than \$3,000 dollars.

(3) As used in this subsection, the words "serious bodily injury" mean bodily injury that creates a substantial risk of death, that causes serious or prolonged disfigurement, prolonged impairment of health, or prolonged loss or impairment .

(c) Any person who:

(1) Drives a vehicle in this state while he or she:

(A) Is under the influence of alcohol;

(B) Is under the influence of any controlled substance;

(C) Is under the influence of any other drug;

(D) Is under the combined influence of alcohol and any controlled substance or any other drug; or

(E) Has an alcohol concentration in his or her blood of eight hundredths of one percent or more, by weight; and

~~(2) While driving does any act forbidden by law or fails to perform any duty imposed by law in the driving of the vehicle, which act or~~

~~failure~~ Whose impaired state proximately causes bodily injury to any person other than himself or herself, is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not less than one day nor more than one year, which jail term is to include actual confinement of not less than twenty-four hours, and shall be fined not less than \$200 nor more than \$1,000.

(3) As used in this subsection, the words “bodily injury” mean bodily injury that causes substantial pain, illness or any impairment of physical condition.

(d) Any person who:

(1) Drives a vehicle in this state while he or she:

(A) Is under the influence of alcohol;

(B) Is under the influence of any controlled substance;

(C) Is under the influence of any other drug;

(D) Is under the combined influence of alcohol and any controlled substance or any other drug; or

(E) Has an alcohol concentration in his or her blood of eight hundredths of one percent or more, by weight, but less than fifteen hundredths of one percent, by weight;

(2) Is guilty of a misdemeanor and, upon conviction thereof, except as provided in section two-b of this article, shall be confined in jail for up to six months and shall be fined not less than \$100 nor more than \$500. A person sentenced pursuant to this subdivision shall receive credit for any period of actual confinement he or she served upon arrest for the subject offense.

(e) Any person who drives a vehicle in this state while he or she has an alcohol concentration in his or her blood of fifteen hundredths

of one percent or more, by weight, is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not less than two days nor more than six months, which jail term is to include actual confinement of not less than twenty-four hours, and shall be fined not less than \$200 nor more than \$1,000. A person sentenced pursuant to this subdivision shall receive credit for any period of actual confinement he or she served upon arrest for the subject offense.

(f) Any person who, being an habitual user of narcotic drugs or amphetamine or any derivative thereof, drives a vehicle in this state is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not less than one day nor more than six months, which jail term is to include actual confinement of not less than twenty-four hours, and shall be fined not less than \$100 nor more than \$500. A person sentenced pursuant to this subdivision shall receive credit for any period of actual confinement he or she served upon arrest for the subject offense.

(g) Any person who:

(1) Knowingly permits his or her vehicle to be driven in this state by any other person who:

(A) Is under the influence of alcohol;

(B) Is under the influence of any controlled substance;

(C) Is under the influence of any other drug;

(D) Is under the combined influence of alcohol and any controlled substance or any other drug;

(E) Has an alcohol concentration in his or her blood of eight hundredths of one percent or more, by weight;

(2) Is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not more than six months and shall be fined not less than \$100 nor more than \$500.

(h) Any person who knowingly permits his or her vehicle to be driven in this state by any other person who is an habitual user of narcotic drugs or amphetamine or any derivative thereof is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not more than six months and shall be fined not less than \$100 nor more than \$500.

(i) Any person under the age of twenty-one years who drives a vehicle in this state while he or she has an alcohol concentration in his or her blood of two hundredths of one percent or more, by weight, but less than eight hundredths of one percent, by weight, for a first offense under this subsection is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$25 nor more than \$100. For a second or subsequent offense under this subsection, the person is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for twenty-four hours and shall be fined not less than \$100 nor more than \$500. A person who is charged with a first offense under the provisions of this subsection may move for a continuance of the proceedings, from time to time, to allow the person to participate in the Motor Vehicle Alcohol Test and Lock Program as provided in section three-a, article five-a of this chapter. Upon successful completion of the program, the court shall dismiss the charge against the person and expunge the person's record as it relates to the alleged offense. In the event the person fails to successfully complete the program, the court shall proceed to an adjudication of the alleged offense. A motion for a continuance under this subsection may not be construed as an admission or be used as evidence.

A person arrested and charged with an offense under the provisions of this subsection or subsection (a), (b), (c), (d), (e), (f), (g) or (h) of this section may not also be charged with an offense under this subsection arising out of the same transaction or occurrence.

(j) Any person who:

(1) Drives a vehicle in this state while he or she:

(A) Is under the influence of alcohol;

(B) Is under the influence of any controlled substance;

(C) Is under the influence of any other drug;

(D) Is under the combined influence of alcohol and any controlled substance or any other drug; or

(E) Has an alcohol concentration in his or her blood of eight hundredths of one percent or more, by weight; and

(2) The person while driving has on or within the motor vehicle one or more other persons who are unemancipated minors who have not reached their sixteenth birthday is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not less than two days nor more than twelve months, which jail term is to include actual confinement of not less than forty-eight hours and shall be fined not less than \$200 nor more than \$1,000.

(k) A person violating any provision of subsection (b), (c), (d), (e), (f), (g) or (i) of this section, for the second offense under this section, is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not less than six months nor more than one year and the court may, in its discretion, impose a fine of not less than \$1,000 nor more than \$3,000.

(l) A person violating any provision of subsection (b), (c), (d), (e), (f), (g) or (i) of this section, for the third or any subsequent offense under this section, is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for not less than ~~one~~ two nor more than ~~three~~ five years and the court may, in its discretion, impose a fine of not less than \$3,000 nor more than \$5,000.

(m) For purposes of subsections (k) and (l) of this section relating to second, third and subsequent offenses, the following events shall be regarded as offenses under this section:

(1) Any conviction under the provisions of subsection (a), (b), (c), (d), (e), (f) or (g) of this section or under a prior enactment of this section for an offense which occurred within the ten-year period immediately preceding the date of arrest in the current proceeding;

(2) Any conviction under a municipal ordinance of this state or any other state or a statute of the United States or of any other state of an offense which has the same elements as an offense described in subsection (a), (b), (c), (d), (e), (f), (g) or (h) of this section, which offense occurred within the ten-year period immediately preceding the date of arrest in the current proceeding; and,

(3) Any period of conditional probation imposed pursuant section two-b of this article for violation of subsection (d) of this article, which violation occurred within the ten-year period immediately preceding the date of arrest in the current proceeding.

(n) A person may be charged in a warrant or indictment or information for a second or subsequent offense under this section if the person has been previously arrested for or charged with a violation of this section which is alleged to have occurred within the applicable time period for prior offenses, notwithstanding the fact that there has not been a final adjudication of the charges for the alleged previous offense. In that case, the warrant or indictment or information must set forth the date, location and particulars of the previous offense or offenses. No person may be convicted of a second or subsequent offense under this section unless the conviction for the previous offense has become final, or the person has previously had a period of conditional probation imposed pursuant to section two-b of this article.

(o) The fact that any person charged with a violation of subsection (a), (b), (c), (d), (e) or (f) of this section, or any person permitted to drive as described under subsection (g) or (h) of this section, is or has been legally entitled to use alcohol, a controlled substance or a drug does not constitute a defense against any charge of violating subsection (a), (b), (c), (d), (e), (f), (g) or (h) of this section.



(p) For purposes of this section, the term “controlled substance” has the meaning ascribed to it in chapter sixty-a of this code.

(q) The sentences provided in this section upon conviction for a violation of this article are mandatory and are not subject to suspension or probation: *Provided*, That the court may apply the provisions of article eleven-a, chapter sixty-two of this code to a person sentenced or committed to a term of one year or less for a first offense under this section: *Provided further*, That the court may impose a term of conditional probation pursuant to section two-b of this article to persons adjudicated thereunder. An order for home detention by the court pursuant to the provisions of article eleven-b of said chapter may be used as an alternative sentence to any period of incarceration required by this section for a first or subsequent offense: *Provided, however*, That for any period of home incarceration ordered for a person convicted of second offense under this section, electronic monitoring shall be required for no fewer than five days of the total period of home confinement ordered and the offender may not leave home for those five days notwithstanding the provisions of section five, article eleven-b, chapter sixty-two of this code: *Provided further*, That for any period of home incarceration ordered for a person convicted of a third or subsequent violation of this section, electronic monitoring shall be included for no fewer than ten days of the total period of home confinement ordered and the offender may not leave home for those ten days notwithstanding section five, article eleven-b, chapter sixty-two of this code.

**ARTICLE 5A. ADMINISTRATIVE PROCEDURES FOR SUSPENSION AND  
REVOCATION OF LICENSES FOR DRIVING UNDER THE  
INFLUENCE OF ALCOHOL, CONTROLLED  
SUBSTANCES OR DRUGS.**

**§17C-5A-2. Hearing; revocation; review.**

(a) Written objections to an order of revocation or suspension under the provisions of section one of this article or section seven, article five of this chapter shall be filed with the Office of

Administrative Hearings. Upon the receipt of an objection, the Office of Administrative Hearings shall notify the Commissioner of the Division of Motor Vehicles, who shall stay the imposition of the period of revocation or suspension and afford the person an opportunity to be heard by the Office of Administrative Hearings. The written objection must be filed with Office of Administrative Hearings in person, by registered or certified mail, return receipt requested, or by facsimile transmission or electronic mail within thirty calendar days after receipt of a copy of the order of revocation or suspension or no hearing will be granted: *Provided*, That a successful transmittal sheet shall be necessary for proof of written objection in the case of filing by fax. The hearing shall be before a hearing examiner employed by the Office of Administrative Hearings who shall rule on evidentiary issues. The West Virginia Rules of Evidence shall apply to all proceedings before the hearing examiner. Upon consideration of the designated record, the hearing examiner shall, based on the determination of the facts of the case and applicable law, render a decision affirming, reversing or modifying the action protested. The decision shall contain findings of fact and conclusions of law and shall be provided to all parties by registered or certified mail, return receipt requested, or with a party's written consent, by facsimile or electronic mail.

(b) The hearing shall be held at an office of the Division of Motor Vehicles suitable for hearing purposes located in or near the county in which the arrest was made in this state or at some other suitable place in the county in which the arrest was made if an office of the division is not available. At the discretion of the Office of Administrative Hearings, the hearing may also be held at an office of the Office of Administrative Hearings located in or near the county in which the arrest was made in this state. The Office of Administrative Hearings shall send a notice of hearing to the person whose driving privileges are at issue and the person's legal counsel if the person is represented by legal counsel, by regular mail, or with the written consent of the person whose driving privileges are at issue or their legal counsel, by facsimile or electronic mail. The Office of Administrative Hearings

shall also send a notice of hearing by regular mail, facsimile or electronic mail to the Division of Motor Vehicles, and the Attorney General's Office, if the Attorney General has filed a notice of appearance of counsel on behalf of the Division of Motor Vehicles.

(c) (1) Any hearing shall be held within one hundred eighty days after the date upon which the Office of Administrative Hearings received the timely written objection unless there is a postponement or continuance.

(2) The Office of Administrative Hearings may postpone or continue any hearing on its own motion or upon application by the party whose license is at issue in that hearing or by the commissioner for good cause shown.

(3) The Office of Administrative Hearings may issue subpoenas commanding the appearance of witnesses and subpoenas duces tecum commanding the submission of documents, items or other things. Subpoenas duces tecum shall be returnable on the date of the next scheduled hearing unless otherwise specified. The Office of Administrative hearings shall issue subpoenas and subpoenas duces tecum at the request of a party or the party's legal representative. The party requesting the subpoena shall be responsible for service of the subpoena upon the appropriate individual. Every subpoena or subpoena duces tecum shall be served at least five days before the return date thereof, either by personal service made by a person over eighteen years of age or by registered or certified mail, return receipt requested, and received by the party responsible for serving the subpoena or subpoena duces tecum: *Provided*, That the Division of Motor Vehicles may serve subpoenas to law-enforcement officers through electronic mail to the department of his or her employer. If a person does not obey the subpoena or fails to appear, the party who issued the subpoena to the person may petition the circuit court wherein the action lies for enforcement of the subpoena.

(d) Law-enforcement officers shall be compensated for the time expended in their travel and appearance before the Office of

Administrative Hearings by the law-enforcement agency by whom they are employed at their regular rate if they are scheduled to be on duty during said time or at their regular overtime rate if they are scheduled to be off duty during said time.

(e) The principal question at the hearing shall be whether the person did drive a motor vehicle while under the influence of alcohol, controlled substances or drugs, or did drive a motor vehicle while having an alcohol concentration in the person's blood of eight hundredths of one percent or more, by weight, or did refuse to submit to the designated secondary chemical test, or did drive a motor vehicle while under the age of twenty-one years with an alcohol concentration in his or her blood of two hundredths of one percent or more, by weight, but less than eight hundredths of one percent, by weight.

(f) In the case of a hearing in which a person is accused of driving a motor vehicle while under the influence of alcohol, controlled substances or drugs, or accused of driving a motor vehicle while having an alcohol concentration in the person's blood of eight hundredths of one percent or more, by weight, or accused of driving a motor vehicle while under the age of twenty-one years with an alcohol concentration in his or her blood of two hundredths of one percent or more, by weight, but less than eight hundredths of one percent, by weight, the Office of Administrative Hearings shall make specific findings as to: (1) Whether the investigating law-enforcement officer had reasonable grounds to believe the person to have been driving while under the influence of alcohol, controlled substances or drugs, or while having an alcohol concentration in the person's blood of eight hundredths of one percent or more, by weight, or to have been driving a motor vehicle while under the age of twenty-one years with an alcohol concentration in his or her blood of two hundredths of one percent or more, by weight, but less than eight hundredths of one percent, by weight; (2) whether the person was lawfully placed under arrest for an offense involving driving under the influence of alcohol, controlled substances or drugs, or was lawfully taken into custody for the purpose of administering a secondary test: *Provided*, That this

element shall be waived in cases where no arrest occurred due to driver incapacitation; (3) whether the person committed an offense involving driving under the influence of alcohol, controlled substances or drugs; and (4) whether the tests, if any, were administered in accordance with the provisions of this article and article five of this chapter.

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

(h) If, in addition to a finding that the person did drive a motor vehicle while under the influence of alcohol, controlled substances or drugs, or did drive a motor vehicle while having an alcohol concentration in the person's blood of eight hundredths of one percent or more, by weight, the Office of Administrative Hearings also finds by a preponderance of the evidence that the person when driving did an act forbidden by law or failed to perform a duty imposed by law, which act or failure proximately caused the death of a person, the

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

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

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

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

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

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

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

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



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

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

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

or more, by weight, the Office of Administrative Hearings also finds by a preponderance of the evidence that the person when driving did have on or within the Motor vehicle another person who has not reached his or her sixteenth birthday, the commissioner shall revoke the person's license for a period of one year: *Provided*, That if the person's license has previously been suspended or revoked under the provisions of this section or section one of this article within the ten years immediately preceding the date of arrest, the period of revocation shall be ten years: *Provided, however*, That if the person's license has previously been suspended or revoked more than once under the provisions of this section or section one of this article within the ten years immediately preceding the date of arrest, the period of revocation shall be for the life of the person.

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

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

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

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

(q) In the case of a hearing in which a person is accused of refusing to submit to a designated secondary test, the Office of Administrative

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

(r) If the Office of Administrative Hearings finds by a preponderance of the evidence that: (1) The investigating officer had reasonable grounds to believe the person had been driving a motor vehicle in this state while under the influence of alcohol, controlled substances or drugs; (2) whether the person was lawfully placed under arrest for an offense involving driving under the influence of alcohol, controlled substances or drugs, or was lawfully taken into custody for the purpose of administering a secondary test: *Provided*, That this element shall be waived in cases where no arrest occurred due to driver incapacitation; (3) the person committed an offense relating to driving a motor vehicle in this state while under the influence of alcohol, controlled substances or drugs; (4) the person refused to submit to the secondary test finally designated in the manner provided in section four, article five of this chapter; and (5) the person had been given a written statement advising the person that the person's license to operate a motor vehicle in this state would be revoked for at least

forty-five days and up to life if the person refused to submit to the test finally designated, the commissioner shall revoke the person's license to operate a motor vehicle in this state for the periods specified in section seven, article five of this chapter. The revocation period prescribed in this subsection shall run concurrently with any other revocation period ordered under this section or section one of this article arising out of the same occurrence. The revocation period prescribed in this subsection shall run concurrently with any other revocation period ordered under this section or section one of this article arising out of the same occurrence.

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

A person whose license is at issue and the commissioner shall be entitled to judicial review as set forth in chapter twenty-nine-a of this code. Neither the commissioner nor the Office of Administrative Hearings may stay enforcement of the order. The court may grant a stay or supersede as of the order only upon motion and hearing, and a finding by the court upon the evidence presented, that there is a substantial probability that the appellant shall prevail upon the merits and the appellant will suffer irreparable harm if the order is not stayed: *Provided*, That in no event shall the stay or supersede as of the order

exceed one hundred fifty days. The Office of Administrative Hearings may not be made a party to an appeal. The party filing the appeal shall pay the Office of Administrative Hearings for the production and transmission of the certified file copy and the hearing transcript to the court. Notwithstanding the provisions of section four, article five of said chapter, the Office of Administrative Hearings may not be compelled to transmit a certified copy of the file or the transcript of the hearing to the circuit court in less than sixty days. Circuit clerk shall provide a copy of the circuit court's final order on the appeal to the Office of Administrative Hearings by regular mail, by facsimile, or by electronic mail if available.

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

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

And,

That both houses recede from their respective positions as to the title of the bill and agree to a new title as follows:

**H. B. 2664** - "A Bill to amend and reenact §17C-5-2 of the Code of West Virginia, 1931, as amended; and to amend and reenact §17C-5A-2 of said code, all relating to creating 'Andrea, Willy and Nelson's Law'; making driving under the influence of alcohol, controlled substances or drugs causing death a felony in all instances;

eliminating the misdemeanor offense of driving under the influence of alcohol, controlled substances or drugs; creating a new felony offense of driving while under the influence of alcohol, controlled substances or drugs causing serious bodily injury; providing definitions of ‘bodily injury’ and ‘serious bodily injury’; and providing that the West Virginia Rules of Evidence apply to administrative proceedings concerning license revocation for driving under the influence.”

Respectfully Submitted,

KELLI SOBONYA,

CHRIS WALTERS,

AMY SUMMERS,

ED GAUNCH,

ANDREW BYRD,

COREY PALUMBO,\*

(\*Had not signed when report availability was announced in the House.)

*Conferees on the part  
of the House of Delegates.*

*Conferees on the part  
of the Senate.*

On motion of Delegate Sobonya, the report of the Committee of Conference was adopted.

The bill, as amended by said report, was then put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 616**), and there were—yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: L. Phillips and Reynolds.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (H. B. 2664) passed.

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

Delegate Sobonya, from the Committee of Conference on matters of disagreement between the two houses, as to

**Com. Sub. for H. B. 2939**, Relating to requirements for mandatory reporting of sexual offenses on school premises involving students,

Submitted the following report, which was received:

Your Committee of Conference on the disagreeing votes of the two houses as to the amendment of the Senate to Engrossed Committee Substitute for House Bill No. 2939 having met, after full and free conference, have agreed to recommend and do recommend to their respective houses as follows:

That both houses recede from their respective positions as to the amendment of the Senate striking out everything following the enacting and inserting new language, and agree to the same as follows:

That §49-1-201 of the Code of West Virginia, 1931, as amended, be amended and reenacted; and that §49-2-803 and §49-2-812 of said code be amended and reenacted, all to read as follows:

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

**§49-1-201. Definitions related, but not limited, to child abuse and neglect.**

When used in this chapter, terms defined in this section have the meanings ascribed to them that relate to, but are not limited to, child abuse and neglect, except in those instances where a different meaning is provided or the context in which the word is used clearly indicates that a different meaning is intended.

“Abandonment” means any conduct that demonstrates the settled purpose to forego the duties and parental responsibilities to the child;

“Abused child” means a child whose health or welfare is being harmed or threatened by:

(A) A parent, guardian or custodian who knowingly or intentionally inflicts, attempts to inflict or knowingly allows another

person to inflict, physical injury or mental or emotional injury, upon the child or another child in the home. Physical injury may include an injury to the child as a result of excessive corporal punishment;

(B) Sexual abuse or sexual exploitation;

(C) The sale or attempted sale of a child by a parent, guardian or custodian in violation of section fourteen-h, article two, chapter sixty-one of this code; or

(D) Domestic violence as defined in section two hundred two, article twenty-seven, chapter forty-eight of this code.

“Abusing parent” means a parent, guardian or other custodian, regardless of his or her age, whose conduct has been adjudicated by the court to constitute child abuse or neglect as alleged in the petition charging child abuse or neglect.

“Battered parent”, for the purposes of part six, article four of this chapter, means a respondent parent, guardian, or other custodian who has been adjudicated by the court to have not condoned the abuse or neglect and has not been able to stop the abuse or neglect of the child or children due to being the victim of domestic violence as defined by section two hundred two, article twenty-seven, chapter forty-eight of this code which was perpetrated by the same person or persons determined to have abused or neglected the child or children.

“Child abuse and neglect services” means social services which are directed toward:

(A) Protecting and promoting the welfare of children who are abused or neglected;

(B) Identifying, preventing and remedying conditions which cause child abuse and neglect;

(C) Preventing the unnecessary removal of children from their families by identifying family problems and assisting families in



resolving problems which could lead to a removal of children and a breakup of the family;

(D) In cases where children have been removed from their families, providing time-limited reunification services to the children and the families so as to reunify those children with their families or some portion thereof;

(E) Placing children in suitable adoptive homes when reunifying the children with their families, or some portion thereof, is not possible or appropriate; and

(F) Assuring the adequate care of children or juveniles who have been placed in the custody of the department or third parties.

“Condition requiring emergency medical treatment” means a condition which, if left untreated for a period of a few hours, may result in permanent physical damage; that condition includes, but is not limited to, profuse or arterial bleeding, dislocation or fracture, unconsciousness and evidence of ingestion of significant amounts of a poisonous substance.

“Imminent danger to the physical well-being of the child” means an emergency situation in which the welfare or the life of the child is threatened. These conditions may include an emergency situation when there is reasonable cause to believe that any child in the home is or has been sexually abused or sexually exploited, or reasonable cause to believe that the following conditions threaten the health, life, or safety of any child in the home:

(A) Nonaccidental trauma inflicted by a parent, guardian, custodian, sibling or a babysitter or other caretaker;

(B) A combination of physical and other signs indicating a pattern of abuse which may be medically diagnosed as battered child syndrome;

(C) Nutritional deprivation;

(D) Abandonment by the parent, guardian or custodian;

(E) Inadequate treatment of serious illness or disease;

(F) Substantial emotional injury inflicted by a parent, guardian or custodian;

(G) Sale or attempted sale of the child by the parent, guardian or custodian;

(H) The parent, guardian or custodian's abuse of alcohol or drugs or other controlled substance as defined in section one hundred one, article one, chapter sixty-a of this code, has impaired his or her parenting skills to a degree as to pose an imminent risk to a child's health or safety; or

(I) Any other condition that threatens the health, life, or safety of any child in the home.

“Neglected child” means a child:

(A) Whose physical or mental health is harmed or threatened by a present refusal, failure or inability of the child's parent, guardian or custodian to supply the child with necessary food, clothing, shelter, supervision, medical care or education, when that refusal, failure or inability is not due primarily to a lack of financial means on the part of the parent, guardian or custodian; or

(B) Who is presently without necessary food, clothing, shelter, medical care, education or supervision because of the disappearance or absence of the child's parent or custodian;

(C) “Neglected child” does not mean a child whose education is conducted within the provisions of section one, article eight, chapter eighteen of this code.

“Petitioner or co-petitioner” means the Department or any reputable person who files a child abuse or neglect petition pursuant to section six hundred one, article four, of this chapter.

“Permanency plan” means the part of the case plan which is designed to achieve a permanent home for the child in the least restrictive setting available.

“Respondent” means all parents, guardians, and custodians identified in the child abuse and neglect petition who are not petitioners or co-petitioners.

“Sexual abuse” means:

(A) Sexual intercourse, sexual intrusion, sexual contact, or conduct proscribed by section three, article eight-c, chapter sixty-one, which a parent, guardian or custodian engages in, attempts to engage in, or knowingly procures another person to engage in with a child notwithstanding the fact that for a child who is less than sixteen years of age the child may have willingly participated in that conduct or the child may have suffered no apparent physical injury or mental or emotional injury as a result of that conduct or, for a child sixteen years of age or older the child may have consented to that conduct or the child may have suffered no apparent physical injury or mental or emotional injury as a result of that conduct; ~~or~~

(B) Any conduct where a parent, guardian or custodian displays his or her sex organs to a child, or procures another person to display his or her sex organs to a child, for the purpose of gratifying the sexual desire of the parent, guardian or custodian, of the person making that display, or of the child, or for the purpose of affronting or alarming the child; ~~or~~ or

(C) Any of the offenses proscribed in sections seven, eight or nine of article eight-b, chapter sixty-one of this code.

“Sexual assault” means any of the offenses proscribed in sections three, four or five of article eight-b, chapter sixty-one of this code.

“Sexual contact” means sexual contact as that term is defined in section one, article eight-b, chapter sixty-one of this code.

“Sexual exploitation” means an act where:

(A) A parent, custodian or guardian, whether for financial gain or not, persuades, induces, entices or coerces a child to engage in sexually explicit conduct as that term is defined in section one, article eight-c, chapter sixty-one of this code; or

(B) A parent, guardian or custodian persuades, induces, entices or coerces a child to display his or her sex organs for the sexual gratification of the parent, guardian, custodian or a third person, or to display his or her sex organs under circumstances in which the parent, guardian or custodian knows that the display is likely to be observed by others who would be affronted or alarmed.

“Sexual intercourse” means sexual intercourse as that term is defined in section one, article eight-b, chapter sixty-one of this code.

“Sexual intrusion” means sexual intrusion as that term is defined in section one, article eight-b, chapter sixty-one of this code.

“Serious physical abuse” means bodily injury which creates a substantial risk of death, which causes serious or prolonged disfigurement, prolonged impairment of health or prolonged loss or impairment of the function of any bodily organ.

## **ARTICLE 2. STATE RESPONSIBILITIES FOR CHILDREN.**

### **§49-2-803. Persons mandated to report suspected abuse and neglect; requirements.**

(a) Any medical, dental or mental health professional, Christian Science practitioner, religious healer, school teacher or other school personnel, social service worker, child care or foster care worker, emergency medical services personnel, peace officer or law-enforcement official, humane officer, member of the clergy, circuit

court judge, family court judge, employee of the Division of Juvenile Services, magistrate, youth camp administrator or counselor, employee, coach or volunteer of an entity that provides organized activities for children, or commercial film or photographic print processor who has reasonable cause to suspect that a child is neglected or abused or observes the child being subjected to conditions that are likely to result in abuse or neglect shall immediately, and not more than forty-eight hours after suspecting this abuse or neglect, report the circumstances or cause a report to be made to the Department of Health and Human Resources. In any case where the reporter believes that the child suffered serious physical abuse or sexual abuse or sexual assault, the reporter shall also immediately report, or cause a report to be made, to the State Police and any law-enforcement agency having jurisdiction to investigate the complaint. Any person required to report under this article who is a member of the staff or volunteer of a public or private institution, school, entity that provides organized activities for children, facility or agency shall also immediately notify the person in charge of the institution, school, entity that provides organized activities for children, facility or agency, or a designated agent thereof, who may supplement the report or cause an additional report to be made.

(b) Any person over the age of eighteen who receives a disclosure from a credible witness or observes any sexual abuse or sexual assault of a child, shall immediately, and not more than forty-eight hours after receiving that disclosure or observing the sexual abuse or sexual assault, report the circumstances or cause a report to be made to the Department of Health and Human Resources or the State Police or other law-enforcement agency having jurisdiction to investigate the report. In the event that the individual receiving the disclosure or observing the sexual abuse or sexual assault has a good faith belief that the reporting of the event to the police would expose either the reporter, the subject child, the reporter's children or other children in the subject child's household to an increased threat of serious bodily injury, the individual may delay making the report while he or she undertakes measures to remove themselves or the affected children from the perceived threat of additional harm and the individual makes

the report as soon as practicable after the threat of harm has been reduced. The law-enforcement agency that receives a report under this subsection shall report the allegations to the Department of Health and Human Resources and coordinate with any other law-enforcement agency, as necessary to investigate the report.

(c) Any school teacher or other school personnel who receives a disclosure from a witness, which a reasonable prudent person would deem credible, or personally observes any sexual contact, sexual intercourse or sexual intrusion, as those terms are defined in article eight-b, chapter sixty-one, of a child on school premises or on school buses or on transportation used in furtherance of a school purpose shall immediately, but not more than 24 hours, report the circumstances or cause a report to be made to the State Police or other law-enforcement agency having jurisdiction to investigate the report: *Provided*, That this subsection will not impose any reporting duty upon school teachers or other school personnel who observe, or receive a disclosure of any consensual sexual contact, intercourse, or intrusion occurring between students who would not otherwise be subject to section three, five, seven or nine of article eight-8, chapter sixty-one of this code: *Provided, however*, That any teacher or other school personnel shall not be in violation of this section if he or she makes known immediately, but not more than 24 hours, to the principal, assistant principal or similar person in charge, a disclosure from a witness, which a reasonable prudent person would deem credible, or personal observation of conduct described in this section: *Provided further*, That a principal, assistant principal or similar person in charge made aware of such disclosure or observation from a teacher or other school personnel shall be responsible for immediately, but not more than 24 hours, reporting such conduct to law enforcement.

(d) County boards of education and private school administrators shall provide all employees with a written statement setting forth the requirement contained in this subsection and shall obtain and preserve a signed acknowledgment from school employees that they have received and understand the reporting requirement.

(e) The reporting requirements contained in this section specifically include reported, disclosed or observed conduct involving or between students enrolled in a public or private institution of education, or involving a student and school teacher or personnel. When the alleged conduct is between two students or between a student and school teacher or personnel, the law enforcement body that received the report under this section is required to make such a report under this section shall additionally immediately, but not more than 24 hours, notify the students' parents, guardians, and custodians about the allegations.

~~(c)~~(f) Nothing in this article is intended to prevent individuals from reporting suspected abuse or neglect on their own behalf. In addition to those persons and officials specifically required to report situations involving suspected abuse or neglect of children, any other person may make a report if that person has reasonable cause to suspect that a child has been abused or neglected in a home or institution or observes the child being subjected to conditions or circumstances that would reasonably result in abuse or neglect.

**§49-2-812. Failure to report; penalty.**

(a) Any person, official or institution required by this article to report a case involving a child known or suspected to be abused or neglected, or required by section eight hundred nine of this article to forward a copy of a report of serious injury, who knowingly fails to do so or knowingly prevents another person acting reasonably from doing so, is guilty of a misdemeanor and, upon conviction, shall be confined in jail not more than ~~thirty~~thirty-nine days or fined not more than ~~\$1,000~~\$5,000, or both fined and confined.

(b) Any person, official or institution required by this article to report a case involving a child known or suspected to be sexually assaulted or sexually abused, or student known or suspected to have been a victim of any non-consensual sexual contact, sexual intercourse or sexual intrusion on school premises, who knowingly fails to do so or knowingly prevents another person acting reasonably from doing so,

is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail not more than six months or fined not more than \$10,000, or both.

And,

That both houses recede from their respective positions as to the title of the bill and agree to a new title as follows:

**Com. Sub. for H. B. 2939** - “A Bill to amend and reenact §49-1-201 of the Code of West Virginia, 1931, as amended; and to amend and reenact §49-2-803 and §49-2-812 of said code, all relating to requirements for mandatory reporting of sexual offenses on school premises involving or between students; defining terms; adding conduct that must be reported to law enforcement; defining nature of conduct to be reported; creating criminal penalties for failure to report; increasing penalties for other reporting requirements; and requiring school administrators to provide written notice of reporting requirement to employees and to obtain and preserve signed acknowledgments thereof.”

Respectfully submitted,

DAVID NOHE,

KELLI SOBONYA,

DANIEL HALL,

AMY SUMMERS,

MIKE WOELFEL,\*

KENNETH HICKS,

(\*Had not signed when report availability was announced in the House.)

*Conferees on the part  
of the Senate.*

*Conferees on the part  
of the House of Delegates.*

On motion of Delegate Sobonya the report of the Committee of Conference was adopted.

The bill, as amended by said report, was then put upon its passage.



On the passage of the bill, the yeas and nays were taken (**Roll No. 617**), and there were—yeas 98, nays 1, absent and not voting 1, with the nays and absent and not voting being as follows:

NAYS: Perry.

ABSENT AND NOT VOTING: L. Phillips.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2939) passed.

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

#### MESSAGES FROM THE SENATE

At the request of Delegate Cowles, and by unanimous consent, the House of Delegates returned to further consideration of Com. Sub. for H. B. 2688.

**Com. Sub. for H. B. 2688**, Providing for the unitization of interests in drilling units in connection with all horizontal oil or gas wells, was reported by the Clerk.

On motions of Delegate Cowles, the bill was taken up for immediate consideration and the following amendments were reported by the Clerk:

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

“That §11-13A-3a, §22C-9-1, §22C-9-2, §22C-9-3, §22C-9-4 and §22C-9-5 of the Code of West Virginia, 1931, as amended, be amended and reenacted; and that said code be amended by adding thereto a new section, designated §22C-9-7a, all to read as follows:

**CHAPTER 11. TAXATION.****ARTICLE 13A. SEVERANCE AND BUSINESS PRIVILEGE TAX ACT.****§11-13A-3a. Imposition of tax on privilege of severing natural gas or oil; Tax Commissioner to develop a uniform reporting form.**

(a) Imposition of tax. - For the privilege of engaging or continuing within this state in the business of severing natural gas or oil for sale, profit or commercial use, there is hereby levied and shall be collected from every person exercising such privilege an annual privilege tax: *Provided*, That effective for all taxable periods beginning on or after the first day of January, two thousand, there is an exemption from the imposition of the tax provided in this article on the following: (1) Free natural gas provided to any surface owner; (2) natural gas produced from any well which produced an average of less than five thousand cubic feet of natural gas per day during the calendar year immediately preceding a given taxable period; (3) oil produced from any oil well which produced an average of less than one-half barrel of oil per day during the calendar year immediately preceding a given taxable period; and (4) for a maximum period of ten years, all natural gas or oil produced from any well which has not produced marketable quantities of natural gas or oil for five consecutive years immediately preceding the year in which a well is placed back into production and thereafter produces marketable quantities of natural gas or oil.

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

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

(d)(1) The Legislature finds that in addition to the production reports and financial records which must be filed by oil and gas

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

(2) On or before the first day of July, two thousand three, the Tax Commissioner shall design a common form that may be used for each of the reports regarding production that are required to be filed by oil and gas producers, which form shall readily permit a filing without financial information when such information is unnecessary. The commissioner shall also design such forms so as to permit filings in different formats, including, but not limited to, electronic formats.

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

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

## **CHAPTER 22C. ENVIRONMENTAL RESOURCES.**

### **ARTICLE 9. OIL AND GAS CONSERVATION.**

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

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

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

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

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

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

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

**§22C-9-2. Definitions.**

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

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

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

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

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

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

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

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

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

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

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

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

well means any well other than a coalbed methane well, drilled no deeper than one hundred feet below the top of the 'Onondaga Group': *Provided*, That in no event may the 'Onondaga Group' formation or any formation below the 'Onondaga Group' be produced, perforated or stimulated in any manner;

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

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

(14) 'Waste' means and includes:

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

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

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

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

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

(17) ‘Unconventional reservoir’ means any geologic formation that contains or is otherwise productive of oil or natural gas that generally cannot be produced at economic flow rates or in economic volumes except by wells stimulated by multiple hydraulic fracture treatments, a horizontal wellbore, or by using multilateral wellbores or some other technique to expose more of the formation to the wellbore;

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

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

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

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



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

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

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

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

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

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

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

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

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

(4) Free gas rights; or

(5) Coalbed methane wells.

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

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

(2) Fix prices of oil or gas.

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

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

(a) The 'oil and gas conservation commission' ~~shall be~~ is composed of ~~five~~ seven members. The Director of the ~~Division~~ Department of Environmental Protection, ~~and~~ the chief of the office of oil and gas ~~and the state geologist shall be~~ are members of the commission ex officio. The remaining ~~three~~ four members of the commission shall be appointed by the Governor, by and with the advice and consent of the Senate, and may not be employees of the ~~Division~~ Department of Environmental Protection. Each of the four members appointed by the Governor shall be a resident of this state. Of the ~~three~~ four members appointed by the Governor, ~~one~~ the first

shall be an independent producer. ~~and at least one shall be a public member not engaged in an activity under the jurisdiction of the Public Service Commission or the federal energy regulatory commission.~~ The second appointee shall be an individual who has significant experience in the agricultural industry and who is engaged in the business of farming in this state. When this member is to be appointed, the Governor shall request from the primary organization representing the agriculture and forestry industries in this state a list of three nominees for the member to be appointed. The third appointee shall be an owner of minerals in this state who is not affiliated with an operator of oil or gas wells. When this member is to be appointed, the Governor shall request from the major trade association representing mineral owners in this state a list of three nominees for the member to be appointed. The ~~third~~ fourth appointee shall possess a degree from an accredited college or university in petroleum engineering or geology and must be a registered professional engineer with particular knowledge and experience in the oil and gas industry and shall serve as commissioner and as chair of the commission. The term 'affiliated' as used in this subsection means someone who directly, or indirectly through one or more intermediaries, controls or is controlled by or is under common control with an operator of oil and gas wells by virtue of the power to direct or cause the direction of the management and policies of that operator, whether through the ownership of voting shares, by contract or otherwise.

(b) The members of the commission appointed by the Governor shall be appointed for overlapping terms of six years each, except that the original appointments shall be for terms of two, four, ~~five~~ and six years, respectively. Each member appointed by the Governor shall serve until the members successor has been appointed and qualified. Members may be appointed by the Governor to serve any number of terms. The members of the commission appointed by the Governor, before performing any duty hereunder, shall take and subscribe to the oath required by section 5, article IV of the Constitution of West Virginia. Vacancies in the membership appointed by the Governor shall be filled by appointment by the Governor for the unexpired term

of the member whose office is vacant and ~~such~~ the appointment shall be made by the Governor within sixty days of the occurrence of such vacancy. Any member appointed by the Governor may be removed by the Governor in case of incompetency, neglect of duty, gross immorality or malfeasance in office. A commission member's appointment ~~shall be~~ is terminated as a matter of law if that member fails to attend three consecutive meetings. The Governor shall appoint a replacement within thirty days of the termination.

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

(d) The commission shall pay each member the same compensation as is paid to members of the Legislature for their interim duties as recommended by the citizens legislative compensation commission and authorized by law for each day or portion thereof engaged in the discharge of official duties and shall reimburse each member for actual and necessary expenses incurred in the discharge of official duties.

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

to protect correlative rights, the commission's duty to prevent waste ~~shall be~~ is paramount.

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

(1) Regulate the spacing of deep wells;

(2) Issue horizontal well unit orders;

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

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

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

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

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

(2) No request for hearing has been received.

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

(1) Propose legislative rules;

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

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

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

**§22C-9-5. Rules; notice requirements.**

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

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

In addition, the commission shall mail a copy of ~~such~~ the notice to all other persons who have specified to the commission an address to which all such notices may be mailed. The notice shall issue in the name of the state, shall be signed by one of the commission members, shall specify the style and number of the proceeding, the time and place of any hearing and shall briefly state the purpose of the proceeding. Each notice of a hearing must be provided no fewer than twenty days preceding the hearing date. Personal or substituted service and proof thereof may be made by an officer authorized to serve process or by an agent of the commission in the same manner as is now provided by the ~~West Virginia Rules of Civil Procedure for Trial Courts of Record~~<sup>2</sup> *West Virginia Rules of Civil Procedure* for service of process in civil actions in the various courts of this state.

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

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

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

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

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

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

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

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

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

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

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

(3) ‘Horizontal well unit’ means an area in which horizontal drilling may occur, and that is designated for the allocation of production from one or more horizontal wells drilled in the unit to all



oil and gas tracts, or portions of the tracts, included in the unit for production of oil and gas and payment of royalty and proceeds of production regardless of the tract or tracts in which the horizontal well is drilled or completed, and the corresponding authorization to drill and produce oil and gas from that area as a unit, notwithstanding the lack of adequate consensual rights allowing pooling or unitization of oil and gas or allowing drilling horizontally across tract lines. When a horizontal well unit is formed, that portion of the production allocated to each tract or portion of the unit included in the horizontal well unit shall, when produced, be considered for all purposes to have been actually produced from the tract by an oil and gas well drilled, completed and producing on the tract;

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

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

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

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

(8) ‘Unitization’ means the combination of two or more tracts of oil and gas, or portions thereof, or leases, for drilling of horizontal

wells and production of oil and gas from the unit with allocation of production to the net acreage of each tract included in the unit to operate as a consolidated horizontal well unit;

(9) ‘Unitization consideration’ means consideration provided as set forth in subsection (f) of this section. Unitization consideration relates to the net acreage of the nonconsenting royalty owner included in a horizontal well unit and is as determined to be just and reasonable by the commission; and

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

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

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

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

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

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

(c) *Applicability.*

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

horizontal well unit and upon the issuance of a horizontal well unit order pursuant to this section.

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

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

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

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

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

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

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

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

(d) *Application requirements.*

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

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

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

(C) A plat that depicts the boundaries and acreage of the proposed horizontal well unit, the tracts in the horizontal well unit, the surface

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

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

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

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

(ii) Which of them hold executive rights; and

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

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

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

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

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

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

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

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

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

(L) A statement whether the applicant has submitted, either previously or contemporaneously with the application filed pursuant to this section, an application for a well work permit with the Department

of Environmental Protection for one or more horizontal wells to be completed within the boundaries of the proposed horizontal well unit.

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

(e) Standard of review.

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

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

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

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

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

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

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

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

(H) Correlative rights;

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

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

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

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

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

(f) *Horizontal Well Unit Orders.*

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

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

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



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

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

(E) Any unitization consideration due.

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

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

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

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

(6) With respect to royalty owners of leased tracts who have not consented to pooling or unitization, the commission may require that unitization consideration be provided to executive interest royalty owners equivalent to just and reasonable consideration for the modification of rights under a lease. Further, if an award of unitization consideration differs from the rights under a lease or other contract, the

applicant, all royalty owners, and owners of leasehold, working interest, overriding royalty interest and other interests in the oil and gas are bound by the order: *Provided*, That the terms of any unitization consideration shall be no less favorable than the economic terms contained in the applicable lease on the date the application for the unit order was filed with the commission. Unitization consideration shall be provided by the participating operators, including the applicant, to the extent of their interest in the horizontal well unit.

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

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

(B) Executive interest owners may make an election for unitization consideration, and if the executive interest owner elects unitization consideration, the interests of the executive interest owner and the associated nonexecutive interest owners shall be considered leased to the participating operators, including the applicant, to the extent of their interest in the horizontal well unit on terms which, if not agreed upon, shall be just and reasonable as determined by the commission: *Provided*, That, with respect to the deemed one-eighth royalty interest only, any royalty terms determined by the commission shall stipulate that the royalties may not be reduced by production or post-production expenses, and shall stipulate that royalties shall be calculated and paid on all natural gas, natural gas liquids, and other substances emitted from the borehole and marketed off the premises: *Provided, however*, That the commission may consider the net amount payable under leases where post-production expenses are permitted when determining the production royalty rate. Thereafter, the applicant and all royalty

owners and owners of leasehold, working interest, overriding royalty interest and other interests in the associated unleased oil and gas shall be bound by the order. Further, following an election by the executive interest owners to receive unitization consideration under this paragraph (B), the participating operators including the applicant, to the extent of their interest in the horizontal well unit, will be the operator of the oil and gas as to the deemed seven-eighths interest and the owner of the unleased oil and gas will be the executive interest royalty owner as to the deemed one-eighth interest. Nothing contained in this paragraph (B) applies to any lease in this state now in existence or entered into in the future, or to any award of unitization consideration made by the commission other than unitization consideration awarded to an executive interest owner of an unleased tract who elects to be considered leased pursuant to this paragraph (B).

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

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

(9) An operator may elect to consent to and participate in a horizontal well unit after an application is filed. Subject to subdivision (7) of this subsection, when the commission issues a horizontal well unit order pursuant to this section, the commission shall allow each nonconsenting operator, who does not elect to participate in the risk and cost of drilling in the horizontal well unit to choose from the following options:

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

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

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

(10) If a nonconsenting operator elects Option 2, and an owner of any operating interest in any portion of the horizontal well unit drills and operates, or pays the costs of drilling, completing, equipping and operating a horizontal well for the benefit of the nonparticipating owner as provided in the horizontal well unit order, then the operating owner is entitled to the share of production from the tracts or portions thereof subject to the horizontal well unit order accruing to the interest of the nonparticipating owner, exclusive of any unitization consideration, and royalty and overriding royalty reserved in any leases, assignments thereof or agreements relating thereto, of the tracts or portions of the tracts, until the market value of the nonparticipating owner's share of the production, exclusive of the unitization consideration, royalty and overriding royalty equals double the share of the costs payable by or charged to the interest of the nonparticipating owner. If an operator is an unknown and unlocatable interest owner, the operator shall be deemed to have elected Option 1.

(11) If a dispute arises as to the costs of drilling, completing, equipping and operating a horizontal well in a horizontal well unit formed pursuant to this section, the commission shall determine and

apportion the costs, within ninety days from the date of written notification to the commission of the existence of the dispute.

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

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

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

(15) If an operator has not drilled a well in a horizontal well unit formed by the commission within five years after the latter of either the drilling and completion of the initial horizontal well in the horizontal well unit or the drilling and completion of the most recent horizontal well within the horizontal well unit, as the case may be, an interested party may file a request to modify the horizontal well unit, and the commission may modify the horizontal well unit. Upon the modification of the horizontal well unit, the commission shall recalculate the allocation of production from the tracts in the modified horizontal well unit from and after the modification order date and the modification order shall be binding on the property subject to the horizontal well unit order, and all owners thereof, their heirs, representatives, successors and assigns for so long as the horizontal well unit order remains in effect. If the commission determines that any party has been overcompensated, the commission may authorize the applicant to withhold distributions to the overcompensated party and redistribute withheld moneys to the appropriate parties. The operator may set off against any amount overpaid.

(16) All operations, including, but not limited to, the commencement, drilling, or operation of a horizontal well upon any

portion of a horizontal well unit for which a unit order has been entered pursuant to this section, shall be considered for all purposes the conduct of the operations upon each separate tract or portion of the tract in the horizontal well unit. That portion of the production allocated to each tract or portion of the tract included in a horizontal well unit shall, when produced, be considered for all purposes to have been actually produced from the tract by an oil and gas well drilled, completed and producing on the tract.

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

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

(19) For purposes of this section, the commission shall determine what is 'just and reasonable' based on relevant evidence adduced at a hearing including but not limited to amounts paid or consideration given in arm's length transactions in the vicinity of the horizontal well unit and within a reasonable time prior to the hearing for transactions of the same nature and involving similar geologic conditions as that transaction being considered by the commission.

(20) So long as the order remains in effect, a horizontal well unit order shall be binding on the property subject to the horizontal well

order and all owners of the property and their heirs, representatives, successors and assigns.

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

(g) Notice, timelines, hearings and orders.

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

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

(2) Each notice issued in accordance with this section shall describe the area for which a horizontal well unit order is proposed in recognizable, narrative terms and contain such other information as is essential to the giving of proper notice, including the time and date and place of a hearing. As soon as practicable the commission shall establish a website. Within three business days of the filing of an

application under this section, the commission shall publish on its website a copy of: (i) The horizontal well unit application notice required to be published pursuant to this section and section five of this article; and (ii) the proposed horizontal well unit plat filed with the application, both identified as a horizontal well unit application and indexed by county and district where the majority of the acreage to be included in the proposed horizontal well unit is located, so that the plat and notice of the application are readily accessible. Timely publication on the website for a period of ten business days shall be notice to all operators.

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

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



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

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

The applicant may mark the summary of the prevailing economic terms of leases and consideration paid for lease modifications filed with the commission, and any associated documents or information, as 'CONFIDENTIAL' to the extent that the documents contain confidential, commercial information. Any information marked 'CONFIDENTIAL' may only be used by the commission for the purpose of the underlying hearing and may only be reviewed at the offices of the commission for purposes of preparing for the underlying hearing by interested parties who are either executive interest royalty owners of unleased tracts or executive interest royalty owners of leased tracts within the proposed unit who have not consented or agreed to pooling or unitization, and for no other purpose. Prior to an executive interest royalty owner of an unleased tract or an executive interest royalty owner of a leased tract within the proposed unit who has not consented to pooling or unitization disclosing any document or other material marked as 'CONFIDENTIAL,' or any information contained therein, to an attorney, expert witness, consultant or other person assisting the owner with a hearing under this section, the party making the disclosure must first inform the person that he or she is bound by the duty of confidentiality established under this subdivision and the person to whom disclosure is to be made shall sign an acknowledgment that the information is and shall remain at all times confidential, and that the person agrees to abide by the duty of confidentiality

established by this subdivision and to refrain from using the information for any purpose other than the applicable hearing. All information marked 'CONFIDENTIAL' pursuant to this subdivision shall retain that character in any court of competent jurisdiction on appeal, and the applicant may file a motion with the court seeking to have the documents sealed and withheld from the public record throughout the appeal from a final order of the commission pertaining to a horizontal well unit order. Furthermore, any information marked 'CONFIDENTIAL' pursuant to this subdivision is exempt from disclosure under article one, chapter twenty-nine-b of this code.

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

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

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

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

twenty-two of this code for any proposed development within the horizontal well unit for which the unit order is sought.

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

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

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

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

(o) Opportunity of Surface Owners to Acquire Interests of Unknown and Unlocatable Interest Owners in Oil and Gas Underlying Horizontal Well Unit.

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

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

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

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

(D) A copy of the most recent recorded instrument embracing the interest of the unknown and unlocatable interest owners as necessary

to show the vesting of title to the minerals in the last record owner of the title to the minerals.

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

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

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

(5) Any owner of the overlying surface tract may join as a petitioner in the proceeding. Any person purporting to be the unknown

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

(6) If a petition is filed pursuant to this subsection, the amounts payable to unknown and unlocatable interest owners subject to the petition shall be paid to the Oil and Gas Reclamation Fund established pursuant to section twenty-nine, article six, chapter twenty-two of this code three years after the petition is filed, unless and until an unknown and unlocatable interest owner appears in the proceeding. The court may appoint a special commissioner at any time to deliver a deed to the petitioners in the form provided herein five years after the petition is filed. The special commissioner shall be an attorney duly admitted to practice before the West Virginia Supreme Court of Appeals and in good standing, but may not be required to give bond. If the petitioners do not agree as to the interest each is to acquire by the deed contemplated herein, or the division of any moneys associated therewith, the court shall equitably determine the interests of the petitioners.

(7) In any action under this subsection, if personal service of process is possible, it shall be made as provided by the West Virginia rules of civil procedure. In addition, immediately upon the filing of the petition, the petitioner shall: (1) Publish a Class III legal advertisement in compliance with the provisions of article three, chapter fifty-nine of

this code, and in the county wherein the larger part of the oil and gas mineral estate described in the petition lies; and (2) no later than the first day of publication, file a lis pendens notice in the county clerk's office of the county where the petition is filed and the county wherein the larger part of the oil and gas mineral estate described in the petition lies. Both the advertisement and the lis pendens notice shall set forth: (1) The names of the petitioner and the defendants, as they are known to be by the exercise of reasonable diligence by the petitioner, and their last known addresses; (2) the date and record data of the instrument or other conveyance which immediately created the oil and gas mineral interest; (3) an adequate description of the land as contained therein; (4) the source of title of the last known owners of the oil and gas mineral interests; and (5) a statement that the action is brought for the purpose of authorizing payments from a horizontal well unit, and thereafter, in the case of any defendant or heir, successor or assign of any defendant who does not appear to claim ownership of the defendant's interest within five years after the date the petition is filed, for the court to order a conveyance of the defendant's oil and gas mineral interest under this subsection, subject to the lease terms determined by the commission and horizontal well unit order, to the owner of the surface overlying the oil and gas mineral interest. In addition, the petitioner shall send notice by certified mail, return receipt requested, to the last known address, if there is one, of all named defendants. In addition, the court may order advertisement elsewhere or by additional means if there is reason to believe that additional advertisement might result in identifying and locating the unknown and unlocatable interest owners.

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

This deed, made the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,  
between \_\_\_\_\_, special commissioner,  
grantor and \_\_\_\_\_, grantee,

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

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

Witness the following signature.

---

Special Commissioner

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



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

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

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

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

(14) If any unknown and unlocatable interest owner or heir, successor or assign thereof appears in the proceeding in circuit court

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

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

And,

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

**Com. Sub. for H. B. 2688** - “A Bill to amend and reenact §11-13A-3a of the Code of West Virginia, 1931, as amended; to amend and reenact §22C-9-1, §22C-9-2, §22C-9-3, §22C-9-4 and §22C-9-5 of said code; and to amend said code by adding thereto a new section, designated §22C-9-7a, all relating to oil and gas conservation; requiring the Tax Commissioner to study, and propose rules relating to, oil and gas severance taxation on a first purchaser basis; reconstituting the membership of the Oil and Gas Conservation Commission; providing for the unitization of interests in drilling units in connection with horizontal oil or gas wells generally; establishing prerequisites to filing of an application for a horizontal well unit order; setting forth application requirements; establishing the standard of review; providing for unit orders and parameters thereof; requiring notice and timeliness; providing for hearings; permitting bonded operators to submit written comments regarding a horizontal well unit application in certain circumstances; addressing oil and gas produced from horizontal wells, vertical wells and unconventional reservoirs;

requiring royalties be paid on all substances emitted from the borehole; providing for declaration of public policy and legislative findings; specifying applicability of article; limiting the liability of nonconsenting owners in certain circumstances; granting additional authority to the Oil and Gas Conservation Commission; providing for the award of unitization consideration in certain circumstances and generally; providing alternative and deemed elections to nonconsenting owners in certain circumstances; providing for dispute resolution; providing for treatment of interests of unknown and unlocatable interest owners, including moneys payable thereto; providing for judicial review of commission orders; permitting the modification of horizontal well unit orders under certain circumstances; providing for the expiration of horizontal well unit orders under certain circumstances; requiring the filing of a summary of the prevailing economic terms of leases and the prevailing consideration paid for modification of leases prior to hearings; establishing procedures where certain information shall be deemed confidential; exempting certain information from disclosure under the freedom of information law; addressing additional drilling activity; providing that horizontal well unit orders do not grant or affect surface rights; authorizing contemporaneous permit applications; providing for reunification of interests of unknown and unlocatable interest owners with surface owners in certain circumstances and providing procedures therefor; providing for conflict resolution; providing for severability; adding new definitions; and modifying existing definitions.”

Delegate Cowles moved to concur in the Senate amendments.

During debate on the forgoing amendments, Delegate Deem moved the previous question, roll call being demanded.

On this question, the yeas and nays were taken (**Roll No. 618**), and there were—yeas 51, nays 47, absent and not voting 2, with the nays and absent and not voting being as follows:

NAYS: Azinger, Bates, Boggs, Butler, Byrd, Campbell, Caputo, Eldridge, Faircloth, Fast, Ferro, Fleischauer, Fluharty, Frich, Gearheart,

Guthrie, Hicks, Hill, Hornbuckle, Ihle, Lane, Longstreth, Lynch, Manchin, McGeehan, Miley, Moffatt, Moore, Morgan, Moye, J. Nelson, Perdue, Perry, Pethtel, Pushkin, Reynolds, Rodighiero, Rohrbach, Rowe, Skinner, P. Smith, Sponaugle, Trecost, Upson, Wagner, H. White and Williams.

ABSENT AND NOT VOTING: Marcum and L. Phillips.

So, a majority of the members present and voting having voted in the affirmative, the motion prevailed.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 619**), and there were—yeas 49, nays 49, absent and not voting 2, with the nays and absent and not voting being as follows:

NAYS: Azinger, Blair, Boggs, Butler, Byrd, Caputo, Cowles, Eldridge, Faircloth, Fast, Ferro, Fleischauer, Fluharty, Folk, Frich, Gearheart, Guthrie, Hamilton, Hicks, Hill, Hornbuckle, Howell, Ihle, Kurcaba, Lane, Longstreth, Lynch, Manchin, McGeehan, Miley, Moore, Morgan, Moye, J. Nelson, Perdue, Pethtel, Pushkin, Reynolds, Rodighiero, Rowe, Skinner, P. Smith, Sponaugle, Storch, Summers, Trecost, Wagner, Weld and H. White.

ABSENT AND NOT VOTING: Marcum and L. Phillips.

So, a majority of the members present and voting not having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2688) rejected.

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

A message from the Senate, by

The Clerk of the Senate, announced the adoption of the report of the Committee of Conference on, and the passage, as amended by said report, of

**H. B. 2664**, Creating “Andrea and Willy’s Law”; increasing certain penalties for driving under the influence of alcohol, controlled substances or drugs.

A message from the Senate, by

The Clerk of the Senate, announced the adoption of the report of the Committee of Conference on, and the passage, as amended by said report, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 37**, Creating Revised Uniform Arbitration Act.

#### CONFERENCE COMMITTEE REPORT

Delegate Hanshaw, from the Committee of Conference on matters of disagreement between the two houses, as to

**Com. Sub. for S. B. 37**, Creating Revised Uniform Arbitration Act.

Submitted the following report, which was received:

Your Committee of Conference on the disagreeing votes of the two houses as to the amendments of the House to Engrossed Committee Substitute for Senate Bill No. 37 having met, after full and free conference, have agreed to recommend and do recommend to their respective houses, as follows:

That both houses recede from their respective positions as to the amendment of the House on page thirty-seven, section thirty, by adding a new subdivision on page thirty-seven, section thirty, after line two, by adding a new subdivision, designated subdivision (2), to read as follows:

(2) An order granting or denying a motion to compel arbitration issued in an action filed pursuant to the provisions of chapter forty-six-a of this code;

And,

By renumbering the remaining subdivisions.

And,

That the Senate agree to all other amendments of the House of Delegates to the bill.

And,

That both houses recede from their respective positions as to the title and agree to the same as follows:

**Com. Sub. for S. B. 37** - “A Bill to amend and reenact §55-10-1, §55-10-2, §55-10-3, §55-10-4, §55-10-5, §55-10-6, §55-10-7 and §55-10-8 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto twenty-five new sections, designated §55-10-9, §55-10-10, §55-10-11, §55-10-12, §55-10-13, §55-10-14, §55-10-15, §55-10-16, §55-10-17, §55-10-18, §55-10-19, §55-10-20, §55-10-21, §55-10-22, §55-10-23, §55-10-24, §55-10-25, §55-10-26, §55-10-27, §55-10-28, §55-10-29, §55-10-30, §55-10-31, §55-10-32 and §55-10-33, all relating generally to arbitration; providing for a short title; making legislative findings; defining terms; defining notice under article; defining when article applies; prescribing effect of agreements to arbitrate; identifying nonwaivable provisions of article; allowing for application for judicial relief under article; providing required method for notice of application for judicial relief; making agreement to arbitrate valid unless legal or equitable reason for revocation exists; delineating decisions to be made by judge and arbitrator; providing for terms by which arbitration may continue if challenged; providing for process for motions to compel or stay arbitration; providing for provisional remedies to protect effectiveness of arbitration proceedings; providing process for initiation of arbitration; providing for consolidation of separate arbitration proceedings; providing for appointment of arbitrator and default

process for appointing arbitrator if not agreed by the parties; requiring neutrality of arbitrators; requiring disclosure by arbitrators of matters likely to affect impartiality; requiring majority of arbitrators to agree to exercise powers; providing immunity for arbitrators; providing exceptions to arbitrator immunity; providing that arbitrator incompetence to testify to same extent as judges; providing exceptions to arbitrator incompetence to testify; providing for attorneys' fees and costs for challenges from which arbitrators are immune from civil liability; providing general process for arbitration; providing for appointment of replacement arbitrator if necessary; allowing parties to be represented by a lawyer in arbitrations; outlining procedure for witnesses, issuance of subpoenas, depositions, discovery and protective orders in arbitrations; providing for judicial enforcement of discovery-related orders by arbitrator; providing for judicial enforcement of preaward ruling by arbitrator; providing for record of an award and requirements for making an award; providing an exemption from the award provisions in the case of arbitration conducted or administered by a self-regulatory organization as defined by the Securities Exchange Act of 1934, the Commodity Exchange Act or regulations adopted under those acts; allowing change of an award by arbitrator upon motion under certain conditions; providing that certain remedies and fees and costs of arbitration may be a part of arbitration award; allowing for confirmation by court of an award upon motion; providing process and grounds for vacating an award by a court; providing process and grounds for modification or correction of an award upon motion; providing that court shall enter a judgment upon confirmation of an award and may add certain reasonable attorneys' fees and costs; providing for jurisdiction over arbitration agreements by a court of this state; providing venue; providing that appeals may be taken from certain orders related to arbitration proceedings; requiring uniform application and construction of act; providing that this act shall conform with the Electronic Signatures in Global and National Commerce Act; and clarifying that the act does not affect an action or proceeding commenced or right accrued before the effective date of the article."

Respectfully Submitted,

GREGORY L. BOSO,

PATRICK LANE,

COREY PALUMBO,

ROGER HANSHAW,

MARK R. MARYNARD,

MICK BATES,

*Conferees on the part  
of the Senate.*

*Conferees on the part  
of the House of Delegates.*

On motion of Delegate Hanshaw the report of the Committee of Conference was adopted.

The bill, as amended by said report, was then put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 620**), and there were—yeas 76, nays 21, absent and not voting 3, with the nays and absent and not voting being as follows:

NAYS: Byrd, Caputo, Eldridge, Ferro, Fleischauer, Fluharty, Guthrie, Hicks, Hornbuckle, Longstreth, Manchin, Miley, Moore, Perdue, Pushkin, Reynolds, Rodighiero, Rowe, Sponaugle, Trecost and H. White.

ABSENT AND NOT VOTING: Ireland, Marcum and L. Phillips.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 37) passed.

Delegate Cowles moved that the bill take effect July 1, 2015.

On this question, the yeas and nays were taken (**Roll No. 621**), and there were—yeas 77, nays 20, absent and not voting 3, with the nays and absent and not voting being as follows:



NAYS: Byrd, Caputo, Eldridge, Ferro, Fleischauer, Fluharty, Guthrie, Hicks, Hornbuckle, Longstreth, Manchin, Miley, Moore, Perdue, Pushkin, Reynolds, Rodighiero, Rowe, Sponaugle and H. White.

ABSENT AND NOT VOTING: Ireland, Marcum and L. Phillips.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 37) takes effect July 1, 2015.

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

#### MESSAGES FROM THE SENATE

A message from the Senate, by

The Clerk of the Senate, announced the adoption of the report of the Committee of Conference on, and the passage, as amended by said report, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 192**, Authorizing Department of Transportation promulgate legislative rules.

#### CONFERENCE COMMITTEE REPORT

Delegate Fast, from the Committee of Conference on matters of disagreement between the two houses, as to

**Com. Sub. for S. B. 192**, Authorizing Department of Transportation promulgate legislative rules.

Submitted the following report, which was received:

Your Committee of Conference on the disagreeing votes of the two houses as to the amendments of the House to Engrossed Committee Substitute for Senate Bill No. 192 having met, after full and free

conference, have agreed to recommend and do recommend to their respective houses, as follows:

In the House Committee on Judiciary's strike and insert amendment on page two, on lines thirteen and fourteen, by striking out lines thirteen and fourteen and inserting "which form must require and be accompanied by a certification by a medical doctor of the person's gender."

In the House Committee on Judiciary's strike and insert amendment on page three, on lines four and five, by striking out lines four and five and inserting "which form must require and be accompanied by a certification by a medical doctor of the person's gender."

In the House Committee on Judiciary's strike and insert amendment on page three, on lines eight and nine, by striking out lines eight and nineteen and inserting "which form must require and be accompanied by a certification by a medical doctor of the person's gender."

Respectfully submitted,

CHARLES S. TRUMP, IV,

TOM FAST,

MITCH CARMICHAEL,

ROGER HANSHAW,

COREY PALUMBO,

DANA LYNCH,\*

(\*Did not sign)

*Conferees on the part  
of the Senate.*

*Conferees on the part  
of the House of Delegates.*

On motion of Delegate Fast the report of the Committee of Conference was adopted.

The bill, as amended by said report, was then put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 622**), and there were—yeas 93, nays 1, absent and not voting 6, with the nays and absent and not voting being as follows:

NAYS: Lane.

ABSENT AND NOT VOTING: Deem, Ireland, Marcum, McCuskey, L. Phillips and Westfall.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 192) passed.

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

On this question, the yeas and nays were taken (**Roll No. 623**), and there were—yeas 92, nays 1, absent and not voting 7, with the nays and absent and not voting being as follows:

NAYS: Lane.

ABSENT AND NOT VOTING: Deem, Ireland, Marcum, McCuskey, L. Phillips, Walters and Westfall.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 192) takes effect from its passage.

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

#### MESSAGES FROM THE SENATE

A message from the Senate, by

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

**Com. Sub. for H. B. 2636**, Exempting information contained in a concealed weapon permit application from the Freedom of Information Act.

On motions of Delegate Cowles, the bill was taken up for immediate consideration and the House of Delegates concurred in the Senate amendments as follows:

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

**“CHAPTER 29B. FREEDOM OF INFORMATION.**

**ARTICLE 1. PUBLIC RECORDS.**

**§29B-1-2. Definitions.**

As used in this article:

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

(2) ‘Person’ includes any natural person, corporation, partnership, firm or association.

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

(4) ‘Public record’ includes any writing containing information relating prepared or received by a public body, the content or context of which, judged either by content or context, relates to the conduct of the public’s business. ~~prepared, owned and retained by a public body.~~

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

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

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

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

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

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

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

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

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

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

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

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

(a) Beginning January 1, 2016, each public body that is in receipt of a freedom of information request shall provide information to the Secretary of State relating to, at a minimum, the nature of the request, the nature of the public body's response, the time-frame that was necessary to comply in full with the request; and the amount of reimbursement charged to the requester for the freedom of information request: *Provided*, That the public body shall not provide to the Secretary of State the public records that were the subject of the FOIA request.

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

**§29B-1-4. Exemptions.**

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

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

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

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

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

(5) Information specifically exempted from disclosure by statute;

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

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

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

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

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

(11) Specific intelligence information and specific investigative records dealing with terrorist acts or the threat of a terrorist act shared by and between federal and international law-enforcement agencies,



state and local law-enforcement and other agencies within the Department of Military Affairs and Public Safety;

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

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

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

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

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

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

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

(19) Records of the Division of Corrections, Regional Jail and Correctional Facility Authority and the Division of Juvenile Services relating to design of corrections, jail and detention facilities owned or operated by the agency, and the policy directives and operational

procedures of personnel relating to the safe and secure management of inmates or residents, that if released, could be ~~utilized~~ used by an inmate or resident to escape a facility, or to cause injury to another inmate, resident or to facility personnel.

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

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

(1) Intimidate or coerce the civilian population;

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

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

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

(c) ~~Nothing in~~ The provisions of subdivisions (9) through (16), inclusive, subsection (a) of this section ~~should be construed to do not~~ make subject to the provisions of this chapter any evidence of an immediate threat to public health or safety unrelated to a terrorist act

or the threat ~~thereof~~ of a terrorist act which comes to the attention of a public entity in the course of conducting a vulnerability assessment response or similar activity.

## **CHAPTER 61. CRIMES AND THEIR PUNISHMENT.**

### **ARTICLE 7. DANGEROUS WEAPONS.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) For both initial and renewal applications, the sheriff shall conduct an investigation including a nationwide criminal background

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

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

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

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

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

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

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

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

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

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

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

(h) Each license shall contain the full name and address of the licensee and a space upon which the signature of the licensee shall be

signed with pen and ink. The issuing sheriff shall sign and attach his or her seal to all license cards. The sheriff shall provide to each new licensee a duplicate license card, in size similar to other state identification cards and licenses, suitable for carrying in a wallet, and the license card is considered a license for the purposes of this section.

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

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

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

(l) Whenever any person after applying for and receiving a concealed handgun license moves from the address named in the application to another county within the state, the license remains valid



for the remainder of the five years unless the sheriff of the new county has determined that the person is no longer eligible for a concealed deadly weapon license under this article, and the sheriff shall issue a new license bearing the person's new address and the original expiration date for a fee not to exceed \$5; Provided, That the licensee within twenty days thereafter notifies the sheriff in the new county of residence in writing of the old and new addresses.

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

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

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

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

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

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

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

And,

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

**Com. Sub. for H. B. 2636** - “A Bill to amend and reenact §29B-1-2 and §29B-1-3 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §29B-1-3a; to amend and reenact §29B-1-4 of said code; and to amend and reenact §61-7-4 of said code, all relating to the

Freedom of Information Act; redefining the term ‘public record’; defining and exempting certain fees and costs for reproduction of records; directing the Secretary of State to establish a database of Freedom of Information requests and publication on the Secretary of State’s website; directing public bodies to report Freedom of Information request information to the Secretary of State; authorizing emergency and legislative rulemaking authority to the Secretary of State; establishing a presumption of public accessibility to public records; exempting information contained in a concealed weapon permit application from the Freedom of Information Act; authorizing disclosure of exempt information to law enforcement agency; protecting the confidentiality of information collected in an application for a concealed weapon permit; and providing criminal penalties.”

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 624**), and there were—yeas 92, nays none, absent and not voting 8, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Cadle, Deem, Kelly, Marcum, L. Phillips, Walters, Westfall and Zatezalo.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2636) passed.

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

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates, with a title amendment, and the passage, as amended, of

**S. B. 312**, Relating to disqualification of general election nominees for failure to file campaign finance statements.

On motions of Delegate Cowles, the bill was taken up for immediate consideration and the House of Delegates concurred in the following Senate title amendment:

**S. B. 312** - “A Bill to amend and reenact §3-8-7 of the Code of West Virginia, 1931, as amended, relating generally to disqualification of nominees for general election due to failure to file campaign finance statements; providing that candidates who fail to file campaign finance statements by the eighty-fourth day before the general election are disqualified; clarifying that disqualification under this section would create ballot vacancy and permit replacement of candidate on ballot; permitting replacement of candidate on ballot; defining terms; and authorizing the Secretary of State to promulgate legislative rules concerning providing written notice to candidate prior to his or her disqualification.”

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 625**), and there were—yeas 93, nays none, absent and not voting 7, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Azinger, Cadle, Deem, Marcum, Moffatt, L. Phillips and Westfall.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 312) passed.

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

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates, with further amendment, and the passage, as amended, of

**Com. Sub. for S. B. 323**, Relating to Municipal Home Rule Pilot Program.

On motion of Delegate Cowles the bill was taken up for immediate consideration.

The following Senate amendments to the House amendment were reported by the Clerk:

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

“(1) Commencing July 1, 2015, thirty Class I, Class II and Class III municipalities and four Class IV municipalities that are current in payment of all state fees may participate in the Municipal Home Rule Pilot Program pursuant to the provisions of this section.”

And,

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

**Com. Sub. for S. B. 323** - “A Bill to amend and reenact §8-1-5a of the Code of West Virginia, 1931, as amended, relating to the municipal home rule pilot program generally; allowing participation of thirty Class I, Class II and Class III municipalities; allowing participation of four Class IV municipalities; continuing ordinances in effect; removing requirements that municipal home rule board must approve a municipality’s amendment to its home rule plan and that a municipal ordinance is nullified if the municipality’s amendment to its home rule plan is not approved by the municipal home rule board; enlarging the pool of eligible municipalities that may participate in the pilot program to thirty; removing requirement that the board approve each municipal ordinance prior to enactment; removing process for enacting ordinance; authorizing amendments to municipal ordinances, acts, resolutions, rules, or regulations enacted pursuant the municipality’s approved written plan; removing provisions prohibiting municipality from enacting ordinance, act, resolution, rule or regulation after the pilot program terminates in 2019; prohibiting municipalities from seeking refunds of moneys collected from

taxpayers or monies distributed to municipalities by the tax division under the pilot program: removing obsolete provisions; and reorganizing existing provisions.”

Delegate Howell requested to be excused from voting on the passage of Com. Sub. for S. B. 323 under the provisions of House Rule 49.

The Speaker replied that Delegate Howell did have direct personal and pecuniary interest in the passage of the bill and excused the Gentleman from voting.

On motion of Delegate Cowles, the House of Delegates concurred in the Senate amendments.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 626**), and there were—yeas 91, nays 2, excused from voting 1, absent and not voting 6, with the nays, excused from voting, and absent and not voting being as follows:

NAYS: R. Smith and Sobonya.

EXCUSED FROM VOTING: Howell.

ABSENT AND NOT VOTING: Cadle, Deem, Marcum, Moffatt, L. Phillips and Westfall.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 323) passed.

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

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the House of Delegates amendment, with amendment, and the passage, as amended, of

**Com. Sub. for S. B. 439**, Relating to higher education personnel.

On motions of Delegate Cowles, the bill was taken up for immediate consideration and the House of Delegates concurred in the Senate amendments as follows:

On page fifty, section six, subsection (d), by striking out the words "December 1, 2016, and on December 1" and inserting in lieu thereof the words "January 31, 2016 and on January 31".

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 627**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Cadle, Marcum, Moffatt, L. Phillips and Westfall.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 439) passed.

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

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the House of Delegates amendment, with amendment, and the passage, as amended, of

**S. B. 584**, Transferring Cedar Lakes Camp and Conference Center to private, nonstock, not-for-profit corporation.

On motions of Delegate Cowles, the bill was taken up for immediate consideration and the House of Delegates concurred in the Senate amendment as follows:

On page ten, section six, line eight, by striking out the words "all right, title and interest of the state in the surface of any and all real estate at Cedar Lakes owned by the board, reserving to the state any

and all mineral rights appertaining thereto”; and a semicolon and inserting in lieu thereof “all real estate at Cedar Lakes owned by the board, and this transfer of real estate shall comply and be consistent with the provisions of section three, article five, chapter one of this code” and a semicolon.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 628**), and there were—yeas 93, nays 2, absent and not voting 5, with the nays and absent and not voting being as follows:

NAYS: Lynch and Pushkin.

ABSENT AND NOT VOTING: Cadle, Foster, Marcum, Moffatt and L. Phillips.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 584) passed.

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

A message from the Senate, by

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

**Com. Sub. for H. B. 2233**, Requiring that legislative rules be reviewed five years after initial approval by the Legislative Rule-Making Review Committee and the Legislative Auditor’s Office.

On motion of Delegate Cowles, the bill was taken up for immediate consideration and the House of Delegates concurred in the Senate amendments as follows:

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



“ARTICLE 3. RULE-MAKING.

**§29A-3-16. Legislative review of procedural rules, interpretive legislative rules.**

(a) The Legislative Rule-Making Review Committee may, with the assistance of the Legislative Auditor’s Office, review any procedural rules rule, interpretive rules rule or existing legislative rules and may make recommendations concerning such rules to the Legislature, or to the agency or to both the Legislature and the agency rule to determine if the rule is achieving its purpose, and based on its determination, if the rule should be continued, amended or repealed.

(b) Following the review, the Legislative Rule-Making Committee shall make recommendations to the agency or board, which promulgated the rule, and to the Joint Committee on Government and Finance.”

And,

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

**Com. Sub. for H. B. 2233** - “A Bill to amend and reenact §29A-3-16 of the Code of West Virginia, 1931, as amended, relating to authorizing the Legislative Rule-Making Review Committee, with the assistance of the Legislative Auditor’s Office, to review any interpretive, procedural and current legislative rule to determine if it is achieving its purpose; and requiring the Legislative Rule-Making Review Committee to make recommendations to the applicable agency or board and the Joint Committee on Government and Finance for amendment or repeal of the rule.”

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 629**), and there were—yeas 94, nays 1, absent and not voting 5, with the nays and absent and not voting being as follows:

NAYS: Cooper.

ABSENT AND NOT VOTING: Blair, Cadle, Kelly, Marcum and L. Phillips.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2233) passed.

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

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, with amendment, of a concurrent resolution of the House of Delegates as follows:

**Com. Sub. for H. C. R. 21**, The PFC James Elwood Wickline Memorial Bridge.

On motion of Delegate Cowles, the resolution was taken up for immediate consideration and the House of Delegates concurred in the Senate amendment as follows:

On page one, in the second Whereas clause, by striking out the words “jump, where he” and inserting in lieu thereof the words “jump. He”.

The resolution was then adopted.

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

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, with amendment, of a concurrent resolution of the House of Delegates as follows:

**H. C. R. 27**, The West Virginia Air National Guard 167<sup>th</sup> Fighter Squadron Memorial Bridge.

On motion of Delegate Cowles, the resolution was taken up for immediate consideration and the House of Delegates concurred in the Senate amendment as follows:

On page two, in the second Whereas clause, by striking out the word “Creasy” and inserting in lieu thereof the word “Creasey”.

The resolution was then adopted.

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

At 11:22 P.M., on motion of Delegate Cowles, the House of Delegates recessed until 11:30 P.M.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had withdrawn the Conference Committee report, and announced concurrence in the House of Delegates amendment, with amendment, and the passage, as amended, of

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

On motions of Delegate Cowles, the bill was taken up for immediate consideration and the House of Delegates concurred in the Senate amendments to the House amendment as follows:

On page five, subdivision (8), by striking out the words “*Provided*, That the board of directors shall consult and invest the funds with the West Virginia Board of Treasury Investments or the West Virginia Investment Management Board” and inserting in lieu thereof the following proviso: “*Provided, however*, That for short-term investments, the board of directors shall consult with the State

Treasurer prior to investing funds; for long-term investments, the board shall consult with the Investment Management Board and compare the rate of return on investment for the previous three years and compare the expense loads for the past three years; if the comparison for the Investment Management Board is more favorable, the board must invest the funds with the Investment Management Board.”

On page six, subdivision (9), by striking out the words “*Provided*, That the board of directors shall consult and invest the funds with the West Virginia Board of Treasury Investments or the West Virginia Investment Management Board” and inserting in lieu thereof the following proviso: “*Provided, however*, That for short-term investments, the board of directors shall consult with the State Treasurer prior to investing funds; for long-term investments, the board shall consult with the Investment Management Board and compare the rate of return on investment for the previous three years and compare the expense loads for the past three years; if the comparison for the Investment Management Board is more favorable, the board must invest the funds with the Investment Management Board.”

And,

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

**S. B. 518** - “A Bill to amend and reenact §7-12-7 of the Code of West Virginia, 1931, as amended, relating generally to granting county and municipal economic development authorities the authority to invest funds received from the sale, lease or other disposition of real or personal property owned by such authority in a manner determined by the authority’s board of directors to be in the best interest of the authority under an investment policy adopted and maintained by the board that is consistent with the standards of the Uniform Prudent Investor Act; requiring that for short-term investments the board of directors shall consult with the State Treasurer prior to investing funds; and requiring that for long-term investments the board shall consult with the Investment Management Board and compare the rate of return on investment for the previous three years and compare the expense

loads for the past three years and, if the comparison for the Investment Management Board is more favorable, the board must invest the funds with the Investment Management Board.”

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 630**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Marcum, Moffatt, L. Phillips and Walters.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (S. B. 518) passed.

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

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the House of Delegates amendment, with amendment, and the passage, as amended, of

**Com. Sub. for S. B. 455**, Relating to public higher education procurement and payment of expenses.

On motions of Delegate Cowles, the bill was taken up for immediate consideration and the House of Delegates concurred in the Senate amendments to the House amendment as follows:

On page four, section four, by striking out all of subsection (b).

And,

By relettering the remaining subsection.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 631**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

ABSENT AND NOT VOTING: Marcum, Moffatt and L. Phillips.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 455) passed.

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

A message from the Senate, by

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

**Com. Sub. for H. B. 2515**, Relating to elk restoration.

On motions of Delegate Cowles, the bill was taken up for immediate consideration and the House of Delegates concurred in the Senate amendments as follows:

On page one, following the enacting clause, by striking out the remainder of the bill and inserting in lieu thereof the following:

“That §20-2-4, §20-2-5, §20-2-5a, §20-2-5g, §20-2-22a and §20-2-42w of the Code of West Virginia, 1931, as amended, be amended and reenacted; and that said code be amended by adding thereto a new section, designated §20-2-5h, all to read as follows:

## **ARTICLE 2. WILDLIFE RESOURCES.**

### **§20-2-4. Possession of wildlife.**

(a) Except for wildlife, lawfully taken, killed or obtained, no person may have in his or her possession any wildlife, or parts thereof, during closed seasons. It is unlawful to possess any wildlife, or parts thereof, which have been illegally taken, killed or obtained. Any

wildlife illegally taken, killed or possessed shall be forfeited to the state and shall be counted toward the daily, seasonal, bag, creel and possession limit of the person in possession of, or responsible for, the illegal taking or killing of any wildlife.

(b) Wildlife lawfully taken outside of this state is subject to the same laws and rules as ~~that~~ wildlife taken within this state.

(c) Migratory wild birds may be possessed only in accordance with the Migratory Bird Treaty Act, 16 U. S. C. §703, et seq., and its regulations ~~thereunder~~.

(d) The restrictions in this section do not apply to the director or duly authorized agents, who may, ~~in any manner~~, take or maintain in captivity, ~~at any time~~, any wildlife for the purpose of carrying out the provisions of this chapter.

(e) Wildlife, except protected birds, elk, spotted fawn, and bear cubs, killed or mortally wounded as a result of being accidentally or inadvertently struck by a motor vehicle may be lawfully possessed if the possessor of the wildlife provides notice of the claim within twelve hours to a relevant law-enforcement agency, and obtains a nonhunting game tag within twenty-four hours of possession. The director shall propose administrative policy which addresses the means, methods and administrative procedures for implementing the provisions of this section.

(f) Persons required to deliver wildlife to an official checking station ~~may~~, shall, in accordance with rules promulgated by the director, electronically register the wildlife in lieu of the delivery to an official checking station. 'Electronically register' means submission of all necessary and relevant information to the division, in the manner designated by rule, in lieu of delivery of the wildlife to an official checking station. The director may promulgate rules, pursuant to article three, chapter twenty-nine-a of this code, governing the electronic registration of wildlife.

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

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

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

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

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



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

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

(5) Use a drone or other unmanned aircraft to hunt, take or kill a wild bird or wild animal, or to use a drone or other unmanned aircraft to drive or herd any wild bird or wild animal for the purposes of hunting, trapping or killing;

~~(5)~~ (6) Take any beaver or muskrat by any means other than by a trap;

~~(6)~~ (7) Catch, capture, take, hunt or kill by seine, net, bait, trap or snare or like device ~~of any kind~~ any a bear, wild turkey, ruffed grouse, pheasant or quail;

~~(7) Destroy~~ (8) Intentionally destroy or attempt to destroy ~~needlessly or willfully~~ the nest or eggs of any wild bird or have in his or her possession the nest or eggs ~~unless authorized to do so under rules promulgated by or under a permit issued by the director~~;

~~(8) Except as provided in section six of this article, carry~~ (9) Carry an uncased or loaded gun firearm ~~in any of the woods of this state except during the~~ with the following permissible exceptions:

(A) A person in possession of a valid license or permit during open firearms hunting season for wild animals and nonmigratory wild birds; within any county of the state unless he or she has in his or her possession a permit in writing issued to him or her by the director. Provided, That this section does not prohibit

(B) A person hunting or taking of unprotected species of wild animals, and wild birds and migratory wild birds during the open season, in the open fields, open water and open marshes of the state;

(C) A person carrying a firearm pursuant to sections six and six-a of this article; or

(D) A person carrying a firearm for self defense who is not prohibited from possessing firearms by section seven, article seven, chapter sixty-one of this code;

~~(9)~~ (10) Have in his or her possession a crossbow with a nocked bolt, ~~a loaded firearm or a firearm from the magazine of which all shells and cartridges~~ or a rifle or shotgun with cartridges that have not been removed ~~or a magazine that has not been detached,~~ in or on any vehicle or conveyance, or its attachments, ~~within the state, except as may otherwise be provided by law or regulation.~~ For the purposes of this section, a rifle or shotgun whose magazine readily detaches is considered unloaded if the magazine is detached and no cartridges remain in the rifle or shotgun itself. ~~Except as hereinafter provided, that between five o'clock post meridian of one day one and seven o'clock ante meridian, Eastern Standard Time, of the following day following, any unloaded firearm or crossbow, being lawfully carried in accordance with the foregoing provisions,~~ may be so carried only when in a case or taken apart and securely wrapped. During the period from July 1 to September 30, inclusive, of each year, the ~~foregoing~~ requirements relative to carrying ~~certain~~ unloaded firearms are permissible only from eight-thirty o'clock post meridian to five o'clock ante meridian, Eastern Standard Time: *Provided*, That the time periods for carrying unloaded and uncased firearms are extended for one hour after the post meridian times and one hour before the ante meridian times established ~~above in this subdivision,~~ if a ~~hunter is preparing to or in the process of~~ person is transporting or transferring the firearms to or from a hunting site, campsite, home or other place of abode;

~~(10)~~ (11) Hunt, catch, take, kill, trap, injure or pursue with firearms or other implement by which wildlife may be taken after the hour of

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

~~(11)~~ (12) Hunt, catch, take, kill, injure or pursue a wild animal or wild bird with the use of a ferret;

~~(12)~~ (13) Buy raw furs, pelts or skins of fur-bearing animals unless licensed to do so;

~~(13)~~ (14) Catch, take, kill or attempt to catch, take or kill any fish ~~at any time~~ by any means other than by rod, line and hooks with natural or artificial lures ~~unless otherwise authorized by law or rules issued by the director~~: *Provided*, That snaring of any species of suckers, carp, fallfish and creek chubs ~~shall at all times be~~ is lawful;

~~(14)~~ (15) Employ, ~~or hire, or induce or persuade, by the use of~~ with money, ~~or other~~ things of value or by any means, any person to hunt, take, catch or kill any wild animal or wild bird except those species ~~or in~~ in which there is no closed season; or to fish for, catch, take or kill any fish, amphibian or aquatic life ~~which that is protected by the provisions of this chapter, or rules of the director~~ by rule, or the sale of which is otherwise prohibited;

~~(15)~~ (16) Hunt, catch, take, kill, capture, pursue, transport, possess or use any migratory game or nongame birds ~~included in the terms of conventions between the United States and Great Britain and between~~

~~the United States and United Mexican States for the protection of migratory birds and wild mammals concluded, respectively, August 16, 1916, and February 7, 1936, except during the time and in the manner and numbers prescribed~~ except as permitted by the federal Migratory Bird Treaty Act, 16 U. S. C. §703, *et seq.*, and its regulations ~~made thereunder;~~

~~(16)~~ (17) Kill, take, catch, sell, transport or have in his or her possession, living or dead, any wild bird other than a game bird; ~~or expose for sale or transport within or without the state any bird except as aforesaid. No part of~~ including the plumage, skin or body of any protected bird, ~~may be sold or had in possession for sale except mounted or stuffed plumage, skin, bodies or heads of the birds legally taken and stuffed or mounted;~~ irrespective of whether the bird was captured ~~within or without~~ in or out of this state, except the English or European sparrow (*Passer domesticus*), starling (*Sturnus vulgaris*) and cowbird (*Molothrus ater*), which ~~may not be protected and the killing thereof at any time is lawful~~ may be killed at any time;

~~(17)~~ (18) Use dynamite, ~~or any like explosive~~ explosives or ~~poisonous mixture placed~~ any poison in any waters of the state for the purpose of killing or taking fish. Any person violating this subdivision is guilty of a felony and, upon conviction thereof, shall be fined not more than \$500 or imprisoned for not less than six months nor more than three years, or both fined and imprisoned;

~~(18)~~ (19) Have a bow and gun, or have a gun and any arrow ~~or arrows,~~ in the fields or woods at the same time;

~~(19)~~ (20) Have a crossbow in the woods or fields, or use a crossbow to hunt for, take or attempt to take any wildlife except as otherwise provided in ~~section~~ sections five-g and forty-two-w of this article;

~~(20)~~ (21) Take or attempt to take turkey, bear, elk or deer with any arrow unless the arrow is equipped with a point having at least two

sharp cutting edges measuring in excess of three fourths of an inch wide;

~~(21)~~ (22) Take or attempt to take any wildlife with an arrow having an explosive head or shaft, a poisoned arrow or an arrow which would affect wildlife by any chemical action;

~~(22)~~ (23) Shoot an arrow across any public highway ~~or from aircraft, motor-driven watercraft, motor vehicle or other land conveyance;~~

~~(23)~~ (24) Permit any dog owned by him or her or under his or her control to chase, pursue or follow ~~upon the track~~ the tracks of any wild animal or wild bird, ~~either~~ day or night, between May 1 and ~~the~~ August 15 ~~next following~~: *Provided*, That dogs may be trained on wild animals and wild birds, except deer and wild turkeys, and field trials may be held or conducted on the grounds or lands of the owner, or by his or her bona fide tenant, ~~or tenants~~ or upon the grounds or lands of another person with his or her written permission, or on public lands at any time. ~~Provided, however, That nonresidents~~ Nonresidents may not train dogs in this state at any time except during the legal small game hunting season. ~~Provided further, That the~~ A person training ~~said dogs~~ does may not have firearms or other implements in his or her possession during the closed season on wild animals and wild birds; ~~whereby wild animals or wild birds could be taken or killed;~~

~~(24)~~ (25) Conduct or participate in a trial, including a field trial, shoot-to-retrieve field trial, water race or wild hunt ~~hereafter referred to as a trial~~: *Provided*, That any person, group of persons, club or organization may hold ~~the~~ a trial ~~at any time of the year~~ upon obtaining a permit ~~as is provided in~~ pursuant to section fifty-six of this article. The person responsible for obtaining the permit shall prepare and keep an accurate record of the names and addresses of all persons participating in ~~said~~ the trial and make ~~same~~ the records readily available for inspection by any natural resources police officer upon request;

~~(25) Except as provided in section four of this article, hunt (26) Hunt, catch, take, kill or attempt to hunt, catch, take or kill any wild animal, wild bird or wild fowl except during ~~the open season~~ seasons established by rule of the director as authorized by to subdivision (6); section seven, article one of this chapter;~~

(27) Hunting on public lands on Sunday after five o'clock ante meridian is prohibited;

(28) Hunt, catch, take, kill, trap, injure or pursue with firearms or other implement which wildlife can be taken, on private lands on Sunday after the hour of five o'clock ante meridian: *Provided*, That the provisions of this subdivision do not apply in any county until the county commission of the county holds an election on the question of whether the provisions of this subdivision prohibiting hunting on Sunday shall apply within the county and the voters approve the allowance of hunting on Sunday in the county. The election is determined by a vote of the resident voters of the county in which the hunting on Sunday is proposed to be authorized. The county commission of the county in which Sunday hunting is proposed shall give notice to the public of the election by publication of the notice as a Class II-0 legal advertisement in compliance with the provisions of article three, chapter fifty-nine of this code and the publication area for the publication is the county in which the election is to be held. The date of the last publication of the notice shall fall on a date within the period of the fourteen consecutive days next preceding the election.

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

Shall hunting on Sunday be authorized on private lands only with the consent of the land owner in \_\_\_\_\_ County?

[ ] Yes

[ ] No

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

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

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

Amendments to this subdivision promulgated during the 2015 regular session of the Legislature shall have no effect upon the results of elections held prior to their enactment; and

~~(28)~~ (29) Hunt or conduct hunts for a fee ~~where the hunter~~ when the person is not physically present in the same location as the wildlife being hunted within West Virginia.

**§20-2-5a. Forfeiture by person causing injury or death of game or protected species of animal; additional replacement costs for antlered deer; forfeiture procedures and costs.**

(a) Any person who is convicted of violating a criminal law of this state that results in the injury or death of game, as defined in section two, article one of this chapter, or a protected species of animal, in addition to any other penalty to which he or she is subject, shall forfeit the cost of replacing the game or protected species of animal to the state as follows:

(1) For each game fish or each fish of a protected species taken illegally other than by pollution kill, \$10 for each pound and any fraction thereof;

(2) For each bear, ~~or elk~~, \$500;

(3) For each deer or raven, \$200;

(4) For each wild turkey, hawk or owl, \$100;

(5) For each beaver, otter or mink, \$25;

(6) For each muskrat, raccoon, skunk or fox, \$15;

(7) For each rabbit, squirrel, opossum, duck, quail, woodcock, grouse or pheasant, \$10;

(8) For each wild boar, \$200;

(9) For each bald eagle, \$5,000;

(10) For each golden eagle, \$5,000; ~~and~~

(11) For each elk, \$4,500; and

~~(11)~~ (12) For any other game or protected species of animal, \$100.



(b) In addition to the replacement value for deer in ~~subsection (a) subdivision (3)~~, subsection (a) of this section, the following cost shall also be forfeited to the state by any person who is convicted of violating any criminal law of this state and the violation causes the injury or death of antlered deer:

(1) For any deer in which the inside spread of the main beams of the antlers measured at the widest point equals 14 inches or greater but less than 16 inches, \$1,000;

(2) For any deer in which the inside spread of the main beams of the antlers measured at the widest point equals 16 inches or greater but less than 18 inches, \$1,500;

(3) For any deer in which the inside spread of the main beams of the antlers measured at the widest point equals 18 inches or greater but less than 20 inches, \$2,000; and

(4) For any deer in which the inside spread of the main beams of the antlers measured at the widest point equals 20 inches or greater, \$2,500.

(5) Any person convicted of a second or subsequent violation of any criminal law of this state which violation causes the injury or death of antlered deer is subject to double the authorized range of cost to be forfeited.

(c) Upon conviction, the court shall order the person to forfeit to the state the amount set forth in this section for the injury or death of the game or protected species of animal. If two or more defendants are convicted for the same violation causing the injury or death of game or protected species of animal, the forfeiture shall be paid by each person in an equal amount. The forfeiture shall be paid by the person so convicted within the time prescribed by the court not to exceed sixty days. In each instance, the court shall pay the forfeiture to the Division of Natural Resources to be deposited into the License Fund-Wildlife Resources ~~(3200)~~ and used only for the replacement, habitat

management or enforcement programs for injured or killed game or protected species of animal.

**§20-2-5g. Use of a crossbow to hunt.**

(a) Notwithstanding any other provision of this code to the contrary, ~~a person who possesses a valid Class Y permit in accordance with section forty-two-w of this article may, during the designated archery hunting season,~~ any person lawfully entitled to hunt may hunt with a crossbow during big game firearms season. A person who possesses a valid Class Y permit may also hunt with a crossbow in accordance with section forty-two-w of this article. Further, the director shall designate a separate season for crossbow hunting and identify which species of wildlife may be hunted with a crossbow.

(b) Only crossbows meeting all of the following specifications may be used for hunting in West Virginia:

(1) The crossbow has a minimum draw weight of one hundred twenty-five pounds;

(2) The crossbow has a working safety; and

(3) The crossbow is used with bolts and arrows not less than eighteen inches in length with a broad head having at least two sharp cutting edges, measuring at least three fourths of an inch in width.

**§20-2-5h. Elk management area; elk damage fund; criminal penalties; rule-making.**

(a) *Findings.* — The Legislature finds that Eastern Elk were once a common, native species in the state prior to and following its formation, but historical records indicate native elk were extirpated from the state around 1875. Until recently, free roaming elk have not been present in the state. However, elk are now migrating to the state from Kentucky, which has an active elk restoration program. Therefore, the Division of Natural Resources has established an active elk restoration program in Southern West Virginia.

(b) *Elk management area.* — The division has established an elk restoration management plan to reintroduce elk to all of Logan County, Mingo County, McDowell County and Wyoming County, and part of Boone County, Lincoln County and Wayne County. The director and the division may not expand the elk management area without statutory authorization.

(c) *Elk damage fund.* — There is hereby created a special revenue account in the State Treasury to be known as the Elk Damage Fund to be administered by the division. Ten percent from all application fees for the hunting of elk are to be deposited into the Elk Damage Fund. Expenditures from the fund shall be for the payment of damages caused to agricultural crops, agricultural fences and personal gardens by elk.

(d) *Criminal penalties.* — It shall be unlawful for any person to hunt, capture or kill any elk, or have in his or her possession elk or elk parts, except for elk lawfully taken, killed or obtained during an established open hunting season for elk or by permit.

(1) Any person who commits a violation of the provisions of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$1,000 nor more than \$5,000, or confined in jail not less than thirty nor more than one hundred days, or both fined and confined.

(2) Any person who commits a second violation of the provisions of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$2,000 nor more than \$7,500, or confined in jail not less than thirty days nor more than one year, or both fined and confined.

(3) Any person who commits a third or subsequent violation of the provisions of this section is guilty of a felony and, upon conviction thereof, shall be fined not less than \$5,000 nor more than \$10,000, or imprisoned in a state correctional facility not less than one year nor more than five years, or both fined and imprisoned.

(e) *Rulemaking.* — The director shall propose rules for promulgation in accordance with the provisions of article three, chapter twenty-nine-a of this code to:

(1) Set forth the parameters of the elk management plan;

(2) Establish the procedures for the issuance of depredation permits to persons suffering damage from elk;

(3) Establish protocols for the control of elk outside the elk management area;

(4) Establish hunting application fees and procedures;

(5) Establish procedures for reimbursement from the elk damage fund to those with damage to agricultural crops, agricultural fences and personal gardens caused by elk; and

(6) Establish protocols for ensuring elk imported to the state are healthy, tested for tuberculosis, brucellosis and other diseases of critical concern, and from an area where chronic wasting disease has not been detected.

**§20-2-22a. Hunting, tagging and reporting bear; procedures applicable to property destruction by bear; penalties.**

(a) A person ~~in any county of this state~~ may not hunt, capture, or kill any bear, or have in his or her possession any bear or bear parts, except during the hunting season for bear ~~and~~ in the manner designated by ~~rules promulgated by the Division of Natural Resources~~ rule or law, and as provided in this section. For the purposes of this section, bear parts include, but are not limited to, the pelt, gallbladder, skull and claws of bear.

(b) A person who kills a bear shall, within twenty-four hours after the killing, ~~deliver the bear or fresh skin to a natural resources police~~

~~officer or checking station for tagging~~ electronically register the bear. A game tag number shall be issued to the person and recorded in writing with the person's name and address, or on a field tag and ~~A~~ division of Natural Resources tag shall be affixed to it before any part of the bear may be transported more than seventy-five miles from the point of kill. The division of Natural Resources tag shall remain on the skin until it is tanned or mounted. Any bear or bear parts not properly tagged shall be forfeited to the state for disposal to a charitable institution, school or as otherwise designated by the ~~Division of Natural Resources~~ director.

(c) It is unlawful:

(1) To hunt bear without a bear damage stamp, as prescribed in section forty-four-b of this article, in addition to a hunting license as prescribed in this article;

(2) To hunt a bear with:

(A) A shotgun using ammunition loaded with more than one solid ball; or

(B) A rifle of less than twenty-five caliber using rimfire ammunition; ~~or~~;

~~(C) A crossbow;~~

(3) To kill or attempt to kill any bear through the use of poison, explosives, snares, steel traps or deadfalls ~~other than as authorized in this section;~~

(4) To shoot at or kill:

(A) A bear weighing less than seventy-five pounds live weight or fifty pounds field dressed weight, after removal of all internal organs;

(B) Any bear accompanied by a cub; or

(C) Any bear cub so accompanied, regardless of its weight;

(5) To possess any part of a bear not tagged in accordance with the provisions of this section;

(6) To enter a state game refuge with firearms for the purpose of pursuing or killing a bear except under the direct supervision of division personnel;

(7) To hunt bear with dogs or to cause dogs to chase bear during seasons other than those designated by the division of ~~Natural Resources~~ for the hunting of bear;

(8) To pursue a bear with a pack of dogs other than the pack used at the beginning of the hunt once the bear is spotted and the chase has begun;

(9) To possess, harvest, sell or purchase bear parts obtained from bear killed in violation of this section;

(10) To organize for commercial purposes or to professionally outfit a bear hunt, or to give or receive any consideration whatsoever or any donation in money, goods or services in connection with a bear hunt, notwithstanding the provisions of sections twenty-three and twenty-four of this article; or

(11) For any person who is not a resident of this state to hunt bear with dogs or to use dogs in any fashion for the purpose of hunting bear in this state except in legally authorized hunts.

(d) The following provisions apply to bear destroying property:

(1) (A) Any property owner or lessee who has suffered damage to real or personal property, including loss occasioned by the death or injury of livestock or the unborn issue of livestock, caused by an act of a bear may complain to any natural resources police officer of the division of ~~Natural Resources~~ for protection against the bear.

(B) Upon receipt of the complaint, the officer shall immediately investigate the circumstances of the complaint. If the officer is unable to personally investigate the complaint, he or she shall designate a wildlife biologist to investigate on his or her behalf.

(C) If the complaint is found to be justified, the officer or designated person may, together with the owner and other residents, proceed to hunt, destroy or capture the bear that caused the property damage: *Provided*, That only the natural resources police officer or the wildlife biologist may determine whether to destroy or capture the bear and whether to use dogs to capture or destroy the bear: *Provided, however*, That, if out-of-state dogs are used in the hunt, the owners of the dogs are the only nonresidents permitted to participate in hunting the bear.

(2) (A) When a property owner has suffered damage to real or personal property as the result of an act by a bear, the owner shall file a report with the director of the division ~~of Natural Resources~~. The report shall state whether or not the bear was hunted and destroyed and, if so, the sex, weight and estimated age of the bear. The report shall also include an appraisal of the property damage occasioned by the bear duly signed by three competent appraisers fixing the value of the property lost.

(B) The report shall be ruled upon and the alleged damages examined by a commission comprised of the complaining property owner, an officer of the division and a person to be jointly selected by the officer and the complaining property owner.

(C) The division shall establish the procedures to be followed in presenting and deciding claims under this section in accordance with article three, chapter twenty-nine-a of this code.

(D) All claims shall be paid in the first instance from the Bear Damage Fund provided in section forty-four-b of this article. In the event the fund is insufficient to pay all claims determined by the commission to be just and proper, the remainder due to owners of lost

or destroyed property shall be paid from the special revenue account of the division of ~~Natural Resources~~.

(3) In all cases where the act of the bear complained of by the property owner is the killing of livestock, the value to be established is the fair market value of the livestock at the date of death. In cases where the livestock killed is pregnant, the total value is the sum of the values of the mother and the unborn issue, with the value of the unborn issue to be determined on the basis of the fair market value of the issue had it been born.

(e) *Criminal penalties.* – (1) Any person who commits a violation of the provisions of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$1,000 nor more than \$5,000, which ~~fine~~ is not subject to suspension by the court, confined in jail not less than thirty nor more than one hundred days, or both fined and confined. Further, the person's hunting and fishing licenses shall be suspended for two years.

(2) Any person who commits a second violation of the provisions of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$2,000 nor more than \$7,500, which ~~fine~~ is not subject to suspension by the court, confined in jail not less than thirty days nor more than one year, or both fined and confined. The person's hunting and fishing licenses shall be suspended for life.

(3) Any person who commits a third or subsequent violation of the provisions of this section is guilty of a felony and, upon conviction thereof, shall be fined not less than \$5,000 nor more than \$10,000, which ~~fine~~ is not subject to suspension by the court, imprisoned in a correctional facility not less than one year nor more than five years, or both fined and imprisoned.

**§20-2-42w. Class Y special crossbow hunting permit for certain disabled persons.**

(a) ~~On or after January 1, 2006, a~~ A Class Y permit shall be ~~is~~ a special statewide hunting permit and shall entitle the permittee entitling



a person to hunt all wildlife during established archery and firearm seasons ~~An application shall be furnished by the director, and a Class Y permit allowing the holder to use a crossbow, during the archery hunting seasons, to applicants who meet~~ if the person meets the following requirements:

(1) He or she holds a Class Q permit;

(2) He or she has a permanent and substantial loss of function in one or both hands while failing to meet the minimum standards of the upper extremity pinch, grip and nine-hole peg tests administered under the direction of a licensed physician; or

(3) ~~He or she has~~ He or she has a permanent and substantial loss of function in one or both shoulders while failing to meet the minimum standards of the ~~standard~~ shoulder strength test administered under the direction of a licensed physician.

(b) The application form shall include a written statement or report prepared by a the physician, prepared conducting the test no more than six months preceding the application and verifying that the applicant is physically disabled as described in this section. As part of the application, the applicant shall authorize, by written release, an examination of all medical records regarding his or her qualifying disability. When completed, the permit form constitutes a Class Y permit. The Class Y permit and a completed license application shall be submitted to the Division, which will issue a wallet-sized card to the permittee. The card and all other documents and identification required to be carried by this article shall be in the permittee's possession when hunting.

(c) A Class Y permit must be accompanied by a valid statewide hunting license or the applicant must be exempt from hunting licenses as provided in this chapter.”

And,

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

**Com. Sub. for H. B. 2515** - “A Bill to amend and reenact §20-2-4, §20-2-5, §20-2-5a, §20-2-5g, §20-2-22a and §20-2-42w of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §20-2-5h, all relating to wildlife; disallowing elk to be possessed if struck by motor vehicle; requiring persons required to deliver wildlife to official checking station to electronically register wildlife; increasing fine for illegal taking of elk; prohibiting hunting wildlife with night vision technology, drone or other unmanned aircraft; clarifying when a person may carry certain firearms; permitting a person to carry firearm for self defense while in the woods; clarifying when a shotgun or rifle is unloaded; permitting hunting with crossbows during certain seasons and with certain limitations; establishing elk management area in Southern West Virginia; establishing elk damage fund; providing for criminal penalties for the illegal taking of elk; clarifying bear laws and Class Y permits; authorizing director to propose legislative rules; and making technical corrections.”

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

On the passage of the bill, the yeas and nays were taken (**Roll No. 632**), and there were—yeas 84, nays 13, absent and not voting 3, with the nays and absent and not voting being as follows:

**NAYS:** Anderson, Ashley, Boggs, Border, Canterbury, Cooper, D. Evans, Fast, Hanshaw, Miller, Perdue, Skinner and Upson.

**ABSENT AND NOT VOTING:** Marcum, Moffatt and L. Phillips.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2515) passed.

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

A message from the Senate, by

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

**Com. Sub. for S. B. 286**, Relating to compulsory immunizations of students; exemptions.

On motion of Delegate Cowles, the House of Delegates receded from its amendment.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 633**), and there were—yeas 87, nays 10, absent and not voting 3, with the nays and absent and not voting being as follows:

NAYS: Border, Folk, Householder, Lane, Miller, Shott, R. Smith, Sobonya, Upson and Zatezalo.

ABSENT AND NOT VOTING: Marcum, Moffatt and L. Phillips.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 286) passed.

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

Delegate Cowles asked unanimous consent, that the House of Delegates return to the Third Order of Business for the purpose of receiving committee reports, which consent was not given, Delegate Lane objecting.

#### MESSAGES FROM THE SENATE

A message from the Senate, by

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

the following concurrent resolutions, which were read by their titles as follows:

**S. C. R. 66** - “Requesting the Joint Committee on Government and Finance study future legislation relating to revenue sources for increased highway and bridge construction and maintenance.”

WHEREAS, Recent research conducted for the Contractors Association of West Virginia noted that 28 percent of West Virginia’s roads eligible for federal aid are rated “not acceptable” and 35.2 percent of West Virginia’s bridges are either structurally deficient or functionally obsolete; and

WHEREAS, Such research also identified West Virginia as having the highest rate of traffic fatalities per mile traveled in the country; and

WHEREAS, Inflation and better fuel economy are two factors that have contributed to a reduced funding level for West Virginia’s infrastructure construction and maintenance; and

WHEREAS, On March 10, 2015, the West Virginia Senate Committee on Transportation and Infrastructure discussed the merits of Senate Bill No. 478, entitled “Generating and maintaining revenue for road construction and maintenance and infrastructure” and the potential economic impact of an annual \$500 million increase in highway and bridge construction investment in West Virginia; and

WHEREAS, Appropriate funding for highway and bridge maintenance and construction is of utmost importance for the safety and economic prosperity of West Virginians; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Joint Committee on Government and Finance is hereby requested to study future legislation relating to revenue sources for increased highway and bridge construction and maintenance; and, be it

*Further Resolved*, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2016, on its findings, conclusions and recommendations, together with drafts of any legislation necessary to effectuate its recommendations; and, be it

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

**S. C. R. 68** - “Requesting the Joint Committee on Government and Finance study the long-term needs for maintenance and construction of local public libraries and methods for providing adequate funding to meet those needs.”

WHEREAS, Local public libraries have played an important role in the achievements of our democracy since its inception and their role in sustained development of this country has been recognized by the founders of this country, by the great statesmen and orators of the nineteenth century, by civil rights leaders, industrialists, journalists and technology innovators; and

WHEREAS, Local public libraries serve not as a mere adjunct to our educational system, but as an integral and critical component of it, which is as significant as the construction and maintenance of public schools; and

WHEREAS, Local public libraries are critical to the economic development of the communities in which they are located and have a proven correlation with higher property values, better schools, increased wages and higher levels of employment than in communities without local public libraries; and

WHEREAS, More than 77 percent of the public libraries in this country are located in small communities and rural areas; and

WHEREAS, Local public libraries are often the only public depository of local history books and resources available to local historians, public officials, teachers, students and families; and

WHEREAS, Despite technological advancement and the widespread availability of books, research and other information through digital media, libraries find sustained demand for their services and, in 2013, the Pew Research Center found that Americans under the age of 30 visit libraries at the same rate as older Americans and are more likely to use the technical resources of libraries than their older counterparts; and

WHEREAS, West Virginia can ill afford to neglect or ignore the sustained need for up-to-date, efficient, safe, comfortable and well-funded local public libraries throughout the state; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Joint Committee on Government and Finance is hereby requested to study the long-term needs for maintenance and construction of local public libraries and methods for providing adequate funding to meet those needs; and, be it

*Further Resolved,* That the Joint Committee on Government and Finance establish a select committee on local public library improvement to conduct the study on this and such other relevant topics as the Joint Committee on Government and Finance may deem appropriate; and, be it

*Further Resolved,* That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2016, on the findings, conclusions and recommendations of the select committee, together with drafts of any legislation necessary to effectuate its recommendations; and, be it

*Further Resolved,* That the expenses necessary to conduct this study, to prepare a report and to draft necessary legislation be paid

from legislative appropriations to the Joint Committee on Government and Finance.

**Com. Sub. for S. C. R. 36** -“Requesting the Division of Highways name the bridge on County Route 5/3, bridge number 24-5/3-3.10 (1030), crossing the Tug River in McDowell County the ‘Homer Hopkins Bridge’.”

WHEREAS, Homer Allen Hopkins was born on March 6, 1944, in Bradshaw, McDowell County, and had five siblings. At age one, his family moved to Garland, 8.1 miles north of his birthplace; and

WHEREAS, Homer Allen Hopkins graduated from high school in 1962 and enrolled at Nashville Auto Diesel College (now known as Lincoln College of Technology). After college, he returned to Garland. In 1963, he married Joyce. After living briefly in Alexandria, Virginia, he and his wife returned to Garland, where they raised four children; and

WHEREAS, Homer Allen Hopkins is known locally for his hard working habits. As a business owner, he created jobs and new opportunities for everyone in and around the community of Garland; and

WHEREAS, In July 1975, Homer Allen Hopkins left his employment and opened his own mining business. During his lifetime, he owned approximately 30 coal mines, employing approximately 500 employees; and

WHEREAS, In addition to the coal industry, Homer Allen Hopkins owned his own construction business. He was a certified contractor and installed septic systems. He built a total of eleven Dollar General stores throughout West Virginia, including three in his home county of McDowell. In 1985, he built a convenient store/gas station in Garland, known as “Hopkins’ Best-Way”, which was family owned and operated. In 1987, he built “Hoppy’s Skating Rink” on the outskirts of Bradshaw, which brought a new recreational activity to the residents of his community and McDowell County. He was instrumental in

building the Marquee Cinemas in Welch, the Jaeger City Hall, and the buildings for the McDowell County Ambulance Authority and the Panther Fire Department. After a flood in 2002, he helped rebuild Jaeger High School's football field and announcement booth; and

WHEREAS, in 1989, Homer Allen Hopkins opened "Bradshaw Auto Parts", which was the only automotive business in the area; and

WHEREAS, Homer Allen Hopkins unselfishly spent his lifetime working for the betterment of his community and McDowell County by serving the needs of the people; and

WHEREAS, Homer Allen Hopkins is now 71 years of age and still lives in the home he hand-built as a newlywed on his childhood stomping grounds. He loves to spend time with his very close-knit family, including his four children and five grandchildren who all live within ten minutes of his home; and

WHEREAS, Naming the bridge on County Route 5/3, bridge number 24-5/3-3.10 (1030), crossing the Tug River in McDowell County the "Homer Hopkins Bridge" is an appropriate recognition of his contributions to his state, McDowell County and community; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name the bridge on County Route 5/3, bridge number 24-5/3-3.10 (1030), crossing the Tug River in McDowell County the "Homer Hopkins Bridge"; and, be it

*Further Resolved,* That the Division of Highways is requested to have made and be placed signs identifying the bridge as the "Homer Hopkins 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 Homer Hopkins and his family.



**S. C. R. 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.

And,

**S. C. R. 62** - “Requesting the Joint Committee on Government and Finance establish a select committee consisting of ten members, five being from the House of Delegates and five being from the Senate, with no more than three members from each house from a single political party, to be responsible for a comprehensive study of West Virginia’s racing and gaming industries as provided herein, including making recommendations and coordinating professional services procured in furtherance of the objectives herein described.”

WHEREAS, West Virginia’s racing industry has a long and storied history, beginning in 1787 when George Washington’s youngest brother Charles raced horses through the streets of what would become Charles Town, West Virginia; and

WHEREAS, Formal horse racing tracks were established in West Virginia some years later, with the racetrack at Charles Town opening in 1933 and the precursor to Mountaineer Racetrack being founded in 1937. West Virginia greyhound racing followed with the opening of Wheeling Downs, a facility which found its racing origin in 1937 and in 1985, Tri-State Greyhound Park, now Mardi Gras Casino and Racetrack, opened; and

WHEREAS, In an effort to protect and preserve West Virginia's celebrated racing industry, the West Virginia Legislature voted to allow slot-machine style video lottery in 1994 and casino-style table games in 2007 at our state's four racetracks, pending approval by the local electorate, in accord with the provisions of article twenty-two-c, chapter twenty-nine of the Code of West Virginia; and

WHEREAS, Each of the four counties in West Virginia where a racetrack is located ultimately exercised their referendum rights under section seven, article twenty-two-c, chapter twenty-nine of the Code of West Virginia and voted to approve racetrack video lottery and table games at their respective racetrack facilities based on the promise that a portion of the revenues generated would be used to preserve and protect live racing, as well as promote the industry of breeding thoroughbred horses and greyhounds, while creating green space; and

WHEREAS, Invariably, after five years, section seven, article twenty-two-c, chapter twenty-nine of the Code of West Virginia also provides for a subsequent local county referendum to revisit the decision by local voters to approve casino style gaming at racetrack venues; and

WHEREAS, The "racinos" in West Virginia not only employ thousands of West Virginians and generate hundreds of millions of dollars of revenue for state government, the statutory structure by which they are licensed and operate has fostered the development of an industry of live racing and breeding of thoroughbreds and greyhounds, as provided for in the statute; and

WHEREAS, Many individuals, companies, partnerships and entities have made and continue to make substantial investments in West Virginia, based on the statutory framework designed to preserve and protect live racing and promote the industry of breeding of thoroughbred horses and greyhound racing stock; and

WHEREAS, In addition to supplementing racing and local governments, moneys generated by gaming at our state's racetracks

have been used to bolster our state's general revenue fund as well as the state's Development Office Promotion Fund, debt reduction funds, State Capitol improvements, the Division of Tourism, finance public school construction through the West Virginia School Building Authority, fund the Promise Scholarship Program, contribute to racetrack employee pensions and capital improvements for racetrack facilities; and

WHEREAS, West Virginia's racino model proved most successful, becoming a reliable source of income for the state, but now the model is confronted with declining levels of performance for West Virginia; and

WHEREAS, Until recent years, West Virginia's four racinos benefitted from modest market competition in neighboring states, thereby claiming a large portion of the gaming market east of the Mississippi River; and

WHEREAS, Our surrounding states have learned from our successful gaming regulations and have implemented similar models, allowing for new casino properties to open near to West Virginia's borders in Ohio, Pennsylvania and Maryland; and

WHEREAS, Though West Virginia's four "racinos" once enjoyed little competition for regional gaming dollars, there are now approximately 20 new casinos in neighboring states with which West Virginia's "racinos" must compete for revenues and others under yet to become active which increases the competition for regional gaming dollars; and

WHEREAS, Due to this competition, racing and gaming revenues upon which our state has become so dependent are decreasing at a rapid pace which creates a diminishing amount of money for all of the distributees of money generated by "racinos" and allocated in accordance with current law; and

WHEREAS, In addition to the loss of revenues for the state, the jobs of thousands of West Virginia families who rely on the live racing and gaming industries for their livelihood are also at risk; and

WHEREAS, The time has come to revisit our racing and gaming industry structure to determine a course of action that is in the best interest of West Virginia and its people, therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Joint Committee on Government and Finance is hereby requested to establish a select committee consisting of ten members, five being from the House of Delegates and five being from the Senate, with no more than three members from each house from a single political party, to be responsible for a comprehensive study of West Virginia's racing and gaming industries as provided herein, including making recommendations and coordinating professional services procured in furtherance of the objectives herein described; and, be it

*Further Resolved,* That the Select Committee to be established by the Joint Committee on Government and Finance is hereby requested to perform a comprehensive study of West Virginia's racing and gaming industries, which shall include, but not be limited to: (1) A review of all related laws, rules and regulations associated with all facets of live racing of greyhounds and thoroughbred horses, with recommendations for the modernization and streamlining of the same; (2) a review of all laws, rules and regulations associated with the business of both greyhound breeding and thoroughbred breeding, with recommendations for modernization and streamlining of the same; (3) a comprehensive review of the flow of revenues generated from racetrack video lottery, table games and any other sources contributing to money administered by the West Virginia Lottery in the form of excess lottery proceeds as a means of information for state policymakers; (4) a comprehensive investigation of appropriate governing structures for live racing and gaming activities from neighboring jurisdictions and beyond, with a recommendation of

revisions and/or statutory overhaul of the governance of all forms of gaming in West Virginia, including general lottery, adult video lottery, racetrack video lottery and table games; (5) a comparative analysis of the job functions of the West Virginia Racing Commissions with comparable agencies in jurisdictions with a similar racing presence to determine the appropriateness of staff and funding levels with recommendations as to appropriate levels of each; (6) an analysis of the staff and funding levels associated with administration of all facets of the West Virginia Lottery, recognizing its unique configuration of administering conventional lottery operations, adult video lottery, racetrack video lottery and table games, and recommendations for economizing the operations of the West Virginia Lottery consistent with best industry practices; (7) an analysis of innovative and creative additions to West Virginia's gaming mix, including: innovative and creative ways to more efficiently and profitably administer West Virginia's gaming activities, ways to provide for convenient consumer access to products offered within the array of gaming products offered by West Virginia, ways to provide policymakers with the status of internet gaming in West Virginia, and ways to identify any and all prospects which may enhance revenue generation by the entirety of West Virginia's gaming activities of all descriptions through new and additional games or manner of delivery of products to the lottery and gaming consuming public; and (8) the continuing legal effects, if any, of referendums on gaming heretofore undertaken to approve such in Jefferson, Hancock, Ohio and Kanawha counties, as well as the legal effects, if any, to reexercise those rights as provided by statute; and to provide any and all suggestions for the improvement, modernization, efficiency and economization of West Virginia's entire complement of gaming activities, including live racing; and, be it

*Further Resolved*, That stakeholder representatives in all facets of West Virginia's gaming industry of lottery, "racinos", live racing, greyhound breeding and thoroughbred breeding be actively engaged as part of any study process; and, be it

*Further Resolved*, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2016, on its

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

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

At the respective requests of Delegate Cowles, and by unanimous consent, reference of the resolutions (S. C. R. 66, S. C. R. 68, Com. Sub. for S. C. R. 36, S. C. R. 60 and S. C. R. 62) to a committee was dispensed with, and they were taken up for immediate consideration and adopted.

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

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the title amendment of the House of Delegates and the passage, as amended, of

**Com. Sub. for S. B. 366**, Creating Patient Protection and Transparency Act,

**S. B. 447**, Allowing issuance of diploma by public, private or home school administrator,

And,

**S. B. 549**, Establishing classifications and salary schedules for State Police forensic lab civilian employees.

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendments of the House of Delegates and the passage, as amended, of

**Com. Sub. for S. B. 60**, Regulating food handlers,

**Com. Sub. for S. B. 88**, Creating WV Clearance for Access: Registry and Employment Screening Act,

**Com. Sub. for S. B. 142**, Authorizing Department of Administration promulgate legislative rules,

**Com. Sub. for S. B. 234**, Relating to operation and regulation of certain water and sewer utilities owned by political subdivisions,

**Com. Sub. for S. B. 248**, Requiring certain insurance and owner information be provided following car accident,

**Com. Sub. for S. B. 261**, Clarifying definition of “owner” of dam,

**Com. Sub. for S. B. 273**, Relating to brewer, resident brewer, brewpub, Class A and B retail dealer, private club and Class A and B retail licensee licensing and operations,

**S. B. 295**, Establishing appeal process for DHHR Board of Review and Bureau for Medical Services decisions,

**S. B. 304**, Relating to farmers markets,

**S. B. 310**, Exempting nonprofit public utility companies from B&O tax,

**Com. Sub. for S. B. 315**, Relating to civil actions filed under Consumer Protection Act,

**S. B. 316**, Exempting new veteran-owned business from certain fees paid to Secretary of State,

**Com. Sub. for S. B. 347**, Creating Firearms Act of 2015,

**Com. Sub. for S. B. 352**, Expanding scope of cooperative associations to goods and services including recycling,

**Com. Sub. for S. B. 370**, Reorganizing Governor’s Committee on Crime, Delinquency and Correction and certain subcommittees,



**Com. Sub. for S. B. 453**, Relating to motor vehicle dealers, distributors, wholesalers and manufacturers,

**S. B. 523**, Creating Alcohol and Drug Overdose Prevention and Clemency Act,

**Com. Sub. for S. B. 542**, Clarifying provisions of Consumer Credit and Protection Act relating to debt collection,

And,

**S. B. 577**, Clarifying provisions of Consumer Credit and Protection Act relating to debt collection.

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendments of the House of Delegates and the passage, as amended, to take effect from passage, of

**Com. Sub. for S. B. 170**, Authorizing Bureau of Commerce promulgate legislative rules,

**S. B. 195**, Authorizing Conservation Committee promulgate legislative rule relating to financial assistance programs,

**Com. Sub. for S. B. 199**, Authorizing miscellaneous agencies and boards promulgate legislative rules,

**S. B. 250**, Relating to Conservation Agency financial assistance applications from district supervisors,

And,

**S. B. 582**, Relating to Herbert Henderson Office of Minority Affairs.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate, without amendment, of concurrent resolutions of the House of Delegates as follows:

**Com. Sub. for H. C. R. 50**, Historic Dingess Tunnel, 100 Years Old, 1914,

**H. C. R. 79**, The U. S. Army PFC Junior David Starkey Memorial Bridge,

**H. C. R. 105**, Recognizing West Virginia University Institute of Technology as a vital part of higher education in West Virginia,

**H. C. R. 115**, Requesting the Joint Committee on Government and Finance to conduct a study on state funding for school bus replacement,

**H. C. R. 118**, Requesting the Joint Committee on Government and Finance conduct a study of agencies that are exempt from article three, chapter five-a,

**H. C. R. 139**, Requesting the Joint Committee on Government and Finance study the policies regarding sexual violence, domestic violence, dating violence, and stalking at public colleges in the state,

**H. C. R. 143**, Requesting the Joint Committee on Government and Finance, to study the public-private partnership model for the operation and maintenance of all or some of the State's hospital and nursing facilities,

**H. C. R. 147**, Requesting the Joint Committee on Government and Finance to study the leasing of oil and gas mineral rights on state lands,

**H. C. R. 149**, Requesting the Joint Committee on Government and Finance to study potential improvements to pensions for retired teachers and public employees who have been retired for ten or more years,

And,

**H. C. R. 151**, Requesting the Joint Committee on Health authorize a study on the licensure of athletic trainers.

**MISCELLANEOUS BUSINESS**

Delegate Westfall noted to the Clerk that he was absent when the votes were taken on Roll Nos. 312, 323, 439 and 622 through 627, and that had he been present, he would have voted “YEA” thereon.

Delegate Moore asked and obtained unanimous consent that the remarks of Delegate Caputo regarding S. C. R. 63, Urging Board of Coal Mine Health and Safety develop regulations governing movement of underground mining equipment be printed in the Appendix to the Journal.

Delegate Gearheart asked and obtained unanimous consent that the remarks of Delegates Ellington and Storch regarding Com. Sub. for S. B. 286 be printed in the Appendix to the Journal.

Delegate Espinosa asked and obtained unanimous consent that the opening prayer of February 11, 2015 be printed in the Appendix to the Journal.

Delegate Reynolds asked and obtained unanimous consent that the remarks of Delegates Rohrbach and Perdue regarding Com. Sub. for S. B. 286 be printed in the Appendix to the Journal.

Delegate Ihle asked and obtained unanimous consent that the remarks of Delegate McGeehan regarding Com. Sub. for S. B. 242 be printed in the Appendix to the Journal.

Delegate Campbell announced that she was absent when the votes were taken on Roll Nos. 570 through 572, and that had she been present, she would have voted “YEA” thereon.

Delegate Guthrie announced that she was absent when the vote was taken on Roll No. 570, and that had she been present, she would have voted “YEA” thereon.

Delegate Pasdon announced that she was absent when the vote was taken on Roll No. 569, and that had she been present, she would have voted “YEA” thereon.

Delegate Marcum announced that he was absent when the vote was taken on Roll No. 599, and had he been present, he would have voted “YEA” thereon.

Delegate Bates noted that he was absent when the vote was taken on Roll No. 569, and that had he been present, he would have voted “YEA” thereon.

Delegate D. Evans noted that he was absent when the vote was taken on the passage of H. B. 2161, Roll No. 606 and had he been present he would have voted “YEA” thereon.

Delegate Blair noted that she was absent when the vote was taken on Roll No. 629, and that had she been present, she would have voted “YEA” thereon.

Delegate Zatezalo noted to the Clerk that had he been present when the votes were taken on H. B. 2011, he would have voted “YEA” thereon.

Delegate McGeehan filed a form with the Clerk’s Office per House Rule 94b to be removed as a cosponsor of H. C. R. 123.

Delegates Upson and Espinosa noted to the Clerk that they be recorded as having voted “NAY” on the amendment to S. B. 434 offered by Delegates E. Nelson and Boggs.

Delegate Moffatt noted to the Clerk that he was absent when the votes were taken on the following Roll Nos. and had he been present he would have voted as follows:

<u>Roll No.</u>	<u>Bill No.</u>	<u>Voting Preference</u>
570	S. B. 295	“YEA”
571	S. B. 310	“YEA”
572	S. B. 315	“YEA”

573	S. B. 316	“YEA”
613	S. B. 393	“YEA”
625	S. B. 312	“YEA”
626	S. B. 323	“YEA”
627	S. B. 439	“YEA”
628	S. B. 584	“YEA”

The Constitutional expiration of the Regular Session having arrived, at 12:00 A.M., the House of Delegates adjourned until 12:15 A.M., Sunday, March 15, 2015.



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SUNDAY, MARCH 15, 2015

**SIXTY-FIRST DAY**

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

The House of Delegates met at 12:15 A.M., and was called to order by the Honorable Tim Armstead, Speaker.

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

The Clerk proceeded to read the Journal of Saturday, March 14, 2015, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Delegate Cowles arose to suggest the absence of a quorum, the Clerk opened the machine for the roll to be taken (**Roll No. 634**), and 96 members being present, the Speaker declared the presence of a quorum. The absent being as follows:

ABSENT: Cadle, Marcum, L. Phillips and Reynolds.

Delegate Campbell announced that had she been present when the quorum call was taken she would have voted in the affirmative.

**LEAVES OF ABSENCE**

At the request of Delegate Cowles, and by unanimous consent, leaves of absence for the day were granted Delegates Cadle, Marcum, L. Phillips and Reynolds.

At 12:50 A.M., the House of Delegates adjourned until 5:00 P.M., Monday, March 16, 2015.







MONDAY, MARCH 16, 2015

**SIXTY-SECOND DAY**

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

The House of Delegates met at 5:00 P.M., and was called to order by the Honorable Tim Armstead, Speaker.

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

The Clerk proceeded to read the Journal of Sunday, March 15, 2015, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Delegate Cowles arose to suggest the absence of a quorum, the Clerk opened the machine for the roll to be taken (**Roll No. 635**), and 83 members being present, the Speaker declared the presence of a quorum. The absent being as follows:

ABSENT: Campbell, Deem, Ellington, Folk, Hornbuckle, Householder, Ireland, Kelly, Manchin, Marcum, Pasdon, Perdue, L. Phillips, Reynolds, Rohrbach, Sponaugle and Walters.

**COMMITTEE REPORTS**

Delegate McCuskey, 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 16<sup>th</sup> day of March, 2015, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

(**Com. Sub. for S. B. 6**), Relating to medical professional liability,

And,

(**S. B. 421**), Relating to punitive damages in civil actions.

Delegate McCuskey, 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 16<sup>th</sup> day of March, 2015, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

(**Com. Sub. for S. B. 277**), Requiring issuance of certificate of birth resulting in stillbirth,

(**S. B. 292**), Relating to licenses for business of currency exchange, transportation or transmission,

(**S. B. 322**), Eliminating mandatory electronic recount of ballots in recounts,

(**S. B. 332**), Relating to administrative fees for Tax Division, Department of Revenue,

(**Com. Sub. for S. B. 344**), Relating to duty to mitigate damages in employment claims,

(**S. B. 445**), Relating to investment of RJCFA funds,

(**S. B. 489**), Imposing statute of limitations on civil actions derived from surveying of real property,

(**S. B. 545**), Removing certain prior bank overdraft approval by director or executive officer,

(**S. B. 559**), Relating to social work provisional licensing,

(**S. B. 576**), Relating to internet protocol-enabled service and voice over internet protocol-enabled service,

And,

(**S. B. 578**), Relating to occupational disease claims.

Delegate McCuskey, 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 16<sup>th</sup> 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. 89**), Relating to compensation for certain public officials,

(**Com. Sub. for S. B. 249**), Prohibiting straight party voting in general election,

(**S. B. 283**), Relating to state banking institutions,

(**Com. Sub. for S. B. 366**), Creating Patient Protection and Transparency Act,

(**Com. Sub. for S. B. 411**), Creating Asbestos Bankruptcy Trust Claims Transparency Act and Asbestos and Silica Claims Priorities Act,

And,

(**S. B. 454**), Criminalizing trademark counterfeiting.

Delegate McCuskey, 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 16<sup>th</sup> 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:

**(Second Enr. for Com. Sub for H. B. 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.

Delegate McCuskey, 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 16<sup>th</sup> day of March, 2015, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

**(Com. Sub. for H. B. 2053)**, Relating to the form of trust deeds,

**(Com. Sub. for H. B. 2562)**, Relating to sales tax increment financing,

And,

**(H. B. 2880)**, Creating an addiction treatment pilot program.

Delegate McCuskey, 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 16<sup>th</sup> day of March, 2015, presented to His Excellency, the Governor, for his action, the following bill(s), signed by the President of the Senate and the Speaker of the House of Delegates:

**(H. B. 2914)**, Providing for voluntary dissolution of resort area district,

**(H. B. 2632)**, Exempting the procurement of certain instructional materials for use in and in support of public schools from the division of purchasing requirements,

**(Com. Sub. for H. B. 2586)**, Allowing for an alternative form of service of process in actions against nonresident persons by petitioners seeking domestic violence or personal safety relief,

And,

**(Com. Sub. for H. B. 2648)**, Allowing authorized entities to maintain a stock of epinephrine auto-injectors to be used for emergency.

Delegate McCuskey, 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 16<sup>th</sup> 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:

**(H. B. 2100)**, Caregiver Advise, Record and Enable Act

**(H. B. 2272)**, Relating to the authority of the Board of Pharmacy

**(Com. Sub. for H. B. 2432)**, Relating to the licensure requirements to practice pharmacist care,

**(Com. Sub. for H. B. 2462)**, Relating to certain deposits of tax proceeds,

**(Com. Sub. for H. B. 2505)**, Relating to retirement system participation and concurrent employment provisions,

**(Com. Sub. for H. B. 2507)**, Relating to membership provisions in the West Virginia Municipal Police and Firefighters Retirement System,

(**H. B. 2535**), Relating generally to suicide prevention training, “Jamie’s Law”,

(**H. B. 2626**), Relating to use of the Abandoned Land Reclamation Fund,

(**H. B. 2645**), Expanding the availability of the Underwood-Smith Teacher Loan Assistance Program,

(**H. B. 2657**), Allowing members of the Livestock Care Standards Board to be reimbursed for expenses consistent with the West Virginia Department of Agriculture Travel Policy and Procedure,

(**Com. Sub. for H. B. 2702**), Redefining service personnel class titles of early childhood classroom assistant teacher,

(**Com. Sub. for H. B. 2755**), Relating to service and professional employee positions at jointly established schools,

(**H. B. 2776**), Relating to prescribing hydrocodone combination drugs for a duration of no more than three days,

(**Com. Sub. for H. B. 2778**), State Infrastructure Fund Program,

And,

(**Com. Sub. for H. B. 2999**), Relating to neonatal abstinence centers.

#### LEAVES OF ABSENCE

At the request of Delegate Cowles, and by unanimous consent, leaves of absence for the day were granted Delegates Campbell, Deem, Ellington, Folk, Hornbuckle, Householder, Ireland, Kelly, Manchin, Marcum, Pasdon, Perdue, L. Phillips, Reynolds, Rohrbach, Sponaugle and Walters.

**MISCELLANEOUS BUSINESS**

Delegate Fleischauer asked and obtained unanimous consent that the remarks on Saturday, March 14, 2015 of Delegate Lynch regarding Com. Sub. for H. B. 2688 be printed in the Appendix to the Journal.

At 5:24 P.M., the House of Delegates adjourned until 9:00 A.M., Tuesday, March 17, 2015.





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TUESDAY, MARCH 17, 2015

**SIXTY-THIRD DAY**

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

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

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

The Clerk proceeded to read the Journal of Monday, March 16, 2015, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Delegate Cowles arose to suggest the absence of a quorum, the Clerk opened the machine for the roll to be taken (**Roll No. 636**), and 81 members being present, the Speaker declared the presence of a quorum. The absent being as follows:

ABSENT: Bates, Campbell, Deem, Ellington, Folk, Hicks, Hill, Householder, Ireland, Kelly, Manchin, Marcum, Moore, Perdue, L. Phillips, Reynolds, Rohrbach, Sponaugle and Walters.

Delegate Hill announced that had he been present when the quorum call was taken he would have voted in the affirmative.

**COMMITTEE REPORTS**

Delegate McCuskey, 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 16<sup>th</sup> day of March, 2015, presented to His

Excellency, the Governor, for his action, the following bill, signed by the President of the Senate and the Speaker of the House of Delegates:

**(H. B. 2876)**, Finding and declaring certain claims against the state and its agencies to be moral obligations of the state.

#### **LEAVES OF ABSENCE**

At the request of Delegate Cowles, and by unanimous consent, leaves of absence for the day were granted Delegates Bates, Campbell, Deem, Ellington, Folk, Hicks, Householder, Ireland, Kelly, Manchin, Marcum, Moore, Perdue, L. Phillips, Reynolds, Rohrbach, Sponaugle and Walters.

At 9:13 A.M., the House of Delegates adjourned until 9:00 A.M., Wednesday, March 18, 2015.

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WEDNESDAY, MARCH 18, 2015

**SIXTY-FOURTH DAY**

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

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

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

The Clerk proceeded to read the Journal of Tuesday, March 17, 2015, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**CONFERENCE COMMITTEE REPORT AVAILABILITY**

At 9:14 A.M., the Clerk announced availability in his office of the report of the Committee of Conference on Com. Sub. for H. B. 2016, Budget Bill, making appropriations of public money out of the treasury in accordance with section fifty-one, article six of the Constitution.

**COMMITTEE REPORTS**

Delegate McCuskey, 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 17<sup>th</sup> day of March, 2015, presented to His Excellency, the Governor, for his action, the following bill, signed by the President of the Senate and the Speaker of the House of Delegates:

**(H. B. 2664)**, Creating “Andrea and Willy’s Law”; increasing certain penalties for driving under the influence of alcohol, controlled substances or drugs.

Delegate McCuskey, 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 17<sup>th</sup> day of March, 2015, presented to His Excellency, the Governor, for his action, the following bill, signed by the President of the Senate and the Speaker of the House of Delegates:

**(Com. Sub. for S. B. 287)**, Providing posthumous high school diplomas.

Delegate McCuskey, 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 17<sup>th</sup> day of March, 2015, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

**(Com. Sub. for S. B. 286)**, Relating to compulsory immunizations of students; exemptions,

**(Com. Sub. for S. B. 455)**, Relating to public higher education procurement and payment of expenses,

And,

**(Com. Sub. for S. B. 529)**, Relating to PERS, SPRS and TRS benefits and costs.

Delegate Cowles arose to suggest the absence of a quorum, the Clerk opened the machine for the roll to be taken (**Roll No. 637**), and 85 members being present, the Speaker declared the presence of a quorum. The absent being as follows:

ABSENT: Blair, Border, Deem, Ellington, Hicks, Householder, Ireland, Manchin, Marcum, Miller, Perdue, L. Phillips, Rohrbach, Skinner and Sponaugle.

Delegate Bates announced that had he been present on yesterday for Roll No. 636, he would have voted "YEA".

At 9:26 A.M., on motion of Delegate Cowles, the House of Delegates recessed until 3:00 P.M.

\* \* \* \* \*

### AFTERNOON SESSION

\* \* \* \* \*

### MESSAGES FROM THE EXECUTIVE

The Speaker laid before the House of Delegates a communication from His Excellency, the Governor, setting forth his disapproval of a bill heretofore passed by both houses, as follows:

STATE OF WEST VIRGINIA  
OFFICE OF THE GOVERNOR  
1900 KANAWHA BLVD., EAST  
CHARLESTON, WV 25305

March 17, 2015

#### Veto Message

The Honorable Tim Armstead  
Speaker, West Virginia House of Delegates  
Room 229M, Building 1  
State Capitol  
Charleston, West Virginia 25305

Re: Enrolled Committee Substitute for House Bill No. 2648

Dear Speaker Armstead:

Pursuant to the provisions of section fourteen, Article VII of the Constitution of West Virginia, I hereby disapprove and return the Enrolled Committee Substitute for House Bill No. 2648.

This bill purports to create a new article in the West Virginia Code titled the “Epinephrine Auto-Injector Availability and Use Act”, designated article forty-six of chapter sixteen. However, this same article was utilized this Regular Session to enact the separate “Access to Opioid Antagonists Act”, which I signed into law on March 9, 2015. In light of this statutory conflict, I am constrained to disapprove and return this bill. I urge the Legislature to repair the technical error identified herein by amending this bill on reconsideration to create a new article in the West Virginia Code for the Epinephrine Auto-Injector Availability and Use Act.

Sincerely,

EARL RAY TOMBLIN,  
*Governor.*

On motion of Delegate Cowles, the bill was taken up for immediate consideration and the House of Delegates proceeded to reconsider the bill, in an effort to meet the objections of the Governor.

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

“That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new article, designated §16-47-1, §16-47-2, §16-47-3, §16-47-4 and §16-47-5, all to read as follows:

**ARTICLE 47. EPINEPHRINE AUTO-INJECTOR AVAILABILITY AND USE.**

**§16-47-1. Definitions.**

As used in this article the term:

(1) ‘Administer’ means to directly apply an epinephrine auto-injector to the body of an individual.

(2) ‘Authorized entity’ means an entity or organization where allergens capable of causing a severe allergic reaction may be present.

(3) ‘Authorized health care practitioner’ means an allopathic physician licensed to practice pursuant to the provisions of article three, chapter thirty of this code and an osteopathic physician licensed to practice pursuant to the provisions of article fourteen, chapter thirty of this code.

(4) ‘Department’ means the Department of Health and Human Resources.

(5) ‘Epinephrine auto-injector’ means a single-use device used for the automatic injection of a premeasured dose of epinephrine into the human body.

(6) ‘Self-administration’ means an individual’s discretionary administration of an epinephrine auto-injector on herself or himself.

#### **§16-47-2. Authority.**

The department may:

(1) Propose legislative rules for legislative approval in accordance with the provisions of article three, chapter twenty-nine-a of this code, necessary to administer this article; and

(2) Conduct and approve education training programs.

#### **§16-47-3. Educational training programs.**

Educational training programs shall be conducted by a nationally recognized organization experienced in training laypersons in emergency health treatment or an entity or individual approved by the department. The curriculum shall include at a minimum:

(1) Recognition of the symptoms of allergic reactions to food, insect stings and other allergens; and

(2) The proper administration of a subcutaneous injection of epinephrine auto-injector.

**§16-47-4. Prescriptive authority for epinephrine auto-injectors; emergency administration.**

(a) An authorized health care practitioner may prescribe an epinephrine injector to an authorized entity. A pharmacist may dispense an epinephrine auto-injectors pursuant to a prescription issued in the name of an authorized entity.

(b) An authorized entity may acquire and stock a supply of epinephrine auto-injectors pursuant to a prescription issued in accordance with this section. The epinephrine auto-injectors shall be stored in accordance with the epinephrine auto-injector's instructions. An authorized entity shall designate employees or agents who are trained pursuant to section three of this article to be responsible for the storage, maintenance and general oversight of epinephrine auto-injectors.

(c) An individual trained pursuant to section three of this article may, on the premises of or in connection with the authorized entity, use epinephrine auto-injectors to:

(1) Provide an epinephrine auto-injector to a person who the trained individual in good faith believes is experiencing a severe allergic reaction for that person's immediate self-administration, regardless of whether the person has a prescription for an epinephrine auto-injector or has previously been diagnosed with an allergy; or

(2) Administer an epinephrine auto-injector to a person who the trained individual in good faith believes is experiencing a severe allergic reaction, regardless of whether the person has a prescription for an epinephrine auto-injector or has previously been diagnosed with an allergy.

**§16-47-5. Not practice of medicine; limits on liability.**

(a) The administration of an epinephrine auto-injector in accordance with this article is not the practice of medicine.



(b) An authorized health care practitioner who prescribes epinephrine auto-injectors to an authorized entity; an authorized entity that possesses and makes available epinephrine auto-injectors; and, an entity or person that conducts the training under section three of this article are not liable for civil damages that result from the administration or self-administration of an epinephrine auto-injector, the failure to administer an epinephrine auto-injector, or any other act or omission committed, in good faith, pursuant to this article.

(c) An individual employed by an authorized entity who administers or provides an epinephrine auto-injection to a person as provided in this article is immune from liability for any civil action arising out of an act or omission resulting from the administration of the epinephrine auto-injection unless the act or omission was the result of the individual's gross negligence or willful misconduct."

The Speaker propounded, "Shall the bill pass, in an effort to meet the objections of the Governor?"

On this question, the yeas and nays were taken (**Roll No. 638**), and there were—yeas 91, nays none, absent and not voting 9, with the yeas, nays and absent and not voting being as follows:

YEAS: Ambler, Anderson, Arvon, Ashley, Azinger, Bates, Blair, Boggs, Border, Butler, Byrd, Cadle, Campbell, Canterbury, Caputo, Cooper, Cowles, Duke, Eldridge, Espinosa, A. Evans, D. Evans, Faircloth, Fast, Ferro, Fluharty, Folk, Foster, Frich, Gearheart, Guthrie, Hamilton, Hamrick, Hanshaw, Hartman, Hill, Hornbuckle, Howell, Ihle, Ireland, Kelly, Kessinger, Kurcaba, Lane, Longstreth, Lynch, Manchin, Marcum, McCuskey, McGeehan, Miley, Moffatt, Morgan, Moye, E. Nelson, J. Nelson, O'Neal, Overington, Pasdon, Perdue, Perry, Pethtel, R. Phillips, Pushkin, Reynolds, Rodighiero, Romine, Rowan, Rowe, Shott, Skinner, P. Smith, R. Smith, Sobonya, Sponaule, Stansbury, Statler, Storch, Summers, Trecost, Upson,

Wagner, Walters, Waxman, Weld, Westfall, B. White, H. White, Williams, Zatezalo and Mr. Speaker (Mr. Armstead).

ABSENT AND NOT VOTING: Deem, Ellington, Fleischauer, Hicks, Householder, Miller, Moore, L. Phillips and Rohrbach.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Enr. Com. Sub. for H. B. 2648) passed, as a result of the objections of the Governor.

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

**Enr. Com. Sub. for H. B. 2648** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-47-1, §16-47-2, §16-47-3, §16-47-4 and §16-47-5, all relating to availability and use of epinephrine auto-injectors; providing definitions; providing for legislative rules; providing for training; providing prescriptive authority to health care practitioners in certain circumstances; providing authority to pharmacists to dispense epinephrine auto-injectors in certain circumstances; providing for the storage and emergency use of epinephrine auto-injectors; providing that in certain circumstances the use of epinephrine auto-injectors is not the practice of medicine; providing that in certain circumstances one authorized to prescribe, possess or train regarding epinephrine auto-injectors is not liable for civil damages; and providing that certain individuals who administer or provide an epinephrine auto-injector to a person is immune from liability for civil action unless the act or omission was grossly negligent or willful misconduct.”

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

The Speaker laid before the House of Delegates a communication from His Excellency, the Governor, setting forth his disapproval of a bill heretofore passed by both houses, as follows:

STATE OF WEST VIRGINIA  
OFFICE OF THE GOVERNOR  
1900 KANAWHA BLVD., EAST  
CHARLESTON, WV 25305

March 17, 2015

**Veto Message**

The Honorable Tim Armstead  
Speaker, West Virginia House of Delegates  
Room 228M, Building 1  
State Capitol Complex  
Charleston, WV 25305

Re: Enrolled House Bill No. 2664

Dear Speaker Armstead:

Pursuant to the provisions of section fourteen, article VII of the Constitution of West Virginia, I hereby disapprove and return Enrolled House Bill No. 2664 for technical reasons.

First, the title of the bill is defective. *See State ex rel. Davis v. Oakley*, 156 W. Va. 154, 191 S.E.2d 610 (1972) (requiring bill title to provide notice of bill's contents). The title of the bill fails to note that the bill increases the criminal penalties for driving under the influence of alcohol, controlled substances or drugs causing death. Additionally, the title provides that the bill "eliminat[es] the misdemeanor offense of driving under the influence of alcohol, controlled substances or drugs." Section 17C-5-2(d) and § 17C-5-2(e) of the West Virginia Code provide for a misdemeanor offense of driving under the influence of alcohol, controlled substances or drugs. A suggested change to this clause of the title is to add the words "causing death" to the end of the clause.

Second, the enacting section of the bill is incorrect in form.

Third, the penalties provided for second and third offense violations of § 17C-5-2(b) set forth in § 17C-5-2(k) and § 17C-5-2(1) appear to be in conflict with § 17C-5-2(b). With respect to a second offense under § 17C-5-2(k), the penalty is less severe than that for a first offense under § 17C-5-2(b). For example, a person who commits the second offense of driving under the influence of alcohol, controlled substances or drugs causing serious bodily injury would only be convicted of a misdemeanor under § 17C-5-2(k); a first offense of the same crime is a felony under § 17C-5-2(b). Similarly, with respect to a third offense under § 17C-5-2(1), the imprisonment penalty is less severe than that for a first offense under § 17C-5-2(b). A suggested fix for this issue is to create a new subsection of subdivision that deals specifically with penalties for second and third offenses in violation of § 17C-5-2(b), along with removing the reference to subsection (b) in subsections (k) and (l) of § 17C-5-2. The bill's title will also require language added to cover these suggested revisions.

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

Sincerely,

EARL RAY TOMBLIN,  
*Governor.*

On motion of Delegate Cowles, the bill was taken up for immediate consideration and the House of Delegates proceeded to reconsider the bill, in an effort to meet the objections of the Governor.

On motion of Delegate Cowles, the bill was amended on page two, following the enacting clause, by striking out the remainder of the bill and inserting in lieu thereof the following:

“That §17C-5-2 of the Code of West Virginia, 1931, as amended, be amended and reenacted; and that §17C-5A-2 of said code be amended and reenacted, all to read as follows:

## ARTICLE 5. SERIOUS TRAFFIC OFFENSES

**§17C-5-2. Driving under influence of alcohol, controlled substances or drugs; penalties.**(a) Definitions-(1) 'Impaired State' means a person:(A) Is under the influence of alcohol;(B) Is under the influence of any controlled substance;(C) Is under the influence of any other drug;(D) Is under the combined influence of alcohol and any controlled substance or any other drug; or(E) Has an alcohol concentration in his or her blood of eight hundredths of one percent or more, by weight.(2) 'Bodily Injury' means injury that causes substantial physical pain, illness or any impairment of physical condition.(3) 'Serious Bodily Injury' means bodily injury that creates a substantial risk of death, that causes serious or prolonged disfigurement, prolonged impairment of health or prolonged loss or impairment of the function of any bodily organ.(a) Any person who:(1) Drives a vehicle in this state while he or she:(A) Is under the influence of alcohol;(B) Is under the influence of any controlled substance;(C) Is under the influence of any other drug;

~~(D) Is under the combined influence of alcohol and any controlled substance or any other drug; or~~

~~(E) Has an alcohol concentration in his or her blood of eight hundredths of one percent or more, by weight; and~~

~~(2) While driving does any act forbidden by law or fails to perform any duty imposed by law in the driving of the vehicle, which act or failure proximately causes the death of any person within one year next following the act or failure; and~~

~~(3) Commits the act or failure in reckless disregard of the safety of others and when the influence of alcohol, controlled substances or drugs is shown to be a contributing cause to the death, is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for not less than two years nor more than ten years and shall be fined not less than \$1,000 nor more than \$3,000.~~

(b) Any person who drives a vehicle in this state while he or she is in an impaired state and such impaired state proximately causes the death of any person is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for not less than three nor more than fifteen years and shall be fined not less than \$1,000 nor more than \$3,000: *Provided*, That any death charged under this subsection must occur within one year of the offense.

(b) Any person who:

~~(1) Drives a vehicle in this state while he or she:~~

~~(A) Is under the influence of alcohol;~~

~~(B) Is under the influence of any controlled substance;~~

~~(C) Is under the influence of any other drug;~~

~~(D) Is under the combined influence of alcohol and any controlled substance or any other drug;~~

~~(E) Has an alcohol concentration in his or her blood of eight hundredths of one percent or more, by weight; and~~

~~(2) While driving does any act forbidden by law or fails to perform any duty imposed by law in the driving of the vehicle, which act or failure proximately causes the death of any person within one year next following the act or failure, is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not less than ninety days nor more than one year and shall be fined not less than \$500 nor more than \$1,000:~~

(c) Any person who drives a vehicle in this state while he or she is in an impaired state and such impaired state proximately causes serious bodily injury to any person other than himself or herself, is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for not less than two nor more than ten years and shall be fined not less than \$1,000 nor more than \$3,000.

(c) Any person who:

~~(1) Drives a vehicle in this state while he or she:~~

~~(A) Is under the influence of alcohol;~~

~~(B) Is under the influence of any controlled substance;~~

~~(C) Is under the influence of any other drug;~~

~~(D) Is under the combined influence of alcohol and any controlled substance or any other drug; or~~

~~(E) Has an alcohol concentration in his or her blood of eight hundredths of one percent or more, by weight; and~~

~~(2) While driving does any act forbidden by law or fails to perform any duty imposed by law in the driving of the vehicle, which act or failure proximately causes bodily injury to any person other than himself or herself, is guilty of a misdemeanor and, upon conviction~~

thereof, shall be confined in jail for not less than one day nor more than one year, which jail term is to include actual confinement of not less than twenty-four hours, and shall be fined not less than \$200 nor more than \$1,000.

(d) Any person who drives a vehicle in this state while he or she is in an impaired state and such impaired state proximately causes a bodily injury to any person other than himself or herself, is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not less than one day more than one year and shall be fined not less than \$200 nor more than \$1,000: *Provided*, That such jail term shall include actual confinement of not less than twenty-four hours: *Provided, however*, That a person sentenced pursuant to this subsection shall receive credit for any period of actual confinement he or she served upon arrest for the subject offense.

~~(d) Any person who:~~

~~(1) Drives a vehicle in this state while he or she:~~

~~(A) Is under the influence of alcohol;~~

~~(B) Is under the influence of any controlled substance;~~

~~(C) Is under the influence of any other drug;~~

~~(D) Is under the combined influence of alcohol and any controlled substance or any other drug; or~~

~~(E) Has an alcohol concentration in his or her blood of eight hundredths of one percent or more, by weight, but less than fifteen hundredths of one percent, by weight;~~

~~(2) Is guilty of a misdemeanor and, upon conviction thereof, except as provided in section two-b of this article, shall be confined in jail for up to six months and shall be fined not less than \$100 nor more than \$500. A person sentenced pursuant to this subdivision shall receive~~



~~credit for any period of actual confinement he or she served upon arrest for the subject offense.~~

(e) Any person who drives a vehicle in this state while he or she is in an impaired state, but has an alcohol concentration in his or her blood of less than fifteen hundredths of one percent by weight, is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for up to six months and shall be fined not less than \$100 nor more than \$500: *Provided*, That a person sentenced pursuant to this subsection shall receive credit for any period of actual confinement he or she served upon arrest for the subject offense.

~~(e)~~ (f) Any person who drives a vehicle in this state while he or she has an alcohol concentration in his or her blood of fifteen hundredths of one percent or more, by weight, is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not less than two days nor more than six months, which jail term is to include actual confinement of not less than twenty-four hours, and shall be fined not less than \$200 nor more than \$1,000. A person sentenced pursuant to this subdivision shall receive credit for any period of actual confinement he or she served upon arrest for the subject offense.

~~(f)~~ (g) Any person who, being an habitual user of narcotic drugs or amphetamine or any derivative thereof, drives a vehicle in this state is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not less than one day nor more than six months, which jail term is to include actual confinement of not less than twenty-four hours, and shall be fined not less than \$100 nor more than \$500. A person sentenced pursuant to this subdivision shall receive credit for any period of actual confinement he or she served upon arrest for the subject offense.

(g) Any person who:

~~(1) Knowingly permits his or her vehicle to be driven in this state by any other person who:~~

~~(A) Is under the influence of alcohol;~~

~~(B) Is under the influence of any controlled substance;~~

~~(C) Is under the influence of any other drug;~~

~~(D) Is under the combined influence of alcohol and any controlled substance or any other drug;~~

~~(E) Has an alcohol concentration in his or her blood of eight hundredths of one percent or more, by weight;~~

~~(2) Is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not more than six months and shall be fined not less than \$100 nor more than \$500.~~

(h) Any person who knowingly permits his or her vehicle to be driven in this state by any other person who is in an impaired state is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not more than six months and shall be fined not less than \$100 nor more than \$500.

~~(h)~~(i) Any person who knowingly permits his or her vehicle to be driven in this state by any other person who is a habitual user of narcotic drugs or amphetamine or any derivative thereof is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not more than six months and shall be fined not less than \$100 nor more than \$500.

~~(i)~~(j) Any person under the age of twenty-one years who drives a vehicle in this state while he or she has an alcohol concentration in his or her blood of two hundredths of one percent or more, by weight, but less than eight hundredths of one percent, by weight, for a first offense under this subsection is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$25 nor more than \$100. For a second or subsequent offense under this subsection, the person is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for twenty-four hours and shall be fined not less than \$100 nor

more than \$500. A person who is charged with a first offense under the provisions of this subsection may move for a continuance of the proceedings, from time to time, to allow the person to participate in the Motor Vehicle Alcohol Test and Lock Program as provided in section three-a, article five-a of this chapter. Upon successful completion of the program, the court shall dismiss the charge against the person and expunge the person's record as it relates to the alleged offense. In the event the person fails to successfully complete the program, the court shall proceed to an adjudication of the alleged offense. A motion for a continuance under this subsection may not be construed as an admission or be used as evidence.

A person arrested and charged with an offense under the provisions of this subsection or subsection (b), (c), (d), (e), (f), (g), ~~(h)~~ or (i) of this section may not also be charged with an offense under this subsection arising out of the same transaction or occurrence.

(j) Any person who:

~~(1) Drives a vehicle in this state while he or she:~~

~~(A) Is under the influence of alcohol;~~

~~(B) Is under the influence of any controlled substance;~~

~~(C) Is under the influence of any other drug, other drug, or~~

~~(E) Has an alcohol concentration in his or her blood of eight hundredths of one percent or more, by weight; and~~

~~(2) The person while driving has on or within the motor vehicle one or more other persons who are unemancipated minors who have not reached their sixteenth birthday is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not less than two days nor more than twelve months, which jail term is to include actual confinement of not less than forty-eight hours and shall be fined not less than \$200 nor more than \$1,000.~~

(k) Any person who drives a vehicle in this state while he or she is in an impaired state and has within the vehicle one or more other persons who are unemancipated minors who have not yet reached their sixteenth birthday is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not less than two days nor more than twelve months, and shall be fined not less than \$200 nor more than \$1,000: *Provided*, That such jail term shall include actual confinement of not less than forty-eight hours: *Provided, however*, That a person sentenced pursuant to this subdivision shall receive credit for any period of actual confinement he or she served upon arrest for the subject offense.

~~(k)~~(l) A person violating any provision of subsection ~~(b), (c), (d), (e), (f), (g), (h)~~ or ~~(i)~~(j) of this section, for the second offense under this section, is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not less than six months nor more than one year and the court may, in its discretion, impose a fine of not less than \$1,000 nor more than \$3,000.

~~(i)~~(m) A person violating any provision of subsection ~~(b), (c), (d), (e), (f), (g), (h)~~ or ~~(i)~~(j) of this section, for the third or any subsequent offense under this section, is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for not less than ~~one~~ two nor more than ~~three~~ five years and the court may, in its discretion, impose a fine of not less than \$3,000 nor more than \$5,000.

~~(m)~~(n) For purposes of subsections ~~(k)~~ and (l) and (m) of this section relating to second, third and subsequent offenses, the following events shall be regarded as offenses under this section:

(1) Any conviction under the provisions of subsection ~~(a), (b), (c), (d), (e), (f), (g)~~ or ~~(g)~~(h) of this section or under a prior enactment of this section for an offense which occurred within the ten-year period immediately preceding the date of arrest in the current proceeding;

(2) Any conviction under a municipal ordinance of this state or any other state or a statute of the United States or of any other state of an

offense which has the same elements as an offense described in subsection ~~(a)~~, (b), (c), (d), (e), (f), (g), (h) or ~~(h)~~-(i) of this section, which offense occurred within the ten-year period immediately preceding the date of arrest in the current proceeding; and,

(3) Any period of conditional probation imposed pursuant section two-b of this article for violation of subsection ~~(d)~~ (e) of this ~~article~~ section, which violation occurred within the ten-year period immediately preceding the date of arrest in the current proceeding.

~~(n)~~-(o) A person may be charged in a warrant or indictment or information for a second or subsequent offense under this section if the person has been previously arrested for or charged with a violation of this section which is alleged to have occurred within the applicable time period for prior offenses, notwithstanding the fact that there has not been a final adjudication of the charges for the alleged previous offense. In that case, the warrant or indictment or information must set forth the date, location and particulars of the previous offense or offenses. No person may be convicted of a second or subsequent offense under this section unless the conviction for the previous offense has become final, or the person has previously had a period of conditional probation imposed pursuant to section two-b of this article.

~~(o)~~-(p) The fact that any person charged with a violation of subsection ~~(a)~~, (b), (c), (d), (e), (f) or ~~(f)~~-(g) of this section, or any person permitted to drive as described under subsection ~~(g)~~ or ~~(h)~~ or (i) of this section, is or has been legally entitled to use alcohol, a controlled substance or a drug does not constitute a defense against any charge of violating subsection ~~(a)~~, (b), (c), (d), (e), (f), (g), (h) or ~~(h)~~-(i) of this section.

~~(p)~~-(q) For purposes of this section, the term ‘controlled substance’ has the meaning ascribed to it in chapter sixty-a of this code.

~~(q)~~-(r) The sentences provided in this section upon conviction for a violation of this article are mandatory and are not subject to suspension or probation: *Provided*, That the court may apply the provisions of article eleven-a, chapter sixty-two of this code to a person

sentenced or committed to a term of one year or less for a first offense under this section: *Provided further*, That the court may impose a term of conditional probation pursuant to section two-b of this article to persons adjudicated thereunder. An order for home detention by the court pursuant to the provisions of article eleven-b of said chapter may be used as an alternative sentence to any period of incarceration required by this section for a first or subsequent offense: *Provided, however*, That for any period of home incarceration ordered for a person convicted of second offense under this section, electronic monitoring shall be required for no fewer than five days of the total period of home confinement ordered and the offender may not leave home for those five days notwithstanding the provisions of section five, article eleven-b, chapter sixty-two of this code: *Provided further*, That for any period of home incarceration ordered for a person convicted of a third or subsequent violation of this section, electronic monitoring shall be included for no fewer than ten days of the total period of home confinement ordered and the offender may not leave home for those ten days notwithstanding section five, article eleven-b, chapter sixty-two of this code.

**ARTICLE 5A. ADMINISTRATIVE PROCEDURES FOR SUSPENSION AND  
REVOCATION OF LICENSES FOR DRIVING UNDER THE  
INFLUENCE OF ALCOHOL, CONTROLLED  
SUBSTANCES OR DRUGS.**

**§17C-5A-2. Hearing; revocation; review.**

(a) Written objections to an order of revocation or suspension under the provisions of section one of this article or section seven, article five of this chapter shall be filed with the Office of Administrative Hearings. Upon the receipt of an objection, the Office of Administrative Hearings shall notify the Commissioner of the Division of Motor Vehicles, who shall stay the imposition of the period of revocation or suspension and afford the person an opportunity to be heard by the Office of Administrative Hearings. The written objection must be filed with Office of Administrative Hearings in person, by

registered or certified mail, return receipt requested, or by facsimile transmission or electronic mail within thirty calendar days after receipt of a copy of the order of revocation or suspension or no hearing will be granted: *Provided*, That a successful transmittal sheet shall be necessary for proof of written objection in the case of filing by fax. The hearing shall be before a hearing examiner employed by the Office of Administrative Hearings who shall rule on evidentiary issues. The West Virginia Rules of Evidence shall apply to all proceedings before the hearing examiner. Upon consideration of the designated record, the hearing examiner shall, based on the determination of the facts of the case and applicable law, render a decision affirming, reversing or modifying the action protested. The decision shall contain findings of fact and conclusions of law and shall be provided to all parties by registered or certified mail, return receipt requested, or with a party's written consent, by facsimile or electronic mail.

(b) The hearing shall be held at an office of the Division of Motor Vehicles suitable for hearing purposes located in or near the county in which the arrest was made in this state or at some other suitable place in the county in which the arrest was made if an office of the division is not available. At the discretion of the Office of Administrative Hearings, the hearing may also be held at an office of the Office of Administrative Hearings located in or near the county in which the arrest was made in this state. The Office of Administrative Hearings shall send a notice of hearing to the person whose driving privileges are at issue and the person's legal counsel if the person is represented by legal counsel, by regular mail, or with the written consent of the person whose driving privileges are at issue or their legal counsel, by facsimile or electronic mail. The Office of Administrative Hearings shall also send a notice of hearing by regular mail, facsimile or electronic mail to the Division of Motor Vehicles, and the Attorney General's Office, if the Attorney General has filed a notice of appearance of counsel on behalf of the Division of Motor Vehicles.

(c) (1) Any hearing shall be held within one hundred eighty days after the date upon which the Office of Administrative Hearings

received the timely written objection unless there is a postponement or continuance.

(2) The Office of Administrative Hearings may postpone or continue any hearing on its own motion or upon application by the party whose license is at issue in that hearing or by the commissioner for good cause shown.

(3) The Office of Administrative Hearings may issue subpoenas commanding the appearance of witnesses and subpoenas duces tecum commanding the submission of documents, items or other things. Subpoenas duces tecum shall be returnable on the date of the next scheduled hearing unless otherwise specified. The Office of Administrative hearings shall issue subpoenas and subpoenas duces tecum at the request of a party or the party's legal representative. The party requesting the subpoena shall be responsible for service of the subpoena upon the appropriate individual. Every subpoena or subpoena duces tecum shall be served at least five days before the return date thereof, either by personal service made by a person over eighteen years of age or by registered or certified mail, return receipt requested, and received by the party responsible for serving the subpoena or subpoena duces tecum: *Provided*, That the Division of Motor Vehicles may serve subpoenas to law-enforcement officers through electronic mail to the department of his or her employer. If a person does not obey the subpoena or fails to appear, the party who issued the subpoena to the person may petition the circuit court wherein the action lies for enforcement of the subpoena.

(d) Law-enforcement officers shall be compensated for the time expended in their travel and appearance before the Office of Administrative Hearings by the law-enforcement agency by whom they are employed at their regular rate if they are scheduled to be on duty during said time or at their regular overtime rate if they are scheduled to be off duty during said time.

(e) The principal question at the hearing shall be whether the person did drive a motor vehicle while under the influence of alcohol,



controlled substances or drugs, or did drive a motor vehicle while having an alcohol concentration in the person's blood of eight hundredths of one percent or more, by weight, or did refuse to submit to the designated secondary chemical test, or did drive a motor vehicle while under the age of twenty-one years with an alcohol concentration in his or her blood of two hundredths of one percent or more, by weight, but less than eight hundredths of one percent, by weight.

(f) In the case of a hearing in which a person is accused of driving a motor vehicle while under the influence of alcohol, controlled substances or drugs, or accused of driving a motor vehicle while having an alcohol concentration in the person's blood of eight hundredths of one percent or more, by weight, or accused of driving a motor vehicle while under the age of twenty-one years with an alcohol concentration in his or her blood of two hundredths of one percent or more, by weight, but less than eight hundredths of one percent, by weight, the Office of Administrative Hearings shall make specific findings as to: (1) Whether the investigating law-enforcement officer had reasonable grounds to believe the person to have been driving while under the influence of alcohol, controlled substances or drugs, or while having an alcohol concentration in the person's blood of eight hundredths of one percent or more, by weight, or to have been driving a motor vehicle while under the age of twenty-one years with an alcohol concentration in his or her blood of two hundredths of one percent or more, by weight, but less than eight hundredths of one percent, by weight; (2) whether the person was lawfully placed under arrest for an offense involving driving under the influence of alcohol, controlled substances or drugs, or was lawfully taken into custody for the purpose of administering a secondary test: *Provided*, That this element shall be waived in cases where no arrest occurred due to driver incapacitation; (3) whether the person committed an offense involving driving under the influence of alcohol, controlled substances or drugs; and (4) whether the tests, if any, were administered in accordance with the provisions of this article and article five of this chapter.

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

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

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

(j) If the Office of Administrative Hearings finds by a preponderance of the evidence that the person did drive a motor vehicle while under the influence of alcohol, controlled substances or drugs, or did drive a motor vehicle while having an alcohol concentration in the person's blood of eight hundredths of one percent or more, by weight, but less than fifteen hundredths of one percent or more, by weight, or finds that the person knowingly permitted the persons vehicle to be driven by another person who was under the influence of alcohol, controlled substances or drugs, or knowingly permitted the person's vehicle to be driven by another person who had an alcohol concentration in his or her blood of eight hundredths of one percent or more, by weight the commissioner shall revoke the person's license for a period of six months or a period of fifteen days with an additional one hundred and twenty days of participation in the Motor Vehicle Alcohol Test and Lock Program in accordance with the provisions of section three-a of this article: *Provided*, That any period of

participation in the Motor Vehicle Alcohol Test and Lock Program that has been imposed by a court pursuant to section two-b, article five of this chapter shall be credited against any period of participation imposed by the commissioner: *Provided, however,* That a person whose license is revoked for driving while under the influence of drugs is not eligible to participate in the Motor Vehicle Alcohol Test and Lock Program: *Provided further,* That if the person's license has previously been suspended or revoked under the provisions of this section or section one of this article within the ten years immediately preceding the date of arrest, the period of revocation shall be ten years: *And provided further,* That if the person's license has previously been suspended or revoked more than once under the provisions of this section or section one of this article within the ten years immediately preceding the date of arrest, the period of revocation shall be for the life of the person.

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

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

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

(m) If, in addition to a finding that the person did drive a motor vehicle while under the age of twenty-one years with an alcohol concentration in his or her blood of two hundredths of one percent or more, by weight, but less than eight hundredths of one percent, by weight, the Office of Administrative Hearings also finds by a

preponderance of the evidence that the person when driving did an act forbidden by law or failed to perform a duty imposed by law, which act or failure proximately caused bodily injury to a person other than himself or herself, and if the Office of Administrative Hearings further finds that the alcohol concentration in the blood was a contributing cause to the bodily injury, the commissioner shall revoke the person's license for a period of two years: *Provided*, That if the person's license has previously been suspended or revoked under the provisions of this section or section one of this article within the ten years immediately preceding the date of arrest, the period of revocation shall be ten years: *Provided, however*, That if the person's license has previously been suspended or revoked more than once under the provisions of this section or section one of this article within the ten years immediately preceding the date of arrest, the period of revocation shall be for the life of the person.

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

(o) If, in addition to a finding that the person did drive a motor vehicle while under the influence of alcohol, controlled substances or drugs, or did drive a motor vehicle while having an alcohol concentration in the person's blood of eight hundredths of one percent or more, by weight, the Office of Administrative Hearings also finds by a preponderance of the evidence that the person when driving did have on or within the Motor vehicle another person who has not reached his or her sixteenth birthday, the commissioner shall revoke the person's license for a period of one year: *Provided*, That if the

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

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

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

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

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

(q) In the case of a hearing in which a person is accused of refusing to submit to a designated secondary test, the Office of Administrative Hearings shall make specific findings as to: (1) Whether the arresting law-enforcement officer had reasonable grounds to believe the person had been driving a motor vehicle in this state while under the influence of alcohol, controlled substances or drugs; (2) whether the person was lawfully placed under arrest for an offense involving driving under the

influence of alcohol, controlled substances or drugs, or was lawfully taken into custody for the purpose of administering a secondary test: *Provided*, That this element shall be waived in cases where no arrest occurred due to driver incapacitation; (3) whether the person committed an offense relating to driving a motor vehicle in this state while under the influence of alcohol, controlled substances or drugs; (4) whether the person refused to submit to the secondary test finally designated in the manner provided in section four, article five of this chapter; and (5) whether the person had been given a written statement advising the person that the person's license to operate a motor vehicle in this state would be revoked for at least forty-five days and up to life if the person refused to submit to the test finally designated in the manner provided in said section.

(r) If the Office of Administrative Hearings finds by a preponderance of the evidence that: (1) The investigating officer had reasonable grounds to believe the person had been driving a motor vehicle in this state while under the influence of alcohol, controlled substances or drugs; (2) whether the person was lawfully placed under arrest for an offense involving driving under the influence of alcohol, controlled substances or drugs, or was lawfully taken into custody for the purpose of administering a secondary test: *Provided*, That this element shall be waived in cases where no arrest occurred due to driver incapacitation; (3) the person committed an offense relating to driving a motor vehicle in this state while under the influence of alcohol, controlled substances or drugs; (4) the person refused to submit to the secondary test finally designated in the manner provided in section four, article five of this chapter; and (5) the person had been given a written statement advising the person that the person's license to operate a motor vehicle in this state would be revoked for at least forty-five days and up to life if the person refused to submit to the test finally designated, the commissioner shall revoke the person's license to operate a motor vehicle in this state for the periods specified in section seven, article five of this chapter. The revocation period prescribed in this subsection shall run concurrently with any other



revocation period ordered under this section or section one of this article arising out of the same occurrence. The revocation period prescribed in this subsection shall run concurrently with any other revocation period ordered under this section or section one of this article arising out of the same occurrence.

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

A person whose license is at issue and the commissioner shall be entitled to judicial review as set forth in chapter twenty-nine-a of this code. Neither the commissioner nor the Office of Administrative Hearings may stay enforcement of the order. The court may grant a stay or supersede as of the order only upon motion and hearing, and a finding by the court upon the evidence presented, that there is a substantial probability that the appellant shall prevail upon the merits and the appellant will suffer irreparable harm if the order is not stayed: *Provided*, That in no event shall the stay or supersede as of the order exceed one hundred fifty days. The Office of Administrative Hearings may not be made a party to an appeal. The party filing the appeal shall pay the Office of Administrative Hearings for the production and transmission of the certified file copy and the hearing transcript to the court. Notwithstanding the provisions of section four, article five of said chapter, the Office of Administrative Hearings may not be

compelled to transmit a certified copy of the file or the transcript of the hearing to the circuit court in less than sixty days. Circuit clerk shall provide a copy of the circuit court's final order on the appeal to the Office of Administrative Hearings by regular mail, by facsimile, or by electronic mail if available.

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

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

The Speaker propounded, "Shall the bill pass, in an effort to meet the objections of the Governor?"

On this question, the yeas and nays were taken (**Roll No. 639**), and there were—yeas 93, nays none, absent and not voting 7, with the yeas, nays, and absent and not voting being as follows:

YEAS: Ambler, Anderson, Arvon, Ashley, Azinger, Bates, Blair, Boggs, Border, Butler, Byrd, Cadle, Campbell, Canterbury, Caputo, Cooper, Cowles, Duke, Eldridge, Espinosa, A. Evans, D. Evans, Faircloth, Fast, Ferro, Fleischauer, Fluharty, Folk, Foster, Frich, Gearheart, Guthrie, Hamilton, Hamrick, Hanshaw, Hartman, Hill, Hornbuckle, Howell, Ihle, Ireland, Kelly, Kessinger, Kurcaba, Lane, Longstreth, Lynch, Manchin, Marcum, McCuskey, McGeehan, Miley, Moffatt, Morgan, Moye, E. Nelson, J. Nelson, O'Neal, Overington, Pasdon, Perdue, Perry, Pethtel, R. Phillips, Pushkin, Reynolds, Rodighiero, Rohrbach, Romine, Rowan, Rowe, Shott, Skinner, P.

Smith, R. Smith, Sobonya, Sponaugle, Stansbury, Statler, Storch, Summers, Trecost, Upson, Wagner, Walters, Waxman, Weld, Westfall, B. White, H. White, Williams, Zatezalo and Mr. Speaker (Mr. Armstead).

NAYS: None.

ABSENT AND NOT VOTING: Deem, Ellington, Hicks, Householder, Miller, Moore and L. Phillips.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Enr. H. B. 2664) passed, as a result of the objections of the Governor.

The House then adopted the following title amendment offered by Delegate Shott:

**Enr. Com. Sub. for H. B. 2664** - “A Bill to amend and reenact §17C-5-2 of the Code of West Virginia, 1931, as amended; and to amend and reenact §17C-5A-2 of said code, all relating to offenses of driving under the influence of alcohol, controlled substances or drugs; defining terms; restating the elements of certain offenses of driving under the influence of alcohol, controlled substances or drugs; requiring that a person’s impaired state proximately cause the injury or death in certain offenses; increasing the penalty for driving under the influence of alcohol, controlled substances or drugs causing death; requiring death to have occurred within one year of an offense of driving under the influence of alcohol, controlled substances or drugs causing death; eliminating the misdemeanor offense of driving under the influence of alcohol, controlled substances or drugs causing death; creating felony offense and penalties for driving under the influence of alcohol, controlled substances or drugs causing serious bodily injury; increasing the penalty for certain subsequent offenses of driving under the influence of alcohol, controlled substances or drugs; and providing that the West Virginia Rules of Evidence apply to administrative

proceedings concerning license revocation for driving under the influence.”

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

The Speaker laid before the House of Delegates a communication from His Excellency, the Governor, setting forth his disapproval of a bill heretofore passed by both houses, as follows:

STATE OF WEST VIRGINIA  
OFFICE OF THE GOVERNOR  
1900 KANAWHA BLVD., EAST  
CHARLESTON, WV 25305

March 18, 2015

**Veto Message**

The Honorable Tim Armstead  
Speaker, West Virginia House of Delegates  
Room 228M, Building 1  
State Capitol Complex  
Charleston, WV 25305

Re: Enrolled House Bill No. 2880

Dear Speaker Armstead:

Pursuant to the provisions of section fourteen, article VII of the Constitution of West Virginia, I hereby disapprove and return Enrolled House Bill No. 2880.

This bill is well-intentioned, and I commend the Legislature for tackling West Virginia’s opioid addiction predicament by establishing two new drug treatment pilot programs. However, the bill contains certain issues that should be corrected before it becomes law.

From a technical perspective, the bill's title appears to be defective in that it is vague and only references one of the two pilot programs the bill establishes. The title also fails to note that this new article of the West Virginia Code [§ 62-15A-1, *et seq.*] sets forth definitions and mandates the preparation of a report.

Two additional technical flaws appear on the bill's page 2. The word "opioid" is spelled incorrectly on line 4, and the cross reference in lines 6-7 is erroneous.

Further, I have a substantive concern about this bill. Specifically, I believe the Legislature's delegation of certain executive functions to the Supreme Court of Appeals of West Virginia (*e.g.*, requesting the Court to provide addiction treatment services) may violate the separation of powers doctrine. *See* Syl. Pt. 1, *State ex rel. Barker v. Manchin*, 279 S.E.2d 622 (W. Va. 1981) ("Article V, section 1 of the Constitution of West Virginia which prohibits any one department of our state government from exercising the powers of the others, is not merely a suggestion; it is part of the fundamental law of our State and, as such, it must be strictly construed and closely followed.")

This issue can be remedied if the bill is amended to provide that the executive branch Department of Health and Human Resources ("DHHR") and its Bureau for Behavioral Health and Health Facilities ("BBHMF") administer the addiction treatment services outlined in the two pilot programs at issue. DHHR and BBHMF can administer these services working collaboratively with the Court and the Division of Corrections ("DOC").

Notably, DHHR and BBHMF already administer addiction treatment services for the DOC, and DHHR and BBHMF are experts in determining eligibility for Medicaid and other health benefit programs. It makes the most sense for DHHR and BBHMF, rather than the Court and the DOC, to administer the addiction treatment services outlined in the bill.

I urge the Legislature to make the foregoing amendments to Enrolled House Bill No. 2880 today, and to return the bill to my desk for signature.

Sincerely,

EARL RAY TOMBLIN,  
*Governor*

On motion of Delegate Cowles, the bill was taken up for immediate consideration and the House of Delegates proceeded to reconsider the bill, in an effort to meet the objections of the Governor.

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

“That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new article, designated §62-15A-1, §62-15A-2 and §62-15A-3 all to read as follows:

**ARTICLE 15A. ADDICTION TREATMENT PILOT PROGRAM.**

**§62-15A-1. Definitions.**

As used in this article:

(1) ‘Addiction service provider’ means a person licensed by this state to provide addiction and substance abuse services to persons addicted to opioids.

(2) ‘Adult drug court judge’ means a circuit court judge operating a drug court as defined in subsection (a), section one, article fifteen.

(3) ‘Adult Drug Court Program’ means an adult treatment court established by the Supreme Court of Appeals of West Virginia pursuant to this article.

(4) ‘Circuit court’ means those courts set forth in article two, chapter fifty-one of this code.

(5) ‘Court’ means the Supreme Court of Appeals of West Virginia.

(6) ‘Department’ means the Department of Health and Human Resources.

(7) ‘Division’ means the Division of Corrections.

(8) ‘LS/CMI assessment criteria’ means the level of service/case management inventory which is an assessment tool that measures the risk and need factors of adult offenders.

(9) ‘Medication-assisted treatment’ means the use of medications, in combination with counseling and behavioral therapies, to provide a whole-patient approach to the treatment of substance use disorders.

(10) ‘Prescriber’ means an individual currently licensed and authorized by this state to prescribe and administer prescription drugs in the course of their professional practice.

**§62-15A-2. The Department of Health and Human Resources Pilot Program.**

(a) The secretary of the department shall conduct a pilot program to provide addiction treatment, including medication-assisted treatment, to persons who are offenders within the criminal justice system, eligible to participate in a program, and selected under this section to be participants in the pilot program because of their dependence on opioids.

(b) In the case of the medication-assisted treatment provided under the pilot program, a drug may be used only if it has been approved by the United States Food and Drug Administration for use in the prevention of relapse to opioid dependence and in conjunction with

psychosocial support, provided as part of the pilot program, appropriate to patient needs.

(c) The department may invite the Court and the division to participate in the pilot program.

(d) The department may limit the number of participants.

(e) (1) If the Court's Adult Drug Court Program is selected to participate, it shall select persons who are participants in the Adult Drug Court program, who have been clinically assessed and diagnosed with opioid addiction. Participants must either be eligible for medicaid, or eligible for a state, federal or private grant or other funding sources that provides for the full payment of the treatment necessary to participate in the pilot program. After being enrolled in the pilot program, participants shall comply with all requirements of the Adult Drug Court Program.

(2) Treatment may be provided under this subsection only by a treatment provider who is approved by the Court or Adult Drug Court Program consistent with the policies and procedures for Adult Drug Courts developed by the Court. In serving as a treatment provider, a treatment services provider shall do all of the following:

(A) Provide treatment based on an integrated service delivery model that consists of the coordination of care between a prescriber and the addiction services provider;

(B) Conduct any necessary additional professional, comprehensive substance abuse and mental health diagnostic assessments of persons under consideration for selection as pilot program participants to determine whether they would benefit from substance abuse treatment and monitoring;

(C) Determine, based on the assessments described in paragraph (B), the treatment needs of the participants served by the treatment provider;



(D) Develop, for the participants served by the treatment provider, individualized goals and objectives;

(E) Provide access to the non-narcotic, long-acting antagonist therapy included in the pilot program's medication-assisted treatment; and

(F) Provide other types of therapies, including psychosocial therapies, for both substance abuse and any disorders that are considered by the treatment provider to be co-occurring disorders.

(f) (1) If the Division of Corrections is selected to participate, the division shall select persons, within the custody of the Division of Corrections, who are determined to be at high risk using the LS/CMI assessment criteria into the pilot program. Participants must either be eligible for medicaid, or eligible for a state, federal or private grant or other funding sources that provides for the full payment of the treatment necessary to participate in the pilot program. After being enrolled in the pilot program, a participant shall comply with all requirements of the treatment program.

(2) A participant shall:

(A) Receive treatment based on an integrated service delivery model that consists of the coordination of care between a prescriber and the addiction services provider;

(B) Submit to professional, comprehensive substance abuse and mental health diagnostic assessments of persons under consideration for selection as pilot program participants to determine whether they would benefit from substance abuse treatment and monitoring;

(C) Receive, based on the assessments described in paragraph (B), the treatment needs of the participants served by the treatment provider;

(D) Submit to the treatment provider, individualized goals and objectives;

(E) Receive the non-narcotic, long-acting antagonist therapy included in the pilot program's medication-assisted treatment; and

(F) Participate in other types of therapies, including psychosocial therapies, for both substance abuse and any disorders that are considered by the treatment provider to be co-occurring disorders.

**§62-15A-3. Report.**

(a) The department shall prepare a report.

(b) The report shall include:

(1) Number of participants;

(2) Number of participants successfully completing the program;

(3) Offenses committed or offense convicted of;

(4) Recidivism Rate;

(5) Potential cost saving or expenditures;

(6) A statistical analysis which determines the effectiveness of the program; and

(7) Any other information the reporting entity finds pertinent.

(b) The Court and the division should provide any information necessary to the department to complete the report.

(c) The department shall submit the report to:

(1) The Governor;

(2) The Chief Justice of the Supreme Court of Appeals of West Virginia;

(3) The Joint Committee on Government and Finance; and

(4) The Commissioner of the Division of Corrections.

(d) The report shall be submitted by July 1, 2017 and shall include twelve months of data from the beginning of the administration of the program.”

The Speaker propounded, “Shall the bill pass, in an effort to meet the objections of the Governor?”

On this question, the yeas and nays were taken (**Roll No. 640**), and there were—yeas 87, nays 5, absent and not voting 8, with the yeas, nays and absent and not voting being as follows:

YEAS: Ambler, Anderson, Arvon, Ashley, Azinger, Bates, Blair, Boggs, Border, Butler, Byrd, Cadle, Campbell, Canterbury, Caputo, Cooper, Cowles, Deem, Duke, Eldridge, Ellington, Espinosa, A. Evans, D. Evans, Faircloth, Fast, Ferro, Fleischauer, Fluharty, Folk, Foster, Frich, Gearheart, Guthrie, Hamilton, Hamrick, Hanshaw, Hartman, Hicks, Hill, Hornbuckle, Householder, Howell, Ihle, Ireland, Kelly, Kessinger, Kurcaba, Lane, Longstreth, Lynch, Manchin, Marcum, McCuskey, McGeehan, Miley, Miller, Moffatt, Moore, Morgan, Moye, E. Nelson, J. Nelson, O’Neal, Overington, Pasdon, Perdue, Perry, Pethtel, L. Phillips, R. Phillips, Pushkin, Reynolds, Rodighiero, Rohrbach, Romine, Rowan, Rowe, Shott, Skinner, P. Smith, R. Smith, Sobonya, Sponaule, Stansbury, Statler, Storch, Summers, Trecost, Upson, Wagner, Walters, Waxman, Weld, Westfall, B. White, H. White, Williams, Zatezalo and Mr. Speaker (Mr. Armstead).

NAYS: Guthrie, Marcum, Pushkin, Reynolds and H. White.

ABSENT AND NOT VOTING: Deem, Ellington, Hicks, Householder, Miller, Moore, L. Phillips and Walters.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Enr. H. B. 2880) passed, as a result of the objections of the Governor.

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

**Enr. H. B. 2880** - “An Act to amend the Code of West Virginia, 1931, as amended, by adding thereto by adding thereto a new article, designated §62-15A-1, §62-15A-2 and §62-15A-3 all relating to creating an addiction treatment pilot program; defining terms; requiring the Secretary of the Department of Health and Human Resources to create an addiction treatment pilot program; permitting the department to choose the Supreme Court of Appeals of West Virginia to participate in the pilot program; permitting department to choose the Division of Corrections to participate in the pilot program; permitting the department to limit the number of participants; requiring additional support services if medication-assisted treatment is provided; setting forth pilot program requirements; setting forth a participant’s requirements; requiring a report; and requiring the report to be submitted to certain entities.”

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

#### MESSAGES FROM THE SENATE

A message from the Senate, by

The Clerk of the Senate, announced that, upon reconsideration the Senate had amended and again passed, in an effort to meet the objections of the Governor, and requested the concurrence of the House of Delegates in the same, as to

**Enr. Com. Sub. for S. B. 286**, Relating to compulsory immunizations of students; exemptions.

**MESSAGES FROM THE EXECUTIVE**

The Speaker laid before the House of Delegates a communication from His Excellency, the Governor, setting forth his disapproval of a bill heretofore passed by both houses, as follows:

STATE OF WEST VIRGINIA  
OFFICE OF THE GOVERNOR  
1900 KANAWHA BLVD., EAST  
CHARLESTON, WV 25305

March 18, 2015

**Veto Message**

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 Senate Bill No. 286 for technical reasons.

The bill is technically flawed because its title is defective. *See State ex rel. Davis v. Oakley*, 156 W. Va. 154, 191 S.E.2d 610 (1972) (requiring bill title to provide notice of bill's contents). The bill's title is the same title included in the introduced version of the bill and was not amended to reflect the committee substitute or amendments. As a result, the title includes provisions that are no longer in the bill and does not accurately provide notice of the current provisions in the bill. For the foregoing technical defect, I disapprove and return this bill.

Sincerely,

EARL RAY TOMBLIN,  
*Governor.*

On motion of Delegate Cowles, the bill was taken up for immediate consideration and the House of Delegates proceeded to reconsider the bill as amended by the Senate, in an effort to meet the objections of the Governor.

The following Senate amendments were reported by the Clerk:

On page three, section four, line twenty-six, by striking out the words “enrolling from schools”.

And,

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

**Enr. Com. Sub. for S. B. 286** - “An Act to amend and reenact §16-3-4 and §16-3-5 of the Code of West Virginia, 1931, as amended, all relating generally to mandatory immunizations; adding required immunizations; requiring immunizations in public, private and parochial schools; requiring immunizations in state regulated day care centers; providing medical exemptions from mandatory immunizations for children; allowing for provisional enrollment; requiring parents and guardians to provide a certificate from the Commissioner of the Bureau for Public Health; providing that certificate be provided before exemption applies; requiring that a request for a medical exemption must be accompanied with a certificate from a licensed physician indicating immunization is medically contraindicated; providing that county health departments shall provide immunizations when families attest they cannot afford them; allowing Commissioner of the Bureau for Public Health to grant, renew, condition, deny, suspend or revoke exemptions when not medically indicated; allowing for appointment by Commissioner of the Bureau for Public Health of an immunization officer who must be a physician; allowing for immunization officer to make determinations regarding exemptions; providing for an appeal procedure for determinations by the immunization officer or the state health officer; modifying Immunization Advisory Committee;

establishing a chair of the committee; and setting forth ethical limitations for committee members.”

The Speaker propounded, “Shall the bill pass, in an effort to meet the objections of the Governor?”

On this question, the yeas and nays were taken (**Roll No. 641**), and there were—yeas 80, nays 13, absent and not voting 7, with the yeas, nays and absent and not voting being as follows:

YEAS: Ambler, Anderson, Arvon, Ashley, Azinger, Bates, Blair, Boggs, Byrd, Cadle, Campbell, Canterbury, Caputo, Cooper, Cowles, Duke, Eldridge, Espinosa, A. Evans, D. Evans, Fast, Ferro, Fleischauer, Fluharty, Foster, Frich, Gearheart, Guthrie, Hamilton, Hamrick, Hanshaw, Hartman, Hill, Hornbuckle, Howell, Ireland, Kelly, Kessinger, Kurcaba, Lane, Longstreth, Lynch, Manchin, McCuskey, Miley, Morgan, E. Nelson, O’Neal, Overington, Pasdon, Perdue, Perry, Pethel, R. Phillips, Reynolds, Rodighiero, Rohrbach, Romine, Rowan, Rowe, Shott, Skinner, P. Smith, R. Smith, Sponaule, Stansbury, Statler, Storch, Summers, Trecost, Wagner, Walters, Waxman, Weld, Westfall, B. White, H. White, Williams, Zatezalo and Mr. Speaker (Mr. Armstead).

NAYS: Border, Butler, Faircloth, Folk, Ihle, Marcum, McGeehan, Moffatt, Moye, J. Nelson, Pushkin, Sobonya and Upson.

ABSENT AND NOT VOTING: Deem, Ellington, Hicks, Householder, Miller, Moore and L. Phillips.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Enr. Com. Sub. for S. B. 286) passed, as a result of the objections of the Governor.

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

**MESSAGES FROM THE SENATE**

A message from the Senate, by

The Clerk of the Senate, announced that, upon reconsideration the Senate had amended and again passed, in an effort to meet the objections of the Governor, and requested the concurrence of the House of Delegates in the same, as to

**(Com. Sub. for S. B. 287)**, Providing posthumous high school diplomas.

**MESSAGES FROM THE EXECUTIVE**

The Speaker laid before the House of Delegates a communication from His Excellency, the Governor, setting forth his disapproval of a bill heretofore passed by both houses, as follows:

STATE OF WEST VIRGINIA  
OFFICE OF THE GOVERNOR  
1900 KANAWHA BLVD., EAST  
CHARLESTON, WV 25305

March 17, 2015

**Veto Message**

The Honorable Tim Armstead  
Speaker, West Virginia House of Delegates  
Room 229M, Building 1  
State Capitol  
Charleston, West Virginia 25305

Re: Enrolled Committee Substitute for Senate Bill 287

Dear Speaker Armstead:

Pursuant to the provisions of section fourteen, Article VII of the Constitution of West Virginia, I hereby disapprove and return the Enrolled Committee Substitute for Senate Bill No. 287.



This bill's enacting section is in error. It purports to enact a new section of the W.Va. Code, designated as § 18-2-32. However, the bill's title designates the new section as § 18-2-34a. I urge the Legislature to correct this technical inconsistency, and to return the bill to my desk for signature.

Sincerely,

EARL RAY TOMBLIN,  
*Governor.*

On motion of Delegate Cowles, the bill was taken up for immediate consideration and the House of Delegates proceeded to reconsider the bill as amended by the Senate, in an effort to meet the objections of the Governor.

The following Senate title amendment was reported by the Clerk:

**Enr. Com. Sub. for S. B. 287** - "An Act to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-32, relating to providing for awarding posthumous high school diplomas under certain circumstances; and designating provisions as 'Todd's Law'."

On motion of Delegate Cowles, the House of Delegates concurred in the Senate title amendment.

The Speaker propounded, "Shall the bill pass, in an effort to meet the objections of the Governor?"

On this question, the yeas and nays were taken (**Roll No. 642**), and there were—yeas 93, nays none, absent and not voting 7, with the yeas, nays and absent and not voting being as follows:

YEAS: Ambler, Anderson, Arvon, Ashley, Azinger, Bates, Blair, Boggs, Border, Butler, Byrd, Cadle, Campbell, Canterbury, Caputo,

Cooper, Cowles, Duke, Eldridge, Espinosa, A. Evans, D. Evans, Faircloth, Fast, Ferro, Fleischauer, Fluharty, Folk, Foster, Frich, Gearheart, Guthrie, Hamilton, Hamrick, Hanshaw, Hartman, Hill, Hornbuckle, Howell, Ihle, Ireland, Kelly, Kessinger, Kurcaba, Lane, Longstreth, Lynch, Manchin, Marcum, McCuskey, McGeehan, Miley, Moffatt, Moore, Moye, E. Nelson, J. Nelson, O'Neal, Overington, Pasdon, Perdue, Perry, Pethtel, R. Phillips, Pushkin, Reynolds, Rodighiero, Rohrbach, Romine, Rowan, Rowe, Shott, Skinner, P. Smith, R. Smith, Sobonya, Sponaugle, Stansbury, Statler, Storch, Summers, Trecost, Upson, Wagner, Walters, Waxman, Weld, Westfall, B. White, H. White, Williams, Zatezalo and Mr. Speaker (Mr. Armstead).

NAYS: None.

ABSENT AND NOT VOTING: Deem, Ellington, Hicks, Householder, Miller, Moore and L. Phillips.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Enr. Com. Sub. for S. B. 287) passed, as a result of the objections of the Governor.

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

#### MESSAGES FROM THE SENATE

A message from the Senate, by

The Clerk of the Senate, announced that, upon reconsideration the Senate had amended and again passed, in an effort to meet the objections of the Governor, and requested the concurrence of the House of Delegates in the same, as to

**(Enr. Com. Sub. for S. B. 529)**, Relating to PERS, SPRS and TRS benefits and costs.

**MESSAGES FROM THE EXECUTIVE**

The Speaker laid before the House of Delegates a communication from His Excellency, the Governor, setting forth his disapproval of a bill heretofore passed by both houses, as follows:

STATE OF WEST VIRGINIA  
OFFICE OF THE GOVERNOR  
1900 KANAWHA BLVD., EAST  
CHARLESTON, WV 25305

March 17, 2015

**Veto Message**

The Honorable Tim Armstead  
Speaker, West Virginia House of Delegates  
Room 229M, Building 1  
State Capitol

Charleston, West Virginia 25305

Re: Enrolled Committee Substitute for Senate Bill 529

Dear Speaker Armstead:

Pursuant to the provisions of section fourteen, Article VII of the Constitution of West Virginia, I hereby disapprove and return the Enrolled Committee Substitute for Senate Bill No. 529.

The bill presented to me does not accurately reflect certain amendments passed by the Legislature. For example, West Virginia Code § 18-7D-6, which was added to the bill by amendment of the House of Delegates and concurred with by the Senate, is not included in the bill's final enrolled committee substitute. As such, the bill presented to my office is inaccurate.

Moreover, the title of the bill may be deficient and should be reviewed to determine that it accurately reflects all provisions contained within the bill.

Finally, the enacting section of the bill and the title of the bill are inconsistent in the West Virginia Code sections referenced. For example, § 18-7D-6 appears in the title but not in the enacting section. These two sections should be revised to be consistent.

I urge the Legislature to review this bill, revise the technical issues, and return it to my desk for signature.

Sincerely,

EARL RAY TOMBLIN,  
*Governor.*

On motion of Delegate Cowles, the bill was taken up for immediate consideration and the House of Delegates proceeded to reconsider the bill as amended by the Senate, in an effort to meet the objections of the Governor.

The following Senate amendments were reported by the Clerk:

On page one, by striking out the enacting section and inserting in lieu thereof a new enacting section, to read as follows:

“That §5-10-2, §5-10-14, §5-10-15, §5-10-15a, §5-10-20, §5-10-21 and §5-10-29 of the Code of West Virginia, 1931, as amended, be amended and reenacted; that said code be amended by adding thereto a new section, designated §5-10-21a; that §5-13-2 of said code be amended and reenacted; that §5-16-13 of said code be amended and reenacted; that §15-2A-21 of said code be amended and reenacted; that §18-7A-17, §18-7A-23, §18-7A-25 of said code be amended and reenacted; that said code be amended by adding thereto two new sections, designated §18-7A-17a and §18-7a-25b; and that §18-7D-6

of said code be amended and reenacted, all to read as follows” and a colon.

On page sixty-six, after line eighty-three, by adding a new section, designated section six, to read as follows:

**“ARTICLE 7D. VOLUNTARY TRANSFER FROM TEACHERS’ DEFINED CONTRIBUTION RETIREMENT SYSTEM TO STATE TEACHERS RETIREMENT SYSTEM.**

**§18-7D-6. Service credit in State Teachers Retirement System following transfer; conversion of assets; adjustments.**

(a) Any member who has affirmatively elected to transfer to the State Teachers Retirement System within the period provided in section seven of this article whose assets have been transferred from the Teachers’ Defined Contribution Retirement System to the State Teachers Retirement System pursuant to the provisions of this article and who has not made any withdrawals or cash-outs from his or her assets is, depending upon the percentage of actively contributing members affirmatively electing to transfer, entitled to service credit in the State Teachers Retirement System in accordance with the provisions of subsection (c) of this section.

(b) Any member who has made withdrawals or cash-outs will receive service credit based upon the amounts transferred. The board shall make the appropriate adjustment to the service credit the member will receive.

(c) More than seventy-five percent of actively contributing members of the Teachers’ Defined Contribution Retirement System affirmatively elected to transfer to the State Teachers Retirement System within the period provided in section seven of this article. Therefore, any member of the Teachers’ Defined Contribution Retirement System who decides to transfer to the State Teachers Retirement System calculates his or her service credit in the State Teachers Retirement System as follows:

(1) For any member affirmatively electing to transfer, the member's State Teachers Retirement System credit shall be seventy-five percent of the member's Teachers' Defined Contribution Retirement System service credit, less any service previously withdrawn by the member or due to a qualified domestic relations order and not repaid;

(2) To receive full credit in the State Teachers Retirement System for service in the Teachers' Defined Contribution Retirement System for which assets are transferred, members who affirmatively elected to transfer and who provided to the board a signed verification of cost for service credit purchase form by the effective date of the amendments to this section enacted in the 2009 regular legislative session shall pay into the State Teachers Retirement System a one and one-half percent contribution by no later than July 1, 2015, or no later than ninety days after the postmarked date on a final and definitive contribution calculation from the board, whichever is later. This contribution shall be calculated as one and one-half percent of the member's estimated total earnings for which assets are transferred, plus interest of four percent per annum accumulated from the date of the member's initial participation in the Teachers' Defined Contribution Retirement System through June 30, 2009, and interest of seven and one-half percent per annum accumulated from July 1, 2009, through July 1, 2015: *Provided*, That any member who transferred and provided to the board a signed verification of cost for service credit purchase form by June 30, 2009, but was unable to complete the purchase of the one and one-half percent contribution, or any member who did not request a verification of cost letter but attempted to purchase the one and one-half percent contribution and was denied in writing by the board on or before December 31, 2009, may request the board on or before April 15, 2015, to recalculate the contribution for 2015. To receive full credit, the member shall pay into the State Teachers Retirement System the recalculated purchase amount by July 1, 2015, or no later than sixty days after the postmarked date on a contribution recalculation from the board, whichever is later. The recalculated contribution shall include

the interest loss at the actuarial rate of seven and one-half percent. The board's executive director may correct clerical errors.

(A) For a member contributing to the Teachers' Defined Contribution Retirement System at any time during the 2008 fiscal year and commencing membership in the State Teachers Retirement System on July 1, 2008, or August 1, 2008, as the case may be:

(i) The estimated total earnings shall be calculated based on the member's salary and the member's age nearest birthday on June 30, 2008;

(ii) This calculation shall apply both an annual backward salary scale from that date for prior years' salaries and a forward salary scale for the salary for the 2008 fiscal year.

(B) The calculations in paragraph (A) of this subdivision are based upon the salary scale assumption applied in the West Virginia Teachers Retirement System actuarial valuation as of July 1, 2007, prepared for the Consolidated Public Retirement Board. This salary scale shall be applied regardless of breaks in service.

(d) All service previously transferred from the State Teachers Retirement System to the Teachers' Defined Contribution Retirement System is considered Teachers' Defined Contribution Retirement System service for the purposes of this article.

(e) Notwithstanding any provision of this code to the contrary, the retirement of a member who becomes eligible to retire after the member's assets are transferred to the State Teachers Retirement System pursuant to the provisions of this article may not commence before September 1, 2008: *Provided*, That the Consolidated Public Retirement Board may not retire any member who is eligible to retire during the calendar year 2008 unless the member has provided a written notice to his or her county board of education by July 1, 2008, of his or her intent to retire.

(f) The provisions of section twenty-eight-e, article seven-a of this chapter do not apply to the amendments to this section enacted during the 2009 regular legislative session or the 2015 regular legislative session.”

And,

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

**Enr. Com. Sub for S. B. 529** - “An Act to amend and reenact §5-10-2, §5-10-14, §5-10-15, §5-10-15a, §5-10-20, §5-10-21 and §5-10-29 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §5-10-21a; to amend and reenact §5-13-2 of said code; to amend and reenact §5-16-13 of said code; to amend and reenact §15-2A-21 of said code; to amend and reenact §18-7A-17, §18-7A-23 and §18-7A-25 of said code; to amend said code by adding thereto two new sections, designated §18-7A-17a and §18-7A-25b; and to amend and reenact §18-7D-6, all relating generally to benefits and costs for certain members of the West Virginia Public Employees Retirement System, State Police Retirement System and Teachers Retirement System; calculating final average salary and service credit for certain public employees; authorizing purchase of military service for certain members of the West Virginia Public Employees Retirement System and Teachers Retirement System; providing military service credit for certain members of the West Virginia Public Employees Retirement System; increasing contribution rate and years of contributing service required for certain public employees to qualify for certain annuities; providing for determination of years of service; providing that accrued annual and sick leave of certain employees participating in the West Virginia Public Employees Retirement System, the State Police Retirement System and the Teachers Retirement System may not be applied for retirement service credit; for a limited time permitting certain members of the Teachers Retirement System who transferred from the Teachers’ Defined Contribution System to buy, with interest, their full service credit in the Teachers Retirement System; and



revising the reciprocal retirement provisions for certain members of the teachers and the public employees system.”

On motion of Delegate Cowles, the House of Delegates concurred in the Senate amendments.

The Speaker propounded, “Shall the bill pass, in an effort to meet the objections of the Governor?”

On this question, the yeas and nays were taken (**Roll No. 643**), and there were—yeas 55, nays 38, absent and not voting 7, with the yeas, nays and absent and not voting being as follows:

YEAS: Anderson, Arvon, Ashley, Azinger, Blair, Border, Butler, Canterbury, Cooper, Cowles, Espinosa, A. Evans, D. Evans, Faircloth, Fast, Folk, Foster, Frich, Gearheart, Hamilton, Hamrick, Hanshaw, Hill, Howell, Ihle, Ireland, Kelly, Kessinger, Kurcaba, Lane, McCuskey, McGeehan, Moffatt, E. Nelson, O’Neal, Overington, Pasdon, Rohrbach, Romine, Rowan, Shott, R. Smith, Sobonya, Stansbury, Statler, Storch, Summers, Wagner, Walters, Waxman, Weld, Westfall, B. White, Zatezalo and Mr. Speaker (Mr. Armstead).

NAYS: Ambler, Bates, Boggs, Byrd, Cadle, Campbell, Caputo, Duke, Eldridge, Ferro, Fleischauer, Fluharty, Guthrie, Hartman, Hornbuckle, Longstreth, Lynch, Manchin, Marcum, Miley, Morgan, Moye, J. Nelson, Perdue, Perry, Pethtel, R. Phillips, Pushkin, Reynolds, Rodighiero, Rowe, Skinner, P. Smith, Sponaugle, Trecost, Upson, H. White and Williams.

ABSENT AND NOT VOTING: Deem, Ellington, Hicks, Householder, Miller, Moore and L. Phillips.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Enr. Com. Sub. for S. B. 529) passed, as a result of the objections of the Governor.

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

On this question, the yeas and nays were taken (**Roll No. 644**), and there were—yeas 86, nays 7, absent and not voting 7, with the nays and absent and not voting being as follows:

NAYS: Byrd, Duke, Guthrie, Lynch, Marcum, Perdue and P. Smith.

ABSENT AND NOT VOTING: Deem, Ellington, Hicks, Householder, Miller, Moore and L. Phillips.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Enr. Com. Sub. for S. B. 529) takes effect from its passage.

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

#### CONFERENCE COMMITTEE REPORT

Delegate E. Nelson, from the Committee or Conference on matters of disagreement between the two houses, as to Com. Sub. for H. B. 2016, the Budget Bill, making appropriations of public money out of the Treasury in accordance with Section 51, Article VI, of the Constitution,

Submitted the following report which was received:

Your Committee of Conference on the disagreeing votes of the two houses as to the amendment of the Senate to Engrossed Committee Substitute for H. B. 2016 having met, after full and free conference, have agreed to recommend and do recommend to their respective houses as follows:

That both houses recede from their respective positions as to the amendment of the senate, striking out everything after the enacting clause and agree to the same as follows:

## TITLE I — GENERAL PROVISIONS.

1     **Section 1. General policy.** — The purpose of this bill is to  
2 appropriate money necessary for the economical and efficient  
3 discharge of the duties and responsibilities of the state and its  
4 agencies during the fiscal year 2016.

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

2     “Governor” shall mean the Governor of the State of West  
3 Virginia.

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

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

9     The “fiscal year 2016” shall mean the period from July 1,  
10 2015, through June 30, 2016.

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

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

18     “From collections” shall mean that part of the total  
19 appropriation which must be collected by the spending unit to be  
20 available for expenditure. If the authorized amount of collections  
21 is not collected, the total appropriation for the spending unit  
22 shall be reduced automatically by the amount of the deficiency  
23 in the collections. If the amount collected exceeds the amount

24 designated “from collections,” the excess shall be set aside in a  
25 special surplus fund and may be expended for the purpose of the  
26 spending unit as provided by Article 2, Chapter 11B of the Code.

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

3     “Personal services” shall mean salaries, wages and other  
4 compensation paid to full-time, part-time and temporary  
5 employees of the spending unit but shall not include fees or  
6 contractual payments paid to consultants or to independent  
7 contractors engaged by the spending unit. “Personal services”  
8 shall include “annual increment” for “eligible employees” and  
9 shall be disbursed only in accordance with Article 5, Chapter 5  
10 of the Code.

11     Unless otherwise specified, appropriations for “personal  
12 services” shall include salaries of heads of spending units.

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

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

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

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

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

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

59 “Equipment” shall mean equipment items which have an  
60 appreciable and calculable period of usefulness in excess of one  
61 year.

62 “Repairs and alterations” shall mean routine maintenance and  
63 repairs to structures and minor improvements to property which  
64 do not increase the capital assets.

65 “Buildings” shall include new construction and major  
66 alteration of existing structures and the improvement of lands  
67 and shall include shelter, support, storage, protection or the  
68 improvement of a natural condition.

69 “Lands” shall mean the purchase of real property or interest in  
70 real property.

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

74 From appropriations made to the spending units of state  
75 government, upon approval of the Governor there may be  
76 transferred to a special account an amount sufficient to match  
77 federal funds under any federal act.

78 Appropriations classified in any of the above categories shall  
79 be expended only for the purposes as defined above and only for  
80 the spending units herein designated: *Provided*, That the  
81 secretary of each department shall have the authority to transfer  
82 within the department those general revenue funds appropriated  
83 to the various agencies of the department: *Provided, however*,  
84 That no more than five percent of the general revenue funds  
85 appropriated to any one agency or board may be transferred to  
86 other agencies or boards within the department: and no funds  
87 may be transferred to a “personal services and employee  
88 benefits” appropriation unless the source funds are also wholly  
89 from a “personal services and employee benefits” line, or unless  
90 the source funds are from another appropriation that has  
91 exclusively funded employment expenses for at least twelve  
92 consecutive months prior to the time of transfer and the

93 position(s) supported by the transferred funds are also  
94 permanently transferred to the receiving agency or board within  
95 the department: *Provided further*, That the secretary of each  
96 department and the director, commissioner, executive secretary,  
97 superintendent, chairman or any other agency head not governed  
98 by a departmental secretary as established by Chapter 5F of the  
99 Code shall have the authority to transfer funds appropriated to  
100 “personal services and employee benefits,” “current expenses,”  
101 “repairs and alterations”, “equipment”, “other assets”, “land,”  
102 and “buildings” to other appropriations within the same account  
103 and no funds from other appropriations shall be transferred to the  
104 “personal services and employee benefits” or the “unclassified”  
105 appropriation: *And provided further*, That no authority exists  
106 hereunder to transfer funds into appropriations to which no funds  
107 are legislatively appropriated: *And provided further*, That if the  
108 Legislature by subsequent enactment consolidates agencies,  
109 boards or functions, the secretary or other appropriate agency  
110 head may transfer the funds formerly appropriated to such  
111 agency, board or function in order to implement such  
112 consolidation. No funds may be transferred from a Special  
113 Revenue Account, dedicated account, capital expenditure  
114 account or any other account or fund specifically exempted by  
115 the Legislature from transfer, except that the use of the  
116 appropriations from the State Road Fund for the office of the  
117 Secretary of the Department of Transportation is not a use other  
118 than the purpose for which such funds were dedicated and is  
119 permitted.

120 Appropriations otherwise classified shall be expended only  
121 where the distribution of expenditures for different purposes  
122 cannot well be determined in advance or it is necessary or  
123 desirable to permit the spending unit the freedom to spend an  
124 appropriation for more than one of the above classifications.

1     **Sec. 4. Method of expenditure.** — Money appropriated by  
2 this bill, unless otherwise specifically directed, shall be

3 appropriated and expended according to the provisions of Article  
4 3, Chapter 12 of the Code or according to any law detailing a  
5 procedure specifically limiting that article.

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



TITLE II — APPROPRIATIONS.  
ORDER OF SECTIONS

- SECTION 1. Appropriations from general revenue.
- SECTION 2. Appropriations from state road fund.
- SECTION 3. Appropriations from other funds.
- SECTION 4. Appropriations from lottery net profits.
- SECTION 5. Appropriations from state excess lottery revenue.
- SECTION 6. Appropriations of federal funds.
- SECTION 7. Appropriations from federal block grants.
- SECTION 8. Awards for claims against the state.
- SECTION 9. Appropriations from general revenue surplus accrued.
- SECTION 10. Appropriations from lottery net profits surplus accrued.
- SECTION 11. Appropriations from state excess lottery revenue surplus accrued.
- SECTION 12. Special revenue appropriations.
- SECTION 13. State improvement fund appropriations.
- SECTION 14. Specific funds and collection accounts.
- SECTION 15. Appropriations for refunding erroneous payment.
- SECTION 16. Sinking fund deficiencies.
- SECTION 17. Appropriations for local governments.
- SECTION 18. Total appropriations.
- SECTION 19. General school fund.
- SECTION 20. Special permissive, one-time appropriation from Revenue Shortfall Reserve Fund.

1       **Section 1. Appropriations from general revenue.** — From  
 2 the State Fund, General Revenue, there are hereby appropriated  
 3 conditionally upon the fulfillment of the provisions set forth in  
 4 Article 2, Chapter 11B the following amounts, as itemized, for  
 5 expenditure during the fiscal year 2016.

**LEGISLATIVE**

*1 - Senate*

Fund 0165 FY 2016 Org 2100

		<b>General Appro- piation</b>	<b>Revenue Fund</b>
1	Compensation of Members (R). . . . . 00300	\$	1,010,000
2	Compensation and Per Diem of Officers		
3	and Employees (R). . . . . 00500		3,233,620
4	Employee Benefits (R).. . . . . 01000		777,712
5	Current Expenses and Contingent		
6	Fund (R).. . . . . 02100		276,392
7	Repairs and Alterations (R). . . . . 06400		50,000
8	Computer Supplies (R).. . . . . 10100		20,000
9	Computer Systems (R).. . . . . 10200		60,000
10	Printing Blue Book (R). . . . . 10300		125,000
11	Expenses of Members (R). . . . . 39900		370,000
12	BRIM Premium (R).. . . . . 91300		<u>29,482</u>
13	Total.. . . . .	\$	5,952,206

14       The appropriations for the Senate for the fiscal year 2015 are  
15 to remain in full force and effect and are hereby reappropriated  
16 to June 30, 2016. Any balances so reappropriated may be  
17 transferred and credited to the fiscal year 2015 accounts.

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

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

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

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

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

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

*2 - House of Delegates*

Fund 0170 FY 2016 Org 2200

1	Compensation of Members (R). . . . . 00300	\$	3,000,000
2	Compensation and Per Diem of		
3	Officers and Employees (R). . . . . 00500		575,000
4	Current Expenses and Contingent		
5	Fund (R)..... 02100		3,929,031
6	Expenses of Members (R). . . . . 39900		1,350,000
7	BRIM Premium (R)..... 91300		<u>50,000</u>
8	Total.....	\$	8,904,031

9 The appropriations for the House of Delegates for the fiscal  
 10 year 2015 are to remain in full force and effect and are hereby

11 reappropriated to June 30, 2016. Any balances so reappropriated  
12 may be transferred and credited to the fiscal year 2015 accounts.

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

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

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

40       For duties imposed by law and by the House of Delegates,  
41 including salary allowed by law as keeper of the rolls, the Clerk  
42 of the House of Delegates shall be paid a monthly salary as  
43 provided in the House resolution, unless increased between

44 sessions under the authority of the Speaker, with the approval of  
 45 the House committee on rules, and payable out of the  
 46 appropriation for Compensation and Per Diem of Officers and  
 47 Employees or Current Expenses and Contingent Fund of the  
 48 House of Delegates.

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

*3 - Joint Expenses*

(WV Code Chapter 4)

Fund 0175 FY 2016 Org 2300

1	Joint Committee on Government		
2	and Finance (R).....	10400	\$ 6,758,015
3	Legislative Printing (R).....	10500	760,000
4	Legislative Rule-Making		
5	Review Committee (R) .....	10600	147,250
6	Legislative Computer System (R) . .	10700	902,500
7	BRIM Premium (R).....	91300	<u>27,692</u>
8	Total.....		\$ 8,595,457

9 The appropriations for the joint expenses for the fiscal year  
 10 2015 are to remain in full force and effect and are hereby  
 11 reappropriated to June 30, 2016; Provided, That the amount to be  
 12 reappropriated to Tax Reduction and Federal Funding Increased  
 13 Compliance (TRAFFIC), (fiscal year 2009, fund 0175,  
 14 appropriation 64200), be reduced by \$1,000,000 and the

15 \$1,000,000 so reduced be added and reappropriated to Joint  
 16 Committee on Government and Finance (2014, fund 0175,  
 17 appropriation 10400). Any balances reappropriated may be  
 18 transferred and credited to the fiscal year 2015 accounts.

19 Upon the written request of the Clerk of the Senate, with the  
 20 approval of the President of the Senate, and the Clerk of the  
 21 House of Delegates, with the approval of the Speaker of the  
 22 House of Delegates, and a copy to the Legislative Auditor, the  
 23 Auditor shall transfer amounts between items of the total  
 24 appropriation in order to protect or increase the efficiency of the  
 25 service.

26 The appropriation for the Tax Reduction and Federal  
 27 Funding Increased Compliance (TRAFFIC) (fund 0175,  
 28 appropriation 64200) is intended for possible general state tax  
 29 reductions or the offsetting of any reductions in federal funding  
 30 for state programs.

**JUDICIAL**

*4 - Supreme Court –  
 General Judicial*

Fund 0180 FY 2016 Org 2400

1	Personal Services and Employee		
2	Benefits (R).....	00100	\$ 98,955,687
3	Children’s Protection Act (R). . . .	09000	2,800,000
4	Current Expenses (R).....	13000	29,465,276
5	Repairs and Alterations (R).....	06400	715,000
6	Equipment (R).....	07000	3,100,000
7	Judges’ Retirement System (R). . . .	11000	2,845,000

8	Buildings (R). . . . .	25800	100,000
9	Other Assets (R).. . . . .	69000	1,200,000
10	BRIM Premium (R).. . . . .	91300	<u>391,532</u>
11	Total.. . . . .		\$ 139,572,495

12 The appropriations to the Supreme Court of Appeals for the  
 13 fiscal years 2014 and 2015 are to remain in full force and effect  
 14 and are hereby reappropriated to June 30, 2016. Any balances so  
 15 reappropriated may be transferred and credited to the fiscal year  
 16 2015 accounts.

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

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

**EXECUTIVE**

*5 - Governor’s Office*

(WV Code Chapter 5)

Fund 0101 FY 2016 Org 0100

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 3,253,530
3	Current Expenses (R).. . . . .	13000	1,145,458



2015]	HOUSE OF DELEGATES	3297
4	Repairs and Alterations. . . . . 06400	2,000
5	GO HELP (R)... . . . . 11600	0
6	National Governors Association. . . 12300	60,700
7	Herbert Henderson Office of	
8	Minority Affairs... . . . . 13400	156,726
9	Southern Governors'	
10	Association. . . . . 31400	40,000
11	BRIM Premium. . . . . 91300	<u>151,851</u>
12	Total... . . . .	\$ 4,810,265

13 Any unexpended balances remaining in the appropriations  
14 for Unclassified (fund 0101, appropriation 09900), GO HELP  
15 (fund 0101, appropriation 11600), Current Expenses (fund 0101,  
16 appropriation 13000), and JOBS Fund (fund 0101, appropriation  
17 66500) at the close of the fiscal year 2015 are hereby  
18 reappropriated for expenditure during the fiscal year 2016.

19 Included in the above appropriation to Personal Services and  
20 Employee Benefits (fund 0101, appropriation 00100), is  
21 \$150,000 for the Salary of the Governor.

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

*6 - Governor's Office –  
Custodial Fund*

(WV Code Chapter 5)

Fund 0102 FY 2016 Org 0100

1	Personal Services and		
2	Employee Benefits.. . . . . 00100	\$	352,216
3	Current Expenses (R).. . . . . 13000		214,166
4	Repairs and Alterations. . . . . 06400		<u>5,000</u>
5	Total.. . . . .	\$	571,382

6 Any unexpended balance remaining in the appropriation for  
7 Current Expenses (fund 0102, appropriation 13000) at the close  
8 of the fiscal year 2015 is hereby reappropriated for expenditure  
9 during the fiscal year 2016.

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

*7 - Governor's Office –  
Civil Contingent Fund*

(WV Code Chapter 5)

Fund 0105 FY 2016 Org 0100

1 Any unexpended balances remaining in the appropriations  
2 for Business and Economic Development Stimulus – Surplus  
3 (fund 0105, appropriation 08400), Civil Contingent Fund – Total  
4 (fund 0105, appropriation 11400), 2012 Natural Disasters –  
5 Surplus (fund 0105, appropriation 13500), Civil Contingent  
6 Fund – Total – Surplus (fund 0105, appropriation 23800), Civil  
7 Contingent Fund – Surplus (fund 0105, appropriation 26300),  
8 Business and Economic Development Stimulus (fund 0105,  
9 appropriation 58600), Civil Contingent Fund (fund 0105,  
10 appropriation 61400), and Natural Disasters – Surplus (fund  
11 0105, appropriation 76400) at the close of the fiscal year 2015

12 are hereby reappropriated for expenditure during the fiscal year  
13 2016.

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

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

*8 - Auditor’s Office –  
General Administration*

(WV Code Chapter 12)

Fund 0116 FY 2016 Org 1200

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 3,160,621
3	Current Expenses (R).. . . . .	13000	10,622
4	BRIM Premium. . . . .	91300	<u>10,451</u>
5	Total.. . . . .		\$ 3,181,694

6 Any unexpended balance remaining in the appropriation for  
7 Current Expenses (fund 0116, appropriation 13000) at the close  
8 of the fiscal year 2015 is hereby reappropriated for expenditure  
9 during the fiscal year 2016.

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

*9 - Treasurer's Office*

(WV Code Chapter 12)

Fund 0126 FY 2016 Org 1300

1	Personal Services and		
2	Employee Benefits..... 00100	\$	2,534,350
3	Unclassified..... 09900		32,355
4	Current Expenses (R)..... 13000		387,757
5	Abandoned Property Program. .... 11800		157,337
6	Other Assets..... 69000		10,000
7	Tuition Trust Fund (R)..... 69200		73,207
8	BRIM Premium. .... 91300		<u>30,809</u>
9	Total.....	\$	3,225,815

10 Any unexpended balances remaining in the appropriations  
 11 for Current Expenses (fund 0126, appropriation 13000) and  
 12 Tuition Trust Fund (fund 0126, appropriation 69200) at the close  
 13 of the fiscal year 2015 are hereby reappropriated for expenditure  
 14 during the fiscal year 2016.

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

*10 - Department of Agriculture*

(WV Code Chapter 19)

Fund 0131 FY 2016 Org 1400

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 5,832,272
3	Animal Identification Program. . . . .	03900	184,484
4	State Farm Museum. . . . .	05500	104,500
5	Unclassified (R). . . . .	09900	67,969
6	Current Expenses (R). . . . .	13000	264,826
7	Repairs and Alterations. . . . .	06400	30,000
8	Equipment. . . . .	07000	23,402
9	Gypsy Moth Program (R). . . . .	11900	1,148,890
10	Huntington Farmers Market. . . . .	12800	43,866
11	Black Fly Control. . . . .	13700	532,444
12	Donated Foods Program. . . . .	36300	50,000
13	Predator Control (R). . . . .	47000	200,000
14	Logan Farmers Market. . . . .	50100	46,799
15	Bee Research. . . . .	69100	77,821
16	Charleston Farmers Market. . . . .	74600	84,360
17	Microbiology Program (R). . . . .	78500	115,096
18	Moorefield Agriculture Center (R). . . . .	78600	1,077,467
19	Chesapeake Bay Watershed. . . . .	83000	125,416
20	Livestock Care Standards Board. . . . .	84300	15,000

21	BRIM Premium. . . . .	91300	120,202
22	Threat Preparedness. . . . .	94200	82,110
23	WV Food Banks. . . . .	96900	140,000
24	Senior’s Farmers’ Market		
25	Nutrition Coupon Program. . .	97000	<u>62,137</u>
26	Total. . . . .		\$ 10,429,061

27 Any unexpended balances remaining in the appropriations  
 28 for Unclassified – Surplus (fund 0131, appropriation 09700),  
 29 Unclassified (fund 0131, appropriation 09900), Gypsy Moth  
 30 Program (fund 0131, appropriation 11900), Current Expenses  
 31 (fund 0131, appropriation 13000), Predator Control (fund 0131,  
 32 appropriation 47000), Capital Outlay, Repairs and Equipment –  
 33 Surplus (fund 0131, appropriation 67700), Capital Outlay and  
 34 Maintenance (fund 0131, appropriation 75500), Microbiology  
 35 Program (fund 0131, appropriation 78500), Moorefield  
 36 Agriculture Center (fund 0131, appropriation 78600), and  
 37 Agricultural Disaster and Mitigation Needs – Surplus (fund  
 38 0131, appropriation 85000) at the close of the fiscal year 2015  
 39 are hereby reappropriated for expenditure during the fiscal year  
 40 2016.

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

44 The above appropriation for Predator Control (fund 0131,  
 45 appropriation 47000) is to be made available to the United States  
 46 Department of Agriculture, Wildlife Services to administer the  
 47 Predator Control Program.

48 A portion of the Unclassified or Current Expenses  
 49 appropriation may be transferred to a special revenue fund for

50 the purpose of matching federal funds for marketing and  
51 development activities.

52 From the above appropriation for WV Food Banks (fund  
53 0131, appropriation 96900), \$20,000 is for House of Hope and  
54 the remainder of the appropriation shall be allocated to the  
55 Huntington Food Bank and the Mountaineer Food Bank in  
56 Braxton County.

*11 - West Virginia Conservation Agency*

(WV Code Chapter 19)

Fund 0132 FY 2016 Org 1400

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 722,344
3	Unclassified (R).....	09900	83,564
4	Current Expenses (R).....	13000	333,771
5	Repairs and Alterations. ....	06400	10,000
6	Equipment. ....	07000	10,000
7	Soil Conservation Projects (R)....	12000	7,148,899
8	BRIM Premium. ....	91300	<u>26,326</u>
9	Total.....		\$ 8,334,904

10 Any unexpended balances remaining in the appropriations  
11 for Unclassified (fund 0132, appropriation 09900), Soil  
12 Conservation Projects (fund 0132, appropriation 12000), and  
13 Current Expenses (fund 0132, appropriation 13000) at the close  
14 of the fiscal year 2015 are hereby reappropriated for expenditure  
15 during the fiscal year 2016.

*12 - Department of Agriculture –  
Meat Inspection Fund*

(WV Code Chapter 19)

Fund 0135 FY 2016 Org 1400

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 618,662
3	Unclassified. . . . .	09900	7,182
4	Current Expenses. . . . .	13000	<u>96,344</u>
5	Total. . . . .		\$ 722,188

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

*13 - Department of Agriculture –  
Agricultural Awards Fund*

(WV Code Chapter 19)

Fund 0136 FY 2016 Org 1400

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

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

(WV Code Chapter 8A)



Fund 0607 FY 2016 Org 1400

1	Personal Services and Employee		
2	Benefits. . . . .	00100	\$ 98,029
3	Unclassified. . . . .	09900	<u>950</u>
4	Total. . . . .		\$ 98,979

*15 - Attorney General*

(WV Code Chapters 5, 14, 46A and 47)

Fund 0150 FY 2016 Org 1500

1	Personal Services and		
2	Employee Benefits (R). . . . .	00100	\$ 3,062,683
3	Unclassified (R). . . . .	09900	51,867
4	Current Expenses (R). . . . .	13000	590,706
5	Repairs and Alterations. . . . .	06400	7,500
6	Equipment. . . . .	07000	40,000
7	Criminal Convictions and		
8	Habeas Corpus Appeals (R). . .	26000	1,050,739
9	Better Government Bureau. . . . .	74000	270,742
10	BRIM Premium. . . . .	91300	<u>90,000</u>
11	Total. . . . .		\$ 5,164,237

12 Any unexpended balances remaining in the above  
13 appropriations for Personal Services and Employee Benefits  
14 (fund 0150, appropriation 00100), Employee Benefits (fund  
15 0150, appropriation 01000), Unclassified (fund 0150,  
16 appropriation 09900), Current Expenses (fund 0150,

17 appropriation 13000), Criminal Convictions and Habeas Corpus  
 18 Appeals (fund 0150, appropriation 26000), Agency Client  
 19 Revolving Liquidity Pool (fund 0150, appropriation 36200),  
 20 Equipment – Surplus (fund 0150, appropriation 34100),  
 21 Technology Improvements – Surplus (fund 0150, appropriation  
 22 72500), and Operating Expenses – Surplus (fund 0150,  
 23 appropriation 77900) at the close of the fiscal year 2015 are  
 24 hereby reappropriated for expenditure during the fiscal year  
 25 2016.

26 Included in the above appropriation to Personal Services and  
 27 Employee Benefits (fund 0150, appropriation 00100), is \$95,000  
 28 for the Salary of the Attorney General.

29 When legal counsel or secretarial help is appointed by the  
 30 Attorney General for any state spending unit, this account shall  
 31 be reimbursed from such spending units specifically  
 32 appropriated account or from accounts appropriated by general  
 33 language contained within this bill: *Provided*, That the spending  
 34 unit shall reimburse at a rate and upon terms agreed to by the  
 35 state spending unit and the Attorney General: *Provided*,  
 36 *however*, That if the spending unit and the Attorney General are  
 37 unable to agree on the amount and terms of the reimbursement,  
 38 the spending unit and the Attorney General shall submit their  
 39 proposed reimbursement rates and terms to the Governor for  
 40 final determination.

*16 - Secretary of State*

(WV Code Chapters 3, 5 and 59)

Fund 0155 FY 2016 Org 1600

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 119,024
3	Unclassified (R).....	09900	11,217

2015] HOUSE OF DELEGATES 3307

4	Current Expenses (R).....	13000		977,395
5	BRIM Premium. ....	91300		<u>20,000</u>
6	Total.....		\$	1,127,636

7 Any unexpended balances remaining in the appropriations  
 8 for Unclassified (fund 0155, appropriation 09900), Current  
 9 Expenses (fund 0155, appropriation 13000), and Technology  
 10 Improvements – Surplus (fund 0155, appropriation 72500) at the  
 11 close of the fiscal year 2015 are hereby reappropriated for  
 12 expenditure during the fiscal year 2016.

13 Included in the above appropriation to Personal Services and  
 14 Employee Benefits (fund 0155, appropriation 00100), is \$95,000  
 15 for the Salary of the Secretary of State.

*17 - State Election Commission*

(WV Code Chapter 3)

Fund 0160 FY 2016 Org 1601

1	Personal Services and			
2	Employee Benefits.....	00100	\$	2,477
3	Unclassified. ....	09900		83
4	Current Expenses.....	13000		<u>5,782</u>
5	Total.....		\$	8,342

**DEPARTMENT OF ADMINISTRATION**

*18 - Department of Administration –  
 Office of the Secretary*

(WV Code Chapter 5F)

Fund 0186 FY 2016 Org 0201

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 584,142
3	Unclassified. . . . .	09900	9,177
4	Current Expenses. . . . .	13000	102,470
5	Repairs and Alterations. . . . .	06400	100
6	Equipment. . . . .	07000	1,000
7	Financial Advisor (R).. . . . .	30400	110,546
8	Lease Rental Payments. . . . .	51600	15,000,000
9	Design-Build Board. . . . .	54000	4,000
10	Other Assets. . . . .	69000	100
11	BRIM Premium. . . . .	91300	<u>4,000</u>
12	Total. . . . .		\$ 15,815,535

13 Any unexpended balance remaining in the appropriation for  
 14 Financial Advisor (fund 0186, appropriation 30400) at the close  
 15 of the fiscal year 2015 is hereby reappropriated for expenditure  
 16 during the fiscal year 2016.

17 The appropriation for Lease Rental Payments (fund 0186,  
 18 appropriation 51600) shall be disbursed as provided by W.Va.  
 19 Code §31-15-6b.

*19 - Consolidated Public Retirement Board*

(WV Code Chapter 5)

Fund 0195 FY 2016 Org 0205

1 The Division of Highways, Division of Motor Vehicles,  
 2 Public Service Commission and other departments, bureaus,  
 3 divisions, or commissions operating from special revenue funds  
 4 and/or federal funds shall pay their proportionate share of the  
 5 retirement costs for their respective divisions. When specific  
 6 appropriations are not made, such payments may be made from  
 7 the balances in the various special revenue funds in excess of  
 8 specific appropriations.

*20 - Division of Finance*

(WV Code Chapter 5A)

Fund 0203 FY 2016 Org 0209

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 91,073
3	Unclassified. . . . .	09900	2,400
4	Current Expenses. . . . .	13000	84,462
5	Repairs and Alterations. . . . .	06400	1,500
6	Equipment. . . . .	07000	1,000
7	GAAP Project (R). . . . .	12500	594,456
8	Other Assets. . . . .	69000	2,000
9	BRIM Premium. . . . .	91300	<u>4,526</u>
10	Total. . . . .		\$ 781,417

11 Any unexpended balance remaining in the appropriation for  
 12 GAAP Project (fund 0203, appropriation 12500) at the close of

13 the fiscal year 2015 is hereby reappropriated for expenditure  
 14 during the fiscal year 2016.

*21 - Division of General Services*

(WV Code Chapter 5A)

Fund 0230 FY 2016 Org 0211

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 2,640,822
3	Unclassified. . . . .	09900	20,000
4	Current Expenses. . . . .	13000	878,365
5	Repairs and Alterations. . . . .	06400	500
6	Equipment. . . . .	07000	5,000
7	Fire Service Fee. . . . .	12600	14,000
8	Buildings (R). . . . .	25800	500
9	Preservation and Maintenance of		
10	Statues and Monuments		
11	on Capitol Grounds. . . . .	37100	68,000
12	Capital Outlay, Repairs and		
13	Equipment (R). . . . .	58900	4,500,000
14	Other Assets. . . . .	69000	500
15	Land (R). . . . .	73000	500
16	BRIM Premium. . . . .	91300	<u>112,481</u>
17	Total. . . . .		\$ 8,240,668

18 Any unexpended balances remaining in the above  
 19 appropriations for Buildings (fund 0230, appropriation 25800),  
 20 Capital Outlay, Repairs and Equipment (fund 0230,  
 21 appropriation 58900), and Land (fund 0230, appropriation  
 22 73000) at the close of the fiscal year 2015 are hereby  
 23 reappropriated for expenditure during the fiscal year 2016.

24 From the above appropriation for Preservation and  
 25 Maintenance of Statues and Monuments on Capitol Grounds  
 26 (fund 0230, appropriation 37100), the Division shall consult the  
 27 Division of Culture and History and Capitol Building  
 28 Commission in all aspects of planning, assessment, maintenance  
 29 and restoration.

30 The above appropriation for Capital Outlay, Repairs and  
 31 Equipment (fund 0230, appropriation 58900) shall be expended  
 32 for capital improvements, maintenance, repairs and equipment  
 33 for state-owned buildings.

*22 - Division of Purchasing*

(WV Code Chapter 5A)

Fund 0210 FY 2016 Org 0213

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 1,005,608
3	Unclassified. . . . .	09900	1,444
4	Current Expenses. . . . .	13000	24,070
5	Repairs and Alterations. . . . .	06400	700
6	Equipment. . . . .	07000	1,000
7	Other Assets. . . . .	69000	1,000

8	BRIM Premium. . . . .	91300		<u>6,167</u>
9	Total. . . . .		\$	1,039,989

10 The division of highways shall reimburse Fund 2031 within  
 11 the Division of Purchasing for all actual expenses incurred  
 12 pursuant to the provisions of W.Va. Code §17-2A-13.

*23 - Travel Management*

(WV Code Chapter 5A)

Fund 0615 FY 2016 Org 0215

1	Personal Services and			
2	Employee Benefits. . . . .	00100	\$	926,382
3	Unclassified. . . . .	09900		14,414
4	Current Expenses. . . . .	13000		447,316
5	Repairs and Alterations. . . . .	06400		0
6	Equipment. . . . .	07000		5,000
7	Buildings (R). . . . .	25800		100
8	Other Assets. . . . .	69000		<u>100</u>
9	Total. . . . .		\$	1,393,312

10 Any unexpended balance remaining in the appropriation for  
 11 Buildings (fund 0615, appropriation 25800) at the close of the  
 12 fiscal year 2015 is hereby reappropriated for expenditure during  
 13 the fiscal year 2016.

*24 - Commission on Uniform State Laws*

(WV Code Chapter 29)



Fund 0214 FY 2016 Org 0217

1	Unclassified. . . . .	09900	\$	465
2	Current Expenses. . . . .	13000		<u>45,085</u>
3	Total. . . . .		\$	45,550

4 To pay expenses for members of the commission on uniform  
5 state laws.

*25 - West Virginia Public Employees Grievance Board*

(WV Code Chapter 6C)

Fund 0220 FY 2016 Org 0219

1	Personal Services and			
2	Employee Benefits. . . . .	00100	\$	918,368
3	Unclassified. . . . .	09900		1,000
4	Current Expenses. . . . .	13000		165,806
5	Equipment. . . . .	07000		50
6	BRIM Premium. . . . .	91300		<u>7,803</u>
7	Total. . . . .		\$	1,093,027

8 Any unexpended balances remaining in the appropriations  
9 for Buildings (fund 0220, appropriation 25800), and Land (fund  
10 0220, appropriation 73000) at the close of the fiscal year 2015  
11 are hereby reappropriated for expenditure during the fiscal year  
12 2016.

*26 - Ethics Commission*

(WV Code Chapter 6B)

Fund 0223 FY 2016 Org 0220

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 570,145
3	Unclassified. . . . .	09900	4,500
4	Current Expenses. . . . .	13000	128,193
5	Repairs and Alterations. . . . .	06400	500
6	Other Assets. . . . .	69000	100
7	BRIM Premium. . . . .	91300	<u>3,137</u>
8	Total. . . . .		\$ 706,575

*27 - Public Defender Services*

(WV Code Chapter 29)

Fund 0226 FY 2016 Org 0221

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 1,419,650
3	Unclassified . . . . .	09900	317,429
4	Current Expenses. . . . .	13000	45,840
5	Public Defender Corporations. . . . .	35200	19,199,406
6	Appointed Counsel Fees (R). . . . .	78800	10,723,115
7	BRIM Premium. . . . .	91300	<u>6,155</u>
8	Total. . . . .		\$ 31,711,595

9 Any unexpended balance remaining in the above  
 10 appropriation for Appointed Counsel Fees (fund 0226,  
 11 appropriation 78800) at the close of the fiscal year 2015 is  
 12 hereby reappropriated for expenditure during the fiscal year  
 13 2016.

14 The director shall have the authority to transfer funds from  
 15 the appropriation to Public Defender Corporations (fund 0226,  
 16 appropriation 35200) to Appointed Counsel Fees (fund 0226,  
 17 appropriation 78800).

*28 - Committee for the Purchase of  
 Commodities and Services from the Handicapped*

(WV Code Chapter 5A)

Fund 0233 FY 2016 Org 0224

1	Personal Services and		
2	Employee Benefits..... 00100	\$	3,187
3	Current Expenses..... 13000		868
4	Total.....	\$	4,055

*29 - Public Employees Insurance Agency*

(WV Code Chapter 5)

Fund 0200 FY 2016 Org 0225

1 The Division of Highways, Division of Motor Vehicles,  
 2 Public Service Commission and other departments, bureaus,  
 3 divisions, or commissions operating from special revenue funds  
 4 and/or federal funds shall pay their proportionate share of the  
 5 public employees health insurance cost for their respective  
 6 divisions.

*30 - West Virginia Prosecuting Attorneys Institute*

(WV Code Chapter 7)

Fund 0557 FY 2016 Org 0228

1	Forensic Medical		
2	Examinations (R).....	68300	\$ 140,505
3	Federal Funds/Grant Match (R)....	74900	<u>100,782</u>
4	Total.....		\$ 241,287
5	Any unexpended balances remaining in the appropriations		
6	for Forensic Medical Examinations (fund 0557, appropriation		
7	68300) and Federal Funds/Grant Match (fund 0557,		
8	appropriation 74900) at the close of the fiscal year 2015 are		
9	hereby reappropriated for expenditure during the fiscal year		
10	2016.		

*31 - Children's Health Insurance Agency*

(WV Code Chapter 5)

Fund 0588 FY 2016 Org 0230

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 0
3	Current Expenses.....	13000	0
4	Autism Spectrum Disorder		
5	Coverage. ....	85600	<u>0</u>
6	Total.....		\$ 0

*32 - Real Estate Division*

(WV Code Chapter 5A)

Fund 0610 FY 2016 Org 0233

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 725,360
3	Unclassified. . . . .	09900	2,000
4	Current Expenses. . . . .	13000	167,046
5	Repairs and Alterations. . . . .	06400	100
6	Equipment. . . . .	07000	2,500
7	BRIM Premium. . . . .	91300	<u>4,200</u>
8	Total. . . . .		\$ 901,206

9 Any unexpended balances remaining in the appropriations  
10 for Buildings (fund 0610, appropriation 25800) and Land (fund  
11 0610, appropriation 73000) at the close of the fiscal year 2015  
12 are hereby reappropriated for expenditure during the fiscal year  
13 2016.

**DEPARTMENT OF COMMERCE***33 - Division of Forestry*

(WV Code Chapter 19)

Fund 0250 FY 2016 Org 0305

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 3,908,154
3	Unclassified. . . . .	09900	21,435
4	Current Expenses. . . . .	13000	1,213,953
5	Repairs and Alterations. . . . .	06400	135,000

6	Equipment (R). . . . .	07000	100,000
7	BRIM Premium. . . . .	91300	<u>85,000</u>
8	Total. . . . .		\$ 5,463,542

9 Any unexpended balance remaining in the appropriation for  
 10 Equipment (fund 0250, appropriation 07000) at the close of the  
 11 fiscal year 2015 is hereby reappropriated for expenditure during  
 12 the fiscal year 2016.

13 Out of the above appropriations a sum may be used to match  
 14 federal funds for cooperative studies or other funds for similar  
 15 purposes.

*34 - Geological and Economic Survey*

(WV Code Chapter 29)

Fund 0253 FY 2016 Org 0306

1	Personal Services and		
2	Employee Benefits.. . . .	00100	\$ 1,632,541
3	Unclassified. . . . .	09900	30,096
4	Current Expenses. . . . .	13000	91,852
5	Repairs and Alterations. . . . .	06400	10,000
6	Equipment. . . . .	07000	100
7	Mineral Mapping System (R). . . .	20700	1,214,328
8	Other Assets. . . . .	69000	100
9	BRIM Premium. . . . .	91300	<u>20,950</u>
10	Total. . . . .		\$ 2,999,967

11 Any unexpended balance remaining in the appropriation for  
 12 Mineral Mapping System (fund 0253, appropriation 20700) at  
 13 the close of the fiscal year 2015 is hereby reappropriated for  
 14 expenditure during the fiscal year 2016.

15 The above Unclassified and Current Expenses appropriations  
 16 include funding to secure federal and other contracts and may be  
 17 transferred to a special revolving fund (fund 3105) for the  
 18 purpose of providing advance funding for such contracts.

*35 - West Virginia Development Office*

(WV Code Chapter 5B)

Fund 0256 FY 2016 Org 0307

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 3,954,304
3	ARC-WV Home of Your		
4	Own Alliance.....	04800	33,744
5	Unclassified.....	09900	128,379
6	Current Expenses.....	13000	1,750,854
7	Southern WV Career Center.....	07100	414,840
8	Local Economic Development		
9	Partnerships (R).....	13300	1,650,000
10	ARC Assessment.....	13600	152,585
11	Mid-Atlantic Aerospace Complex..	23100	149,134
12	Guaranteed Work Force		
13	Grant (R).....	24200	993,386

14	Robert C. Byrd Institute for		
15	Advanced/Flexible Manufacturing -		
16	Technology Outreach and Programs		
17	for Environmental and		
18	Advanced Technologies. . . . .	36700	438,504
19	Advantage Valley. . . . .	38900	0
20	Chemical Alliance Zone. . . . .	39000	40,099
21	WV High Tech Consortium. . . . .	39100	300,000
22	Regional Contracting		
23	Assistance Center. . . . .	41800	225,000
24	Highway Authorities. . . . .	43100	732,078
25	International Offices (R). . . . .	59300	529,867
26	WV Manufacturing		
27	Extension Partnership. . . . .	73100	121,478
28	Polymer Alliance. . . . .	75400	97,014
29	Regional Councils. . . . .	78400	371,184
30	Mainstreet Program. . . . .	79400	167,292
31	National Institute of		
32	Chemical Studies. . . . .	80500	59,474
33	I-79 Development Council. . . . .	82400	46,296
34	Mingo County Post Mine		
35	Land Use Projects. . . . .	84100	250,000
36	BRIM Premium. . . . .	91300	26,096



37	Hatfield McCoy Recreational		
38	Trail.....	96000	210,900
39	Hardwood Alliance Zone.....	99200	<u>35,937</u>
40	Total.....		\$ 12,878,445

41 Any unexpended balances remaining in the appropriations  
 42 for Unclassified – Surplus (fund 0256, appropriation 09700),  
 43 Partnership Grants (fund 0256, appropriation 13100), Local  
 44 Economic Development Partnerships (fund 0256, appropriation  
 45 13300), Guaranteed Work Force Grant (fund 0256, appropriation  
 46 24200), Industrial Park Assistance (fund 0256, appropriation  
 47 48000), Small Business Development (fund 0256, appropriation  
 48 70300), Local Economic Development Assistance (fund 0256,  
 49 appropriation 81900), and 4-H Camp Improvements (fund 0256,  
 50 appropriation 94100) at the close of the fiscal year 2015 are  
 51 hereby reappropriated for expenditure during the fiscal year  
 52 2016.

53 The above appropriation to Local Economic Development  
 54 Partnerships (fund 0256, appropriation 13300) shall be used by  
 55 the West Virginia Development Office for the award of funding  
 56 assistance to county and regional economic development  
 57 corporations or authorities participating in the certified  
 58 development community program developed under the  
 59 provisions of W.Va. Code §5B-2-14. The West Virginia  
 60 Development Office shall award the funding assistance through  
 61 a matching grant program, based upon a formula whereby  
 62 funding assistance may not exceed \$34,000 per county served by  
 63 an economic development or redevelopment corporation or  
 64 authority.

65 From the above appropriation for Highway Authorities (fund  
 66 0256, appropriation 43100), \$106,548 is for King Coal Highway  
 67 Authority; \$106,548 is for Coal Field Expressway Authority;

68 \$170,478 is for Coal Heritage Area Authority; \$42,620 is for  
 69 Little Kanawha River Parkway; \$76,715 is for Midland Trail  
 70 Scenic Highway Association; \$48,585 is for Shawnee Parkway  
 71 Authority; \$85,239 is for Corridor G Regional Development  
 72 Authority; \$52,725 is for Corridor H Authority; and \$42,620 is  
 73 for Route 2 I68 Highway Authority.

*36 - Division of Labor*

(WV Code Chapters 21 and 47)

Fund 0260 FY 2016 Org 0308

1	Personal Services and		
2	Employee Benefits..... 00100	\$	2,201,632
3	Unclassified..... 09900		28,658
4	Current Expenses..... 13000		564,773
5	Repairs and Alterations..... 06400		30,000
6	Equipment..... 07000		10,000
7	BRIM Premium..... 91300		<u>22,752</u>
8	Total.....	\$	2,857,815

*37 - Division of Labor –  
Occupational Safety and Health Fund*

(WV Code Chapter 21)

Fund 0616 FY 2016 Org 0308

1	Personal Services and Employee		
2	Benefits..... 00100	\$	74,144

2015]	HOUSE OF DELEGATES	3323
3	Current Expenses. . . . . 13000	79,963
4	Repairs and Alterations. . . . . 06400	500
5	Equipment. . . . . 07000	500
6	BRIM Premium. . . . . 91300	<u>985</u>
7	Total. . . . .	\$ 156,092

*38 - Division of Natural Resources*

(WV Code Chapter 20)

Fund 0265 FY 2016 Org 0310

1	Personal Services and	
2	Employee Benefits. . . . . 00100	\$ 16,378,772
3	Unclassified. . . . . 09900	11,220
4	Current Expenses. . . . . 13000	57,416
5	Repairs and Alterations. . . . . 06400	400
6	Equipment. . . . . 07000	500
7	Buildings (R). . . . . 25800	400
8	Litter Control Conservation	
9	Officers. . . . . 56400	149,103
10	Upper Mud River Flood Control. . . 65400	168,622
11	Other Assets. . . . . 69000	200
12	Land (R). . . . . 73000	400
13	Law Enforcement. . . . . 80600	2,764,373

14	BRIM Premium. . . . .	91300	<u>293,374</u>
15	Total. . . . .		\$ 19,824,780

16 Any unexpended balances remaining in the appropriations  
 17 for Buildings (fund 0265, appropriation 25800), Land (fund  
 18 0265, appropriation 73000), and State Park Improvements –  
 19 Surplus (fund 0265, appropriation 76300) at the close of the  
 20 fiscal year 2015 are hereby reappropriated for expenditure  
 21 during the fiscal year 2016.

22 Any revenue derived from mineral extraction at any state  
 23 park shall be deposited in a special revenue account of the  
 24 division of natural resources, first for bond debt payment  
 25 purposes and with any remainder to be for park operation and  
 26 improvement purposes.

*39 - Division of Miners' Health, Safety and Training*

(WV Code Chapter 22)

Fund 0277 FY 2016 Org 0314

1	Personal Services and		
2	Employee Benefits. . . . .	00100	\$ 10,503,524
3	Unclassified. . . . .	09900	120,000
4	Current Expenses. . . . .	13000	1,870,667
5	Coal Dust and Rock Dust		
6	Sampling. . . . .	27000	572,583
7	BRIM Premium. . . . .	91300	<u>68,134</u>
8	Total. . . . .		\$ 13,134,908

9       Included in the above appropriation for Current Expenses  
 10 (fund 0277, appropriation 13000) is \$500,000 for the Southern  
 11 West Virginia Community and Technical College Mine Rescue  
 12 and Rapid Response Team.

*40 - Board of Coal Mine Health and Safety*

(WV Code Chapter 22)

Fund 0280 FY 2016 Org 0319

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 286,435
3	Unclassified.....	09900	4,230
4	Current Expenses.....	13000	<u>131,634</u>
5	Total.....		\$ 422,299

*41 - WorkForce West Virginia*

(WV Code Chapter 23)

Fund 0572 FY 2016 Org 0323

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 13,464
3	Unclassified.....	09900	655
4	Current Expenses.....	13000	<u>51,289</u>
5	Total.....		\$ 65,408

*42 - Department of Commerce –  
Office of the Secretary*

(WV Code Chapter 19)

Fund 0606 FY 2016 Org 0327

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 327,407
3	Unclassified. . . . .	09900	3,500
4	Current Expenses. . . . .	13000	<u>29,560</u>
5	Total. . . . .		\$ 360,467

*43 - Department of Commerce –  
Office of the Secretary –  
Office of Economic Opportunity*

Fund 0617 FY 2016 Org 0327

1	Office of Economic Opportunity. . .	03400	\$ 102,417
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*44 - Division of Energy*

(WV Code Chapter 5H)

Fund 0612 FY 2016 Org 0328

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 204,270
3	Unclassified. . . . .	09900	16,268
4	Current Expenses. . . . .	13000	1,402,196
5	BRIM Premium. . . . .	91300	<u>3,297</u>
6	Total. . . . .		\$ 1,626,031

7 From the above appropriation for Current Expenses (fund  
8 0612, appropriation 13000) \$593,375 is for West Virginia

9 University and \$593,375 is for Southern West Virginia  
 10 Community and Technical College for the Mine Training and  
 11 Energy Technologies Academy.

**DEPARTMENT OF EDUCATION**

*45 - State Board of Education –  
 School Lunch Program*

(WV Code Chapters 18 and 18A)

Fund 0303 FY 2016 Org 0402

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 361,665
3	Unclassified. . . . .	09900	0
4	Current Expenses. . . . .	13000	<u>2,118,490</u>
5	Total. . . . .		\$ 2,480,155

*46 - State Board of Education –  
 State FFA-FHA Camp and Conference Center*

(WV Code Chapters 18 and 18A)

Fund 0306 FY 2016 Org 0402

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 600,273
3	Unclassified. . . . .	09900	500,000
4	Current Expenses. . . . .	13000	128,033
5	BRIM Premium. . . . .	91300	<u>21,694</u>
6	Total. . . . .		\$ 1,250,000

*47 - State Board of Education –  
State Department of Education*

(WV Code Chapters 18 and 18A)

Fund 0313 FY 2016 Org 0402

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 4,366,344
3	Technology System Specialist. . . . .	06200	2,000,000
4	Teachers' Retirement		
5	Savings Realized. . . . .	09500	34,472,000
6	Unclassified (R). . . . .	09900	300,000
7	Current Expenses (R). . . . .	13000	2,673,081
8	Repairs and Alterations. . . . .	06400	50,000
9	Equipment. . . . .	07000	5,000
10	Increased Enrollment. . . . .	14000	5,260,000
11	Safe Schools. . . . .	14300	5,028,664
12	Teacher Mentor (R). . . . .	15800	592,034
13	National Teacher Certification (R). . . . .	16100	150,000
14	Buildings (R). . . . .	25800	1,000
15	Allowance for County Transfers. . . . .	26400	469,993
16	Technology Repair and		
17	Modernization. . . . .	29800	951,003



2015]	HOUSE OF DELEGATES	3329
18	HVAC Technicians. . . . . 35500	491,258
19	Early Retirement Notification	
20	Incentive. . . . . 36600	300,000
21	MATH Program. . . . . 36800	366,532
22	Assessment Programs. . . . . 39600	2,339,588
23	21 <sup>st</sup> Century Fellows. . . . . 50700	274,899
24	English as a Second Language. . . . . 52800	100,000
25	Teacher Reimbursement. . . . . 57300	297,188
26	Hospitality Training. . . . . 60000	319,005
27	Hi-Y Youth in Government. . . . . 61600	100,000
28	High Acuity Special Needs (R). . . . . 63400	1,500,000
29	Foreign Student Education. . . . . 63600	89,231
30	Principals Mentorship. . . . . 64900	69,250
31	State Board of Education	
32	Administrative Costs. . . . . 68400	363,428
33	Other Assets. . . . . 69000	1,000
34	IT Academy. . . . . 72100	500,000
35	Land (R). . . . . 73000	1,000
36	Early Literacy Program. . . . . 75600	5,700,000
37	Local Solutions Dropout	
38	Prevention and Recovery. . . . . 78000	2,230,000

39	School Based Truancy Prevention..	78101	2,000,000
40	Elementary/Middle		
41	Alternative Schools. ....	83300	900,000
42	21 <sup>st</sup> Century Innovation Zones....	87600	266,144
43	21 <sup>st</sup> Century Learners (R).....	88600	1,716,874
44	Technology Initiatives. ....	90100	230,000
45	BRIM Premium. ....	91300	285,686
46	High Acuity Health Care		
47	Needs Program. ....	92000	925,000
48	21 <sup>st</sup> Century Assessment and		
49	Professional Development....	93100	4,496,283
50	21 <sup>st</sup> Century Technology		
51	Infrastructure Network		
52	Tools and Support (R).....	93300	7,636,586
53	WV Commission on		
54	Holocaust Education. ....	93500	13,875
55	Regional Education Service		
56	Agencies. ....	97200	3,690,750
57	Educational Program Allowance. . .	99600	<u>535,000</u>
58	Total.....		\$ 94,057,696

59 The above appropriations include funding for the state board  
60 of education and their executive office.

61 Any unexpended balances remaining in the appropriations  
62 for Unclassified (fund 0313, appropriation 09900), Current

63 Expenses (fund 0313, appropriation 13000), Teacher Mentor  
64 (fund 0313, appropriation 15800), National Teacher Certification  
65 (fund 0313, appropriation 16100), Buildings (fund 0313,  
66 appropriation 25800), High Acuity Special Needs (fund 0313,  
67 appropriation 63400), Land (fund 0313, appropriation 73000),  
68 and 21<sup>st</sup> Century Learners (fund 0313, appropriation 88600) at  
69 the close of the fiscal year 2015 are hereby reappropriated for  
70 expenditure during the fiscal year 2016.

71 The above appropriation for Technology System Specialists  
72 (fund 0313, appropriation 06200), shall first be used for the  
73 continuance of current pilot projects. The remaining balance, if  
74 any, may be used to expand the pilot project for additional  
75 counties.

76 The above appropriation for Teachers' Retirement Savings  
77 Realized (fund 0313, appropriation 09500) shall be transferred  
78 to the Employee Pension and Health Care Benefit Fund (fund  
79 2044).

80 Included in the above appropriation for Current Expenses  
81 (fund 0313, appropriation 13000) is \$50,000 for the fifth year of  
82 a five year special community development school pilot program  
83 per W.Va. Code 18-3-12.

84 The above appropriation for Hospitality Training (fund  
85 0313, appropriation 60000), shall be allocated only to entities  
86 that have a plan approved for funding by the Department of  
87 Education, at the funding level determined by the State  
88 Superintendent of Schools. Plans shall be submitted to the State  
89 Superintendent of Schools to be considered for funding.

90 The above appropriation for Local Solutions Dropout  
91 Prevention and Recovery (fund 0313, appropriation 78000) shall  
92 be transferred to the Local Solutions Dropout Prevention and  
93 Recovery Fund (fund 3949).

94 From the above appropriation for Educational Program  
 95 Allowance (fund 0313, appropriation 99600), \$100,000 shall be  
 96 expended for Webster County Board of Education for Hacker  
 97 Valley; \$150,000 shall be for the Randolph County Board of  
 98 Education for Pickens School; \$100,000 shall be for the Preston  
 99 County Board of Education for the Aurora School; and \$100,000  
 100 shall be for the Fayette County Board of Education for Meadow  
 101 Bridge; and \$85,000 is for Project Based Learning in STEM  
 102 fields.

*48 - State Board of Education –  
 Aid for Exceptional Children*

(WV Code Chapters 18 and 18A)

Fund 0314 FY 2016 Org 0402

1	Special Education – Counties. . . . .	15900	\$	7,271,757
2	Special Education – Institutions.. . . .	16000		3,707,066
3	Education of Juveniles Held in			
4	Predispositional Juvenile			
5	Detention Centers. . . . .	30200		589,370
6	Education of Institutionalized			
7	Juveniles and Adults (R).. . . . .	47200		17,335,390
8	Total.. . . . .		\$	28,903,583

9 Any unexpended balance remaining in the appropriation for  
 10 Education of Institutionalized Juveniles and Adults (fund 0314,  
 11 appropriation 47200) at the close of the fiscal year 2015 is  
 12 hereby reappropriated for expenditure during the fiscal year  
 13 2016.

14 From the above appropriations, the superintendent shall have  
 15 authority to expend funds for the costs of special education for  
 16 those children residing in out-of-state placements.

*49 - State Board of Education –  
State Aid to Schools*

(WV Code Chapters 18 and 18A)

Fund 0317 FY 2016 Org 0402

1	Other Current Expenses. . . . .	02200	\$ 154,485,546
2	Advanced Placement. . . . .	05300	526,406
3	Professional Educators. . . . .	15100	869,841,621
4	Service Personnel. . . . .	15200	294,796,569
5	Fixed Charges. . . . .	15300	103,420,680
6	Transportation. . . . .	15400	76,249,111
7	Professional Student		
8	Support Services. . . . .	65500	37,927,850
9	Improved Instructional Programs. . . . .	15600	47,840,943
10	21st Century Strategic Technology		
11	Learning Growth. . . . .	93600	<u>18,176,651</u>
12	Basic Foundation Allowances. . . . .		1,603,265,377
13	Less Local Share. . . . .		(454,137,621)
14	Adjustments. . . . .		<u>718,168</u>
15	Total Basic State Aid. . . . .		1,149,845,924
16	Public Employees' Insurance		
17	Matching. . . . .	01200	214,590,471
18	Teachers' Retirement System. . . . .	01900	66,486,618

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19	School Building Authority..... 45300	23,423,270
20	Retirement Systems –	
21	Unfunded Liability. .... 77500	<u>298,584,000</u>
22	Total.....	\$ 1,752,930,283

*50 - State Board of Education –  
Vocational Division*

(WV Code Chapters 18 and 18A)

Fund 0390 FY 2016 Org 0402

1	Personal Services and	
2	Employee Benefits..... 00100	\$ 1,293,783
3	Unclassified. .... 09900	280,000
4	Current Expenses..... 13000	918,886
5	Wood Products – Forestry	
6	Vocational Program..... 14600	64,841
7	Albert Yanni Vocational Program.. 14700	131,951
8	Vocational Aid..... 14800	22,193,335
9	Adult Basic Education..... 14900	4,470,114
10	Program Modernization..... 30500	884,313
11	High School Equivalency	
12	Diploma Testing (R). .... 72600	1,067,176
13	FFA Grant Awards..... 83900	11,496
14	Pre-Engineering Academy	
15	Program..... 84000	<u>265,294</u>
16	Total.....	\$ 31,581,189

17 Any unexpended balances remaining in the appropriations  
 18 for GED Testing (fund 0390, appropriation 33900) and High  
 19 School Equivalency Diploma Testing (fund 0390, appropriation  
 20 72600) at the close of the fiscal year 2015 is hereby  
 21 reappropriated for expenditure during the fiscal year 2016.

*51 - State Board of Education –  
 Division of Education Performance Audits*

(WV Code Chapters 18 and 18A)

Fund 0573 FY 2016 Org 0402

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 903,491
3	Unclassified. . . . .	09900	7,000
4	Current Expenses. . . . .	13000	942,099
5	Repairs and Alterations. . . . .	06400	1,000
6	Equipment. . . . .	07000	1,000
7	Other Assets. . . . .	69000	<u>1,000</u>
8	Total. . . . .		\$ 1,855,590

*52 - State Board of Education –  
 West Virginia Schools for the Deaf and the Blind*

(WV Code Chapters 18 and 18A)

Fund 0320 FY 2016 Org 0403

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 11,551,213

3	Unclassified. . . . .	09900	107,329
4	Current Expenses. . . . .	13000	1,690,291
5	Repairs and Alterations. . . . .	06400	75,000
6	Equipment. . . . .	07000	35,000
7	Buildings (R). . . . .	25800	25,000
8	Other Assets. . . . .	69000	25,000
9	Capital Outlay and		
10	Maintenance (R). . . . .	75500	62,500
11	BRIM Premium. . . . .	91300	<u>68,628</u>
12	Total. . . . .		\$ 13,639,961

13 Any unexpended balances remaining in the appropriations  
 14 for Buildings (fund 0320, appropriation 25800) and Capital  
 15 Outlay and Maintenance (fund 0320, appropriation 75500) at the  
 16 close of the fiscal year 2015 are hereby reappropriated for  
 17 expenditure during the fiscal year 2016.

**DEPARTMENT OF EDUCATION AND THE ARTS**

*53 - Department of Education and the Arts –  
 Office of the Secretary*

(WV Code Chapter 5F)

Fund 0294 FY 2016 Org 0431

1	Personal Services and		
2	Employee Benefits. . . . .	00100	\$ 851,891
3	Unclassified. . . . .	09900	35,000



2015]	HOUSE OF DELEGATES	3337
4	Current Expenses. . . . .	13000                      27,818
5	Center for Professional	
6	Development (R). . . . .	11500                      2,298,371
7	National Youth Science Camp . . . .	13200                      246,500
8	WV Humanities Council. . . . .	16800                      450,000
9	Benedum Professional Development	
10	Collaborative (R). . . . .	42700                      805,895
11	Governor's Honors	
12	Academy (R). . . . .	47800                      597,714
13	Educational Enhancements. . . . .	69500                      575,000
14	S.T.E.M. Education and	
15	Grant Program. . . . .	71900                      500,000
16	Energy Express. . . . .	86100                      470,000
17	BRIM Premium. . . . .	91300                      4,509
18	Special Olympic Games. . . . .	96600 <u>25,000</u>
19	Total. . . . .	\$    6,887,698

20        Any unexpended balances remaining in the appropriations  
21 for Center for Professional Development (fund 0294,  
22 appropriation 11500), Benedum Professional Development  
23 Collaborative (fund 0294, appropriation 42700), and Governor's  
24 Honors Academy (fund 0294, appropriation 47800) at the close  
25 of the fiscal year 2015 are hereby reappropriated for expenditure  
26 during the fiscal year 2016.

27        Included in the above appropriation for Educational  
28 Enhancements (fund 0294, appropriation 69500) is \$125,000 for

29 Reconnecting McDowell - Save the Children, \$375,000 for Save  
 30 the Children programs in Cabell, Roane, Calhoun and Mason  
 31 counties, and \$75,000 for the Clay Center.

32 From the above appropriation for S.T.E.M. Education and  
 33 Grant Program (fund 0294, appropriation 71900) \$125,000 is for  
 34 The Challenger Learning Center at Wheeling Jesuit University.

*54 - Division of Culture and History*

(WV Code Chapter 29)

Fund 0293 FY 2016 Org 0432

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 3,802,316
3	Unclassified (R).. . . . .	09900	44,177
4	Current Expenses. . . . .	13000	810,103
5	Repairs and Alterations. . . . .	06400	1,000
6	Equipment. . . . .	07000	1
7	Buildings (R). . . . .	25800	1
8	Other Assets. . . . .	69000	1
9	Land (R).. . . . .	73000	1
10	Culture and History Programming..	73200	236,298
11	Capital Outlay and		
12	Maintenance (R). . . . .	75500	20,000
13	Historical Highway		
14	Marker Program.. . . . .	84400	58,722

15	BRIM Premium. . . . .	91300	33,677
16	Total. . . . .	\$	5,006,297

17 Any unexpended balances remaining in the appropriations  
 18 for Unclassified (fund 0293, appropriation 09900), Buildings  
 19 (fund 0293, appropriation 25800), Capital Outlay, Repairs and  
 20 Equipment (fund 0293, appropriation 58900), Capital  
 21 Improvements – Surplus (fund 0293, appropriation 66100),  
 22 Capital Outlay, Repairs and Equipment – Surplus (fund 0293,  
 23 appropriation 67700), Land (fund 0293, appropriation 73000),  
 24 and Capital Outlay and Maintenance (fund 0293, appropriation  
 25 75500) at the close of the fiscal year 2015 are hereby  
 26 reappropriated for expenditure during the fiscal year 2016.

27 The Current Expense appropriation includes funding for the  
 28 arts funds, department programming funds, grants, fairs and  
 29 festivals and Camp Washington Carver and shall be expended  
 30 only upon authorization of the division of culture and history and  
 31 in accordance with the provisions of Chapter 5A, Article 3, and  
 32 Chapter 12 of the Code.

*55 - Library Commission*

(WV Code Chapter 10)

Fund 0296 FY 2016 Org 0433

1	Personal Services and		
2	Employee Benefits. . . . .	00100	\$ 1,309,788
3	Current Expenses. . . . .	13000	171,140
4	Repairs and Alterations. . . . .	06400	6,500
5	Services to Blind & Handicapped. .	18100	161,559
6	BRIM Premium. . . . .	91300	15,177
7	Total. . . . .	\$	1,664,164

*56 - Educational Broadcasting Authority*

(WV Code Chapter 10)

Fund 0300 FY 2016 Org 0439

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 4,261,859
3	Current Expenses.....	13000	170,545
4	Mountain Stage.....	24900	300,000
5	Capital Outlay and		
6	Maintenance (R).....	75500	50,000
7	BRIM Premium.....	91300	<u>41,929</u>
8	Total.....		\$ 4,824,333

9 Any unexpended balance remaining in the appropriation for  
10 Capital Outlay and Maintenance (fund 0300, appropriation  
11 75500) at the close of the fiscal year 2015 is hereby  
12 reappropriated for expenditure during the fiscal year 2016.

13 From the above appropriation for Current Expenses (fund  
14 0300, appropriation 13000) \$100,000 is for Healthy Choices  
15 Children Television Program in conjunction with WVSOM and  
16 up to \$45,000 is for the WV Music Hall of Fame.

*57 - State Board of Rehabilitation –  
Division of Rehabilitation Services*

(WV Code Chapter 18)

Fund 0310 FY 2016 Org 0932

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 10,597,682

2015]	HOUSE OF DELEGATES	3341
3	Independent Living Services. . . . . 00900	500,000
4	Current Expenses. . . . . 13000	545,202
5	Workshop Development . . . . . 16300	2,116,149
6	Supported Employment	
7	Extended Services. . . . . 20600	100,000
8	Ron Yost Personal	
9	Assistance Fund (R). . . . . 40700	388,698
10	Employment Attendant	
11	Care Program . . . . . 59800	156,065
12	BRIM Premium. . . . . 91300	<u>67,033</u>
13	Total. . . . .	\$ 14,470,829

14 Any unexpended balance remaining in the appropriation for  
15 Ron Yost Personal Assistance Fund (fund 0310, appropriation  
16 40700) at the close of the fiscal year 2015 is hereby  
17 reappropriated for expenditure during the fiscal year 2016.

18 From the above appropriation for Workshop Development  
19 (fund 0310, appropriation 16300), funds shall be used  
20 exclusively with the private nonprofit community rehabilitation  
21 program organizations known as work centers or sheltered  
22 workshops. The appropriation shall also be used to continue the  
23 support of the program, services, and individuals with  
24 disabilities currently in place at those organizations.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

*58 - Environmental Quality Board*

(WV Code Chapter 20)

Fund 0270 FY 2016 Org 0311

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 72,050
3	Current Expenses. . . . .	13000	30,691
4	Repairs and Alterations. . . . .	06400	100
5	Equipment. . . . .	07000	717
6	Other Assets. . . . .	69000	600
7	BRIM Premium. . . . .	91300	<u>684</u>
8	Total. . . . .		\$ 104,842

*59 - Division of Environmental Protection*

(WV Code Chapter 22)

Fund 0273 FY 2016 Org 0313

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 4,161,396
3	Water Resources Protection and		
4	Management. . . . .	06800	579,695
5	Current Expenses. . . . .	13000	331,339
6	Repairs and Alterations. . . . .	06400	13,150
7	Equipment. . . . .	07000	7,400
8	Dam Safety. . . . .	60700	212,499
9	West Virginia Stream		
10	Partners Program. . . . .	63700	77,396

2015]	HOUSE OF DELEGATES	3343
11	Meth Lab Cleanup. . . . . 65600	206,203
12	Other Assets. . . . . 69000	9,183
13	WV Contributions to	
14	River Commissions. . . . . 77600	148,485
15	Office of Water Resources	
16	Non-Enforcement Activity. . . . . 85500	923,123
17	BRIM Premium. . . . . 91300	<u>56,802</u>
18	Total. . . . .	\$ 6,726,671

19 A portion of the appropriations for Current Expenses (fund  
20 0273, appropriation 13000) and Dam Safety (fund 0273,  
21 appropriation 60700) may be transferred to the special revenue  
22 fund Dam Safety Rehabilitation Revolving Fund (fund 3025) for  
23 the state deficient dams rehabilitation assistance program.

*60 - Air Quality Board*

(WV Code Chapter 16)

Fund 0550 FY 2016 Org 0325

1	Personal Services and	
2	Employee Benefits. . . . . 00100	\$ 64,143
3	Current Expenses. . . . . 13000	10,746
4	Repairs and Alterations. . . . . 06400	50
5	Equipment. . . . . 07000	579
6	Other Assets. . . . . 69000	200
7	BRIM Premium. . . . . 91300	<u>2,013</u>
8	Total. . . . .	\$ 77,731

**DEPARTMENT OF HEALTH AND HUMAN RESOURCES**

*61 - Department of Health and Human Resources –  
Office of the Secretary*

(WV Code Chapter 5F)

Fund 0400 FY 2016 Org 0501

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 478,683
3	Unclassified.....	09900	8,386
4	Current Expenses.....	13000	48,461
5	Women’s Commission (R). . . . .	19100	155,557
6	Commission for the Deaf and		
7	Hard of Hearing.....	70400	<u>216,405</u>
8	Total.....		\$ 907,492
9	Any unexpended balance remaining in the appropriation for		
10	the Women’s Commission (fund 0400, appropriation 19100) at		
11	the close of the fiscal year 2015 is hereby reappropriated for		
12	expenditure during the fiscal year 2016.		

*62 - Division of Health –  
Central Office*

(WV Code Chapter 16)

Fund 0407 FY 2016 Org 0506

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 12,097,139



2015]	HOUSE OF DELEGATES	3345
3	Chief Medical Examiner. . . . . 04500	5,476,995
4	Unclassified. . . . . 09900	717,980
5	Current Expenses. . . . . 13000	4,614,237
6	State Aid for Local and Basic	
7	Public Health Services. . . . . 18400	16,648,328
8	Safe Drinking Water	
9	Program (R). . . . . 18700	2,165,274
10	Women, Infants and Children. . . . . 21000	38,602
11	Early Intervention. . . . . 22300	2,844,884
12	Cancer Registry. . . . . 22500	197,761
13	CARDIAC Project. . . . . 37500	427,500
14	State EMS Technical	
15	Assistance. . . . . 37900	1,348,136
16	Statewide EMS Program	
17	Support (R). . . . . 38300	959,098
18	Primary Care Centers -	
19	Mortgage Finance. . . . . 41300	114,501
20	Black Lung Clinics . . . . . 46700	170,885
21	Center for End of Life. . . . . 54500	420,198
22	Pediatric Dental Services. . . . . 55000	51,888
23	Vaccine for Children . . . . . 55100	333,311
24	Tuberculosis Control . . . . . 55300	367,837

25	Maternal and Child Health		
26	Clinics, Clinicians Medical		
27	Contracts and Fees (R). . . . .	57500	6,278,587
28	Epidemiology Support. . . . .	62600	1,500,154
29	Primary Care Support. . . . .	62800	6,000,000
30	Sexual Assault Intervention		
31	and Prevention. . . . .	72300	125,000
32	Health Right Free Clinics. . . . .	72700	3,000,000
33	Capital Outlay and		
34	Maintenance (R). . . . .	75500	100,000
35	Healthy Lifestyles. . . . .	77800	146,282
36	Maternal Mortality Review. . . . .	83400	46,895
37	Osteoporosis and Arthritis		
38	Prevention. . . . .	84900	158,336
39	Diabetes Education and		
40	Prevention. . . . .	87300	97,125
41	Tobacco Education		
42	Program (R). . . . .	90600	4,870,309
43	BRIM Premium. . . . .	91300	211,214
44	State Trauma and		
45	Emergency Care System. . . . .	91800	<u>1,987,034</u>
46	Total. . . . .		\$ 73,515,490
47	Any unexpended balances remaining in the appropriations		
48	for Unclassified – Surplus (fund 0407, appropriation 09700),		

49 Safe Drinking Water Program (fund 0407, appropriation 18700),  
50 Statewide EMS Program Support (fund 0407, appropriation  
51 38300), Maternal and Child Health Clinics, Clinicians and  
52 Medical Contracts and Fees (fund 0407, appropriation 57500),  
53 Capital Outlay and Maintenance (fund 0407, appropriation  
54 75500), Emergency Response Entities – Special Projects (fund  
55 0407, appropriation 82200), Assistance to Primary Health Care  
56 Centers Community Health Foundation (fund 0407,  
57 appropriation 84500), and Tobacco Education Program (fund  
58 0407, appropriation 90600) at the close of the fiscal year 2015  
59 are hereby reappropriated for expenditure during the fiscal year  
60 2016.

61 From the above appropriation for Current Expenses (fund  
62 0407, appropriation 13000), an amount not less than \$100,000 is  
63 for the West Virginia Cancer Coalition; \$50,000 shall be  
64 expended for the West Virginia Aids Coalition; \$100,000 is for  
65 Adolescent Immunization Education; \$73,065 is for informal  
66 dispute resolution relating to nursing home administrative  
67 appeals; and \$50,000 is for Hospital Hospitality House of  
68 Huntington.

69 From the above appropriation for Maternal and Child Health  
70 Clinics, Clinicians and Medical Contracts and Fees (fund 0407,  
71 appropriation 57500) \$400,000 shall be transferred to the Breast  
72 and Cervical Cancer Diagnostic Treatment Fund (fund 5197) and  
73 \$11,000 is for the Marshall County Health Department for dental  
74 services.

75 Included in the above appropriation for Primary Care  
76 Centers - Mortgage Finance (fund 0407, appropriation 41300) is  
77 \$8,375 for the mortgage payment for the Lincoln Primary Care  
78 Center, Inc.; \$7,130 for the mortgage payment for Roane County  
79 Family Health Care, Inc.; \$8,040 for the mortgage payment for  
80 Community Care (formerly Primary Care Systems); \$3,350 for  
81 the mortgage payment for the Belington Community Medical

82 Services; \$5,025 for the mortgage payment for Community Care  
 83 (formerly Tri-County Health Clinic); \$2,513 for the mortgage  
 84 payment for Valley Health Care (Randolph); \$4,449 for the  
 85 mortgage payment for WomenCare (Family Care Health Center  
 86 - Madison); \$1,340 for the mortgage payment for Northern  
 87 Greenbrier Health Clinic; \$3,350 for the mortgage payment for  
 88 the North Fork Clinic (Pendleton); \$6,700 for the mortgage  
 89 payment for the Pendleton Community Care; \$6,433 for the  
 90 mortgage payment for Clay-Battelle Community Health Center;  
 91 \$8,288 for the mortgage payment for Monongahela Valley  
 92 Association of Health Centers, Inc. (Marion); \$5,628 for the  
 93 mortgage payment for Mountaineer Community Health Center;  
 94 \$2,178 for the mortgage payment for the St. George Medical  
 95 Clinic; \$4,691 for the mortgage payment for the Bluestone  
 96 Health Center; \$7,538 for the mortgage payment for Wheeling  
 97 Health Right; \$8,040 for the mortgage payment for the Minnie  
 98 Hamilton Health Care Center, Inc.; \$9,045 for the mortgage  
 99 payment for the Shenandoah Valley Medical Systems, Inc.;  
 100 \$7,538 for the mortgage payment for the Change, Inc.; and  
 101 \$4,850 for the mortgage payment for the Wirt County Health  
 102 Services Association.

*63 - Consolidated Medical Services Fund*

(WV Code Chapter 16)

Fund 0525 FY 2016 Org 0506

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 1,567,388
3	Current Expenses. . . . .	13000	12,463
4	Behavioral Health Program (R). . . .	21900	69,725,365
5	Family Support Act. . . . .	22100	251,226

6	Institutional Facilities		
7	Operations (R). . . . .	33500	110,414,656
8	Substance Abuse		
9	Continuum of Care (R). . . . .	35400	5,000,000
10	Capital Outlay and		
11	Maintenance (R). . . . .	75500	950,000
12	Renaissance Program. . . . .	80400	165,996
13	BRIM Premium. . . . .	91300	<u>1,088,070</u>
14	Total. . . . .		\$ 189,175,164

15 Any unexpended balances remaining in the appropriations  
16 for Behavioral Health Program (fund 0525, appropriation  
17 21900), Institutional Facilities Operations (fund 0525,  
18 appropriation 33500), Substance Abuse Continuum of Care  
19 (fund 0525, appropriation 35400), Capital Outlay (fund 0525,  
20 appropriation 51100), Behavioral Health Program – Surplus  
21 (fund 0525, appropriation 63100), Institutional Facilities  
22 Operations – Surplus (fund 0525, appropriation 63200),  
23 Substance Abuse Continuum of Care – Surplus (fund 0525,  
24 appropriation 72200), and Capital Outlay and Maintenance (fund  
25 0525, appropriation 75500) at the close of the fiscal year 2015  
26 are hereby reappropriated for expenditure during the fiscal year  
27 2016.

28 Included in the above appropriation for Behavioral Health  
29 Program (fund 0525, appropriation 21900) is \$100,000 for the  
30 Healing Place of Huntington.

31 From the above appropriation for Institutional Facilities  
32 Operations, together with available funds from the division of  
33 health – hospital services revenue account (fund 5156,

34 appropriation 33500), on July 1, 2015, the sum of \$160,000 shall  
 35 be transferred to the department of agriculture – land division –  
 36 farm operating fund (1412) as advance payment for the purchase  
 37 of food products; actual payments for such purchases shall not  
 38 be required until such credits have been completely expended.

39 From the above appropriation for Substance Abuse  
 40 Continuum of Care (fund 0525, appropriation 35400), the  
 41 funding will be consistent with the goal areas outlined in the  
 42 Comprehensive Substance Abuse Strategic Action Plan.

43 Additional funds have been appropriated in fund 5156, fiscal  
 44 year 2016, organization 0506, and fund 5124, fiscal year 2016,  
 45 organization 0506, for the operation of the institutional facilities.  
 46 The secretary of the department of health and human resources  
 47 is authorized to utilize up to ten percent of the funds from the  
 48 Institutional Facilities Operations appropriation to facilitate cost  
 49 effective and cost saving services at the community level.

*64 - Division of Health –  
 West Virginia Drinking Water Treatment*

(WV Code Chapter 16)

Fund 0561 FY 2016 Org 0506

1	West Virginia Drinking		
2	Water Treatment		
3	Revolving Fund – Transfer. . . .	68900	\$ 647,500

4 The above appropriation for Drinking Water Treatment  
 5 Revolving Fund – Transfer shall be transferred to the West  
 6 Virginia Drinking Water Treatment Revolving Fund or  
 7 appropriate bank depository and the Drinking Water Treatment  
 8 Revolving – Administrative Expense Fund as provided by  
 9 Chapter 16 of the Code.

2015]

HOUSE OF DELEGATES

3351

*65 - Human Rights Commission*

(WV Code Chapter 5)

Fund 0416 FY 2016 Org 0510

1	Personal Services and		
2	Employee Benefits..... 00100	\$	910,221
3	Unclassified. .... 09900		4,024
4	Current Expenses. .... 13000		191,766
5	BRIM Premium. .... 91300		<u>9,311</u>
6	Total.....	\$	1,115,322

*66 - Division of Human Services*

(WV Code Chapters 9, 48 and 49)

Fund 0403 FY 2016 Org 0511

1	Personal Services and		
2	Employee Benefits..... 00100	\$	40,965,805
3	Unclassified. .... 09900		5,688,944
4	Current Expenses. .... 13000		10,074,541
5	Child Care Development. .... 14400		11,224,912
6	Medical Services Contracts and		
7	Office of Managed Care. .... 18300		1,835,469
8	Medical Services. .... 18900		466,150,331
9	Social Services..... 19500		142,174,864

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10	Family Preservation Program. . . . . 19600	1,565,000
11	Family Resource Networks. . . . . 27400	1,762,464
12	Domestic Violence Legal	
13	Services Fund. . . . . 38400	400,000
14	James "Tiger" Morton Catastrophic	
15	Illness Fund. . . . . 45500	101,144
16	I/DD Waiver. . . . . 46600	88,753,483
17	Child Protective Services	
18	Case Workers . . . . . 46800	21,398,895
19	OSCAR and RAPIDS . . . . . 51500	5,102,872
20	Title XIX Waiver for Seniors. . . . . 53300	13,593,620
21	WV Teaching Hospitals	
22	Tertiary/Safety Net. . . . . 54700	6,356,000
23	Specialized Foster Care. . . . . 56600	310,948
24	Child Welfare System . . . . . 60300	1,251,312
25	In-Home Family Education. . . . . 68800	1,000,000
26	WV Works Separate	
27	State Program. . . . . 69800	3,250,000
28	Child Support Enforcement. . . . . 70500	6,234,804
29	Medicaid Auditing. . . . . 70600	606,373
30	Temporary Assistance for	
31	Needy Families/	
32	Maintenance of Effort. . . . . 70700	22,969,096



2015]	HOUSE OF DELEGATES	3353
33	Child Care Maintenance of	
34	Effort Match. . . . . 70800	5,693,743
35	Child and Family Services. . . . . 73600	2,850,000
36	Grants for Licensed	
37	Domestic Violence	
38	Programs and Statewide	
39	Prevention. . . . . 75000	2,500,000
40	Capital Outlay and	
41	Maintenance (R). . . . . 75500	11,875
42	Community Based Services and	
43	Pilot Programs for Youth. . . . . 75900	1,000,000
44	Medical Services	
45	Administrative Costs. . . . . 78900	35,614,907
46	Traumatic Brain Injury Waiver. . . . . 83500	800,000
47	Indigent Burials (R). . . . . 85100	2,050,000
48	Autism Spectrum	
49	Disorder Coverage. . . . . 85600	497,035
50	CHIP Administrative Costs. . . . . 85601	112,064
51	CHIP Services. . . . . 85602	9,379,734
52	BRIM Premium. . . . . 91300	834,187
53	Rural Hospitals Under 150 Beds. . . . . 94000	2,596,000
54	Children’s Trust Fund – Transfer. . . . . 95100	<u>300,000</u>
55	Total. . . . .	\$ 917,010,422

56 Any unexpended balances remaining in the appropriations  
57 for Capital Outlay and Maintenance (fund 0403, appropriation  
58 75500) and Indigent Burials (fund 0403, appropriation 85100) at  
59 the close of the fiscal year 2015 are hereby reappropriated for  
60 expenditure during the fiscal year 2016.

61 Notwithstanding the provisions of Title I, section three of  
62 this bill, the secretary of the department of health and human  
63 resources shall have the authority to transfer funds within the  
64 above appropriations: *Provided*, That no more than five percent  
65 of the funds appropriated to one appropriation may be  
66 transferred to other appropriations: *Provided, however*, That no  
67 funds from other appropriations shall be transferred to the  
68 personal services and employee benefits appropriation.

69 The secretary shall have authority to expend funds for the  
70 educational costs of those children residing in out-of-state  
71 placements, excluding the costs of special education programs.

72 Included in the above appropriation for Medical Services  
73 (fund 0403, appropriation 18900) is an additional \$1,000,000 to  
74 be matched with federal dollars, the sum of which shall be  
75 applied toward the enhancement of reimbursement rates for  
76 nursing homes for services provided in accordance with the  
77 Medicaid State Plan.

78 Included in the above appropriation for Social Services (fund  
79 0403, appropriation 19500) is funding for continuing education  
80 requirements relating to the practice of social work.

81 The above appropriation for Domestic Violence Legal  
82 Services Fund (fund 0403, appropriation 38400) shall be  
83 transferred to the Domestic Violence Legal Services Fund (fund  
84 5455).

85 The above appropriation for James "Tiger" Morton  
86 Catastrophic Illness Fund (fund 0403, appropriation 45500) shall

87 be transferred to the James “Tiger” Morton Catastrophic Illness  
88 Fund (fund 5454) as provided by Article 5Q, Chapter 16 of the  
89 Code.

90 The above appropriation for WV Works Separate State  
91 Program (fund 0403, appropriation 69800), shall be transferred  
92 to the WV Works Separate State College Program Fund (fund  
93 5467), and the WV Works Separate State Two-Parent Program  
94 Fund (fund 5468) as determined by the secretary of the  
95 department of health and human resources.

96 From the above appropriation for Child Support  
97 Enforcement (fund 0403, appropriation 70500) an amount not to  
98 exceed \$300,000 may be transferred to a local banking  
99 depository to be utilized to offset funds determined to be  
100 uncollectible.

101 From the above appropriation for the Grants for Licensed  
102 Domestic Violence Programs and Statewide Prevention (fund  
103 0403, appropriation 75000), 50% of the total shall be divided  
104 equally and distributed among the fourteen (14) licensed  
105 programs and the West Virginia Coalition Against Domestic  
106 Violence (WVCADV). The balance remaining in the  
107 appropriation for Grants for Licensed Domestic Violence  
108 Programs and Statewide Prevention (fund 0403, appropriation  
109 75000), shall be distributed according to the formula established  
110 by the Family Protection Services Board.

111 The above appropriation for Children’s Trust Fund –  
112 Transfer (fund 0403, appropriation 95100) shall be transferred  
113 to the Children’s Fund (fund 5469, org 0511).

**DEPARTMENT OF MILITARY AFFAIRS  
AND PUBLIC SAFETY**

*67 - Department of Military Affairs and Public Safety –  
Office of the Secretary*

## (WV Code Chapter 5F)

Fund 0430 FY 2016 Org 0601

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 706,626
3	Unclassified (R).....	09900	20,000
4	Current Expenses.....	13000	111,450
5	Repairs and Alterations.....	06400	9,900
6	Equipment.....	07000	3,300
7	Fusion Center (R).....	46900	534,544
8	Other Assets.....	69000	4,015
9	Directed Transfer.....	70000	32,000
10	BRIM Premium.....	91300	9,404
11	WV Fire and EMS Survivor		
12	Benefit (R).....	93900	400,000
13	Homeland State Security		
14	Administrative Agency (R)....	95300	<u>533,036</u>
15	Total.....		\$ 2,364,275

16 Any unexpended balances remaining in the appropriations  
 17 for Unclassified (fund 0430, appropriation 09900), Fusion  
 18 Center (fund 0430, appropriation 46900), Substance Abuse  
 19 Program – Surplus (fund 0430, appropriation 69600), Justice  
 20 Reinvestment Training – Surplus (fund 0430, appropriation  
 21 69900), WV Fire and EMS Survivor Benefit (fund 0430,  
 22 appropriation 93900), and Homeland State Security

23 Administrative Agency (fund 0430, appropriation 95300) at the  
24 close of the fiscal year 2015 are hereby reappropriated for  
25 expenditure during the fiscal year 2016.

26 The above appropriation for Directed Transfer (fund 0430,  
27 appropriation 70000) shall be transferred to the Law-  
28 Enforcement, Safety and Emergency Worker Funeral Expense  
29 Payment Fund (fund 6003).

*68 - Adjutant General –  
State Militia*

(WV Code Chapter 15)

Fund 0433 FY 2016 Org 0603

1	Unclassified ( R). . . . .	09900	\$	14,993,758
2	College Education Fund. . . . .	23200		0
3	Mountaineer Challenge Academy. . . . .	70900		0
4	Armory Board Transfer. . . . .	70015		0
5	Military Authority. . . . .	74800		<u>0</u>
6	Total. . . . .		\$	14,993,758

7 Any unexpended balance remaining in the appropriation for  
8 Unclassified (fund 0433, appropriation 09900) at the close of the  
9 fiscal year 2015 is hereby reappropriated for expenditure during  
10 the fiscal year 2016.

11 From the above appropriations an amount approved by the  
12 adjutant general and the secretary of military affairs and public  
13 safety may be transferred to the State Armory Board for  
14 operation and maintenance of National Guard Armories.

15 From the above appropriation and other state and federal  
 16 funding, the Adjutant General shall provide an amount not less  
 17 than \$4,500,000 to the Mountaineer Challenge Academy to  
 18 meet anticipated program demand.

*69 - Adjutant General –  
 Military Fund*

(WV Code Chapter 15)

Fund 0605 FY 2016 Org 0603

1	Personal Services and		
2	Employee Benefits..... 00100	\$	100,000
3	Current Expenses..... 13000		<u>71,125</u>
4	Total.....	\$	171,125

*70 - West Virginia Parole Board*

(WV Code Chapter 62)

Fund 0440 FY 2016 Org 0605

1	Personal Services and		
2	Employee Benefits..... 00100	\$	378,085
3	Current Expenses..... 13000		168,694
4	Salaries of Members of West		
5	Virginia Parole Board. .... 22700		600,744
6	BRIM Premium. .... 91300		<u>4,712</u>
7	Total.....	\$	1,152,235

8       The above appropriation for Salaries of Members of West  
 9 Virginia Parole Board (fund 0440, appropriation 22700) includes  
 10 funding for salary, annual increment (as provided for in W.Va.  
 11 Code §5-5-1), and related employee benefits of board members.

*71 - Division of Homeland Security and  
 Emergency Management*

(WV Code Chapter 15)

Fund 0443 FY 2016 Org 0606

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$     547,934
3	Unclassified. . . . .	09900	28,157
4	Current Expenses. . . . .	13000	144,611
5	Repairs and Alterations. . . . .	06400	1,000
6	Radiological Emergency		
7	Preparedness. . . . .	55400	27,752
8	Federal Funds/Grant Match (R).. . .	74900	658,407
9	Mine and Industrial		
10	Accident Rapid		
11	Response Call Center. . . . .	78100	481,412
12	Early Warning Flood System (R). .	87700	506,089
13	BRIM Premium. . . . .	91300	18,811
14	WVU Charleston Poison		
15	Control Hotline. . . . .	94400	<u>757,804</u>
16	Total. . . . .		\$    3,171,977

17 Any unexpended balances remaining in the appropriations  
 18 for Federal Funds/Grant Match (fund 0443, appropriation  
 19 74900), Early Warning Flood System (fund 0443, appropriation  
 20 87700), and Disaster Mitigation (fund 0443, appropriation  
 21 95200) at the close of the fiscal year 2015 are hereby  
 22 reappropriated for expenditure during the fiscal year 2016.

*72 - Division of Corrections –  
 Central Office*

(WV Code Chapters 25, 28, 49 and 62)

Fund 0446 FY 2016 Org 0608

1	Personal Services and		
2	Employee Benefits..... 00100	\$	610,190
3	Current Expenses..... 13000		1,800
4	Total.....	\$	611,990

*73 - Division of Corrections –  
 Correctional Units*

(WV Code Chapters 25, 28, 49 and 62)

Fund 0450 FY 2016 Org 0608

1	Employee Benefits..... 01000	\$	1,258,136
2	Children's Protection Act (R). . . . . 09000		938,437
3	Unclassified (R) . . . . . 09900		1,842,160
4	Current Expenses (R)..... 13000		31,000,000
5	Facilities Planning and		
6	Administration (R)..... 38600		1,116,627



2015]	HOUSE OF DELEGATES	3361
7	Charleston Correctional Center. . . . . 45600	3,134,387
8	Beckley Correctional Center. . . . . 49000	1,814,873
9	Huntington Work Release Center. . . 49500	1,139,619
10	Anthony Correctional Center. . . . . 50400	5,001,443
11	Huttonsville Correctional Center . . 51400	21,042,042
12	Northern Correctional Center. . . . . 53400	6,947,380
13	Inmate Medical Expenses (R). . . . . 53500	21,226,064
14	Pruntytown Correctional Center. . . 54300	7,069,693
15	Corrections Academy. . . . . 56900	1,447,934
16	Martinsburg Correctional Center. . . 66300	3,437,882
17	Parole Services. . . . . 68600	5,145,478
18	Special Services . . . . . 68700	7,822,908
19	Information Technology Services. . 59901	100,000
20	Investigative Services. . . . . 71600	3,445,962
21	Capital Outlay and	
22	Maintenance (R). . . . . 75500	2,000,000
23	Salem Correctional Center. . . . . 77400	9,977,414
24	McDowell County	
25	Correctional Center. . . . . 79000	1,949,983
26	Stevens Correctional Center. . . . . 79100	6,474,500
27	Parkersburg Correctional Center. . . 82800	2,431,887

3362	JOURNAL OF THE	[MARCH 18
28	St. Mary’s Correctional Center . . . . 88100	12,665,613
29	Denmar Correctional Center. . . . . 88200	4,384,334
30	Ohio County Correctional Center. . 88300	1,743,194
31	Mt. Olive Correctional Complex. . . 88800	19,783,496
32	Lakin Correctional Center. . . . . 89600	8,909,548
33	BRIM Premium. . . . . 91300	<u>829,190</u>
34	Total. . . . .	\$ 196,080,184

35 Any unexpended balances remaining in the appropriations  
36 for Children’s Protection Act (fund 0450, appropriation 09000),  
37 Unclassified – Surplus (fund 0450, appropriation 09700),  
38 Current Expenses (fund 0450, appropriation 13000), Facilities  
39 Planning and Administration (fund 0450, appropriation 38600),  
40 Inmate Medical Expenses (fund 0450, appropriation 53500),  
41 Capital Improvements – Surplus (fund 0450, appropriation  
42 66100), Capital Outlay, Repairs and Equipment – Surplus (fund  
43 0450, appropriation 67700), Capital Outlay and Maintenance  
44 (fund 0450, appropriation 75500), and Operating Expenses –  
45 Surplus (fund 0450, appropriation 77900) at the close of the  
46 fiscal year 2015 are hereby reappropriated for expenditure  
47 during the fiscal year 2016, with the exception of fund 0450,  
48 fiscal year 2015, appropriation 13000 (\$8,000,000) and fund  
49 0450, fiscal year 2015, appropriation 53500 (\$3,000,000) which  
50 shall expire on June 30, 2015.

51 The commissioner of corrections shall have the authority to  
52 transfer between appropriations to the individual correctional  
53 units above and may transfer funds from the individual  
54 correctional units to Current Expenses (fund 0450, appropriation  
55 13000) or Inmate Medical Expenses (fund 0450, appropriation  
56 53500).

57 From the above appropriation to Unclassified, on July 1,  
 58 2015, the sum of \$300,000 shall be transferred to the department  
 59 of agriculture – land division – farm operating fund (1412) as  
 60 advance payment for the purchase of food products; actual  
 61 payments for such purchases shall not be required until such  
 62 credits have been completely expended.

63 From the above appropriation to Current Expenses (fund  
 64 0450, appropriation 13000) payment shall be made to house  
 65 Division of Corrections inmates in federal, county, and/or  
 66 regional jails.

67 Any realized savings from the Energy Savings Contract for  
 68 Mt. Olive Correctional Complex, Huttonsville Correction  
 69 Center, Pruntytown Correctional Center, or Denmark Correctional  
 70 Center may be transferred from the listed individual correctional  
 71 units to Facilities Planning and Administration (fund 0450,  
 72 appropriation 38600).

*74 - West Virginia State Police*

(WV Code Chapter 15)

Fund 0453 FY 2016 Org 0612

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 59,511,081
3	Children’s Protection Act. . . . .	09000	947,922
4	Current Expenses. . . . .	13000	10,403,272
5	Repairs and Alterations. . . . .	06400	450,523
6	Vehicle Purchase. . . . .	45100	2,377,614
7	Barracks Lease Payments.. . . . .	55600	246,478

8	Communications and		
9	Other Equipment (R).....	55800	1,268,968
10	Trooper Retirement Fund.....	60500	4,249,810
11	Handgun Administration		
12	Expense.....	74700	81,442
13	Capital Outlay and		
14	Maintenance (R).....	75500	2,250,000
15	Retirement Systems –		
16	Unfunded Liability.....	77500	13,209,000
17	Automated Fingerprint		
18	Identification System.....	89800	724,554
19	BRIM Premium.....	91300	<u>4,946,608</u>
20	Total.....		\$ 100,667,272

21 Any unexpended balances remaining in the appropriations  
 22 for Communications and Other Equipment (fund 0453,  
 23 appropriation 55800), and Capital Outlay and Maintenance (fund  
 24 0453, appropriation 75500) at the close of the fiscal year 2015  
 25 are hereby reappropriated for expenditure during the fiscal year  
 26 2016.

27 From the above appropriation for Personal Services and  
 28 Employee Benefits (fund 0453, appropriation 00100), an amount  
 29 not less than \$25,000 shall be expended to offset the costs  
 30 associated with providing police services for the West Virginia  
 31 State Fair.

*75 - Fire Commission*

(WV Code Chapter 29)

Fund 0436 FY 2016 Org 0619

1 Current Expenses. . . . . 13000 \$ 69,439

*76 - Division of Justice and Community Services*

(WV Code Chapter 15)

Fund 0546 FY 2016 Org 0620

1 Personal Services and  
 2 Employee Benefits.. . . . . 00100 \$ 527,515  
 3 Current Expenses. . . . . 13000 132,696  
 4 Repairs and Alterations. . . . . 06400 1,804  
 5 Child Advocacy Centers (R). . . . . 45800 1,702,108  
 6 Community Corrections (R). . . . . 56100 7,419,704  
 7 Statistical Analysis Program. . . . . 59700 46,499  
 8 Sexual Assault Forensic  
 9 Examination Commission. . . . . 71400 76,592  
 10 Qualitative Analysis and  
 11 Training for Youth Services. . . 76200 500,000  
 12 Law Enforcement  
 13 Professional Standards.. . . . . 83800 156,577  
 14 BRIM Premium. . . . . 91300 1,421  
 15 Total.. . . . . \$ 10,564,916

16 Any unexpended balances remaining in the appropriations  
 17 for Buildings (fund 0546, appropriation 25800), Child Advocacy

18 Centers (fund 0546, appropriation 45800), and Community  
 19 Corrections (fund 0546, appropriation 56100) at the close of the  
 20 fiscal year 2015 are hereby reappropriated for expenditure  
 21 during the fiscal year 2016.

22 From the above appropriation for Child Advocacy Centers  
 23 (fund 0546, appropriation 45800), the division may retain an  
 24 amount not to exceed four percent of the appropriation for  
 25 administrative purposes.

*77 - Division of Juvenile Services*

(WV Code Chapter 49)

Fund 0570 FY 2016 Org 0621

1	Statewide Reporting Centers. . . . .	26200	\$	5,428,893
2	Robert L. Shell Juvenile Center. . . . .	26700		1,954,598
3	Central Office . . . . .	70100		2,334,206
4	Capital Outlay and			
5	Maintenance (R). . . . .	75500		250,000
6	Gene Spadaro Juvenile Center. . . . .	79300		2,132,797
7	BRIM Premium. . . . .	91300		96,187
8	Kenneth Honey Rubenstein			
9	Juvenile Center (R). . . . .	98000		4,920,220
10	Vicki Douglas Juvenile Center. . . . .	98100		1,872,622
11	Northern Regional			
12	Juvenile Center. . . . .	98200		1,576,302
13	Lorrie Yeager Jr. Juvenile Center. . . . .	98300		1,920,239

2015]	HOUSE OF DELEGATES	3367
14	Sam Perdue Juvenile Center . . . . . 98400	2,007,781
15	Tiger Morton Center . . . . . 98500	2,116,477
16	Donald R. Kuhn Juvenile Center . . 98600	4,066,579
17	J.M. "Chick" Buckbee	
18	Juvenile Center . . . . . 98700	<u>2,018,118</u>
19	Total . . . . .	\$ 32,695,019

20 Any unexpended balances remaining in the appropriations  
21 for Capital Outlay and Maintenance (fund 0570, appropriation  
22 75500) and Kenneth Honey Rubenstein Juvenile Center (fund  
23 0570, appropriation 98000) at the close of the fiscal year 2015  
24 are hereby reappropriated for expenditure during the fiscal year  
25 2016.

26 From the above appropriations, on July 1, 2015, the sum of  
27 \$50,000 shall be transferred to the department of agriculture –  
28 land division – farm operating fund (1412) as advance payment  
29 for the purchase of food products; actual payments for such  
30 purchases shall not be required until such credits have been  
31 completely expended.

32 The director of juvenile services shall have the authority to  
33 transfer between appropriations to the individual juvenile centers  
34 above.

*78 - Division of Protective Services*

(WV Code Chapter 5F)

Fund 0585 FY 2016 Org 0622

1	Personal Services and	
2	Employee Benefits.. . . . . 00100	\$ 2,027,387

3	Unclassified (R).....	09900	21,991
4	Current Expenses.....	13000	109,232
5	Repairs and Alterations.....	06400	8,500
6	Equipment (R).....	07000	75,000
7	Other Assets.....	69000	72,825
8	BRIM Premium.....	91300	<u>9,969</u>
9	Total.....		\$ 2,324,904

10 Any unexpended balances remaining in the appropriations  
 11 for Equipment (fund 0585, appropriation 07000), and  
 12 Unclassified (fund 0585, appropriation 09900) at the close of the  
 13 fiscal year 2015 are hereby reappropriated for expenditure  
 14 during the fiscal year 2016.

**DEPARTMENT OF REVENUE**

*79 - Office of the Secretary*

(WV Code Chapter 11)

Fund 0465 FY 2016 Org 0701

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 529,025
3	Unclassified.....	09900	6,397
4	Current Expenses.....	13000	92,454
5	Repairs and Alterations.....	06400	1,262
6	Equipment.....	07000	8,000



7	Other Assets.....	69000	<u>500</u>
8	Total.....	\$	637,638

9 Any unexpended balance remaining in the appropriation for  
 10 Unclassified – Total (fund 0465, appropriation 09600) at the  
 11 close of the fiscal year 2015 is hereby reappropriated for  
 12 expenditure during the fiscal year 2016.

*80 - Tax Division*

(WV Code Chapter 11)

Fund 0470 FY 2016 Org 0702

1	Personal Services and		
2	Employee Benefits (R). . . . .	00100	\$ 16,722,654
3	Unclassified (R).....	09900	234,571
4	Current Expenses (R).....	13000	6,275,442
5	Repairs and Alterations. . . . .	06400	10,000
6	Equipment. . . . .	07000	50,000
7	Multi State Tax Commission.....	65300	77,958
8	Other Assets.....	69000	10,000
9	BRIM Premium. . . . .	91300	<u>13,000</u>
10	Total.....	\$	23,393,625

11 Any unexpended balances remaining in the appropriations  
 12 for Personal Services and Employee Benefits (fund 0470,  
 13 appropriation 00100), Tax Technology Upgrade – Surplus (fund  
 14 0470, appropriation 45000), Unclassified (fund 0470,

15 appropriation 09900), Current Expenses (fund 0470,  
 16 appropriation 13000), and GIS Development Project (fund 0470,  
 17 appropriation 56200) at the close of the fiscal year 2015 are  
 18 hereby reappropriated for expenditure during the fiscal year  
 19 2016, with the exception of fund 0470, fiscal year 2015,  
 20 appropriation 00100 (\$1,000,000) which shall expire on June 30,  
 21 2015.

*81 - State Budget Office*

(WV Code Chapter 11B)

Fund 0595 FY 2016 Org 0703

1	Personal Services and		
2	Employee Benefits..... 00100	\$	649,581
3	Unclassified (R)..... 09900		7,156
4	Current Expenses..... 13000		52,916
5	BRIM Premium..... 91300		<u>3,348</u>
6	Total.....	\$	713,001

7 Any unexpended balance remaining in the appropriation for  
 8 Unclassified (fund 0595, appropriation 09900) at the close of the  
 9 fiscal year 2015 is hereby reappropriated for expenditure during  
 10 the fiscal year 2016.

*82 - West Virginia Office of Tax Appeals*

(WV Code Chapter 11)

Fund 0593 FY 2016 Org 0709

1	Personal Services and		
2	Employee Benefits..... 00100	\$	426,857

2015]	HOUSE OF DELEGATES	3371
3	Current Expenses (R)..... 13000	102,313
4	Unclassified. .... 09900	5,397
5	Other Assets..... 69000	903
6	BRIM Premium. .... 91300	<u>2,618</u>
7	Total.....	\$ 538,088

8 Any unexpended balance remaining in the appropriation for  
9 Current Expenses (fund 0593, appropriation 13000) at the close  
10 of the fiscal year 2015 is hereby reappropriated for expenditure  
11 during the fiscal year 2016.

*83 - Division of Professional and Occupational Licenses –  
State Athletic Commission*

(WV Code Chapter 29)

Fund 0523 FY 2016 Org 0933

1	Personal Services and	
2	Employee Benefits..... 00100	\$ 10,721
3	Current Expenses..... 13000	<u>28,385</u>
4	Total.....	\$ 39,106

**DEPARTMENT OF TRANSPORTATION**

*84 - State Rail Authority*

(WV Code Chapter 29)

Fund 0506 FY 2016 Org 0804

1	Personal Services and	
2	Employee Benefits..... 00100	\$ 314,606

3	Current Expenses. . . . .	13000		330,469
4	Other Assets (R).. . . . .	69000		1,360,760
5	BRIM Premium. . . . .	91300		<u>173,966</u>
6	Total. . . . .		\$	2,179,801

7 Any unexpended balances remaining in the appropriations  
 8 for Unclassified (fund 0506, appropriation 09900) and Other  
 9 Assets (fund 0506, appropriation 69000) at the close of the fiscal  
 10 year 2015 are hereby reappropriated for expenditure during the  
 11 fiscal year 2016.

*85 - Division of Public Transit*

(WV Code Chapter 17)

Fund 0510 FY 2016 Org 0805

1	Equipment (R). . . . .	07000	\$	661,049
2	Current Expenses (R).. . . . .	13000		1,744,949
3	Buildings (R). . . . .	25800		20,281
4	Other Assets (R).. . . . .	69000		<u>50,000</u>
5	Total. . . . .		\$	2,476,279

6 Any unexpended balances remaining in the appropriations  
 7 for Equipment (fund 0510, appropriation 07000), Current  
 8 Expenses (fund 0510, appropriation 13000), Buildings (fund  
 9 0510, appropriation 25800) and Other Assets (fund 0510,  
 10 appropriation 69000) at the close of the fiscal year 2015 are  
 11 hereby reappropriated for expenditure during the fiscal year  
 12 2016.

2015]

HOUSE OF DELEGATES

3373

*86 - Public Port Authority*

(WV Code Chapter 17)

Fund 0581 FY 2016 Org 0806

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 218,492
3	Current Expenses.....	13000	73,539
4	Repairs and Alterations.....	06400	500
5	BRIM Premium.....	91300	<u>2,500</u>
6	Total.....		\$ 295,031

7 Any unexpended balance remaining in the appropriation for  
8 Unclassified (fund 0581, appropriation 09900) at the close of the  
9 fiscal year 2015 is hereby reappropriated for expenditure during  
10 the fiscal year 2016.

*87 - Aeronautics Commission*

(WV Code Chapter 29)

Fund 0582 FY 2016 Org 0807

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 212,798
3	Current Expenses (R).....	13000	807,704
4	Repairs and Alterations.....	06400	100
5	Civil Air Patrol.....	23400	155,095
6	BRIM Premium.....	91300	<u>3,045</u>
7	Total.....		\$ 1,178,742

8 Any unexpended balance remaining in the appropriations for  
 9 Unclassified (fund 0582, appropriation 09900) and Current  
 10 Expenses (fund 0582, appropriation 13000) at the close of the  
 11 fiscal year 2015 are hereby reappropriated for expenditure  
 12 during the fiscal year 2016.

13 From the above appropriation for Current Expenses (fund  
 14 0582, appropriation 13000), the sum of \$120,000 shall be  
 15 distributed equally to each of the twelve local Civil Air Patrol  
 16 Squadrons.

### **DEPARTMENT OF VETERANS' ASSISTANCE**

#### *88 - Department of Veterans' Assistance*

(WV Code Chapter 9A)

#### Fund 0456 FY 2016 Org 0613

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 1,876,828
3	Unclassified.....	09900	200,000
4	Current Expenses.....	13000	325,507
5	Repairs and Alterations.....	06400	5,000
6	Veterans' Field Offices.....	22800	288,345
7	Veterans' Nursing Home (R).....	28600	6,004,913
8	Veterans' Toll Free		
9	Assistance Line.....	32800	2,015
10	Veterans' Reeducation		
11	Assistance (R).....	32900	39,502

2015]	HOUSE OF DELEGATES	3375
12	Veterans' Grant Program (R)..... 34200	150,000
13	Veterans' Grave Markers..... 47300	10,254
14	Veterans' Transportation..... 48500	625,000
15	Veterans Outreach Programs..... 61700	188,277
16	Memorial Day Patriotic	
17	Exercise..... 69700	20,000
18	Veterans Cemetery..... 80800	583,263
19	BRIM Premium..... 91300	<u>23,860</u>
20	Total.....	\$ 10,342,764

21 Any unexpended balances remaining in the appropriations  
22 for Veterans' Nursing Home (fund 0456, appropriation 28600),  
23 Veterans' Reeducation Assistance (fund 0456, appropriation  
24 32900), Veterans' Grant Program (fund 0456, appropriation  
25 34200), Veterans' Bonus – Surplus (fund 0456, appropriation  
26 34400), Veterans' Bonus (fund 0456, appropriation 48300), and  
27 Educational Opportunities for Children of Deceased Veterans  
28 (fund 0456, appropriation 85400) at the close of the fiscal year  
29 2015 are hereby reappropriated for expenditure during the fiscal  
30 year 2016.

*89 - Department of Veterans' Assistance –  
Veterans' Home*

(WV Code Chapter 9A)

Fund 0460 FY 2016 Org 0618

1	Personal Services and	
2	Employee Benefits..... 00100	\$ 1,088,530
3	Unclassified..... 09900	150,000

4	Current Expenses. . . . .	13000	69,000
5	Total. . . . .	\$ 1,307,530	

**BUREAU OF SENIOR SERVICES**

*90 - Bureau of Senior Services*

(WV Code Chapter 29)

Fund 0420 FY 2016 Org 0508

1	Transfer to Division of Human		
2	Services for Health Care		
3	and Title XIX Waiver for		
4	Senior Citizens. . . . .	53900	\$ 14,063,432

5 The above appropriation for Transfer to Division of Human  
6 Services for Health Care and Title XIX Waiver for Senior  
7 Citizens (fund 0420, appropriation 53900) along with the federal  
8 moneys generated thereby shall be used for reimbursement for  
9 services provided under the program.

10 The above appropriation is in addition to funding provided  
11 in fund 5405 for this program.

**WEST VIRGINIA COUNCIL FOR COMMUNITY AND TECHNICAL COLLEGE EDUCATION**

*91 - West Virginia Council for  
Community and Technical College Education –  
Control Account*

(WV Code Chapter 18B)

Fund 0596 FY 2016 Org 0420

1	West Virginia Council for Community		
2	and Technical Education (R)...	39200	\$ 762,305



2015]	HOUSE OF DELEGATES	3377
3	Transit Training Partnership. . . . .	78300 70,217
4	Community College	
5	Workforce Development (R)...	87800 806,048
6	College Transition Program.....	88700 292,718
7	West Virginia Advance	
8	Workforce Development (R)...	89300 3,433,842
9	Technical Program	
10	Development (R).....	89400 <u>1,984,598</u>
11	Total.....	\$ 7,349,728

12 Any unexpended balances remaining in the appropriations  
13 for Unclassified – Surplus (fund 0596, appropriation 09700),  
14 West Virginia Council for Community and Technical Education  
15 (fund 0596, appropriation 39200), Capital Improvements –  
16 Surplus (fund 0596, appropriation 66100), Community College  
17 Workforce Development (fund 0596, appropriation 87800), West  
18 Virginia Advance Workforce Development (fund 0596,  
19 appropriation 89300), and Technical Program Development  
20 (fund 0596, appropriation 89400) at the close of the fiscal year  
21 2015 are hereby reappropriated for expenditure during the fiscal  
22 year 2016.

23 From the above appropriation for the Community College  
24 Workforce Development (fund 0596, appropriation 87800),  
25 \$200,000 shall be expended on the Mine Training Program in  
26 Southern West Virginia.

27 Included in the above appropriation for West Virginia  
28 Advance Workforce Development (fund 0596, appropriation  
29 89300) is \$200,000 to be used exclusively for advanced  
30 manufacturing and energy industry specific training programs.

*92 - Mountwest Community and Technical College*

(WV Code Chapter 18B)

Fund 0599 FY 2016 Org 0444

1	Mountwest Community and		
2	Technical College. . . . .	48700	\$ 5,687,484

*93 - New River Community and Technical College*

(WV Code Chapter 18B)

Fund 0600 FY 2016 Org 0445

1	New River Community and		
2	Technical College. . . . .	35800	\$ 5,676,500

*94 - Pierpont Community and Technical College*

(WV Code Chapter 18B)

Fund 0597 FY 2016 Org 0446

1	Pierpont Community and		
2	Technical College. . . . .	93000	\$ 7,664,596

*95 - Blue Ridge Community and Technical College*

(WV Code Chapter 18B)

Fund 0601 FY 2016 Org 0447

1	Blue Ridge Community and		
2	Technical College. . . . .	88500	\$ 4,949,710

*96 - West Virginia University at Parkersburg*

(WV Code Chapter 18B)

Fund 0351 FY 2016 Org 0464

- 1 West Virginia University –
- 2 Parkersburg. . . . . 47100 \$ 10,094,237

*97 - Southern West Virginia Community and Technical College*

(WV Code Chapter 18B)

Fund 0380 FY 2016 Org 0487

- 1 Southern West Virginia
- 2 Community and
- 3 Technical College. . . . . 44600 \$ 8,203,924

*98 - West Virginia Northern Community and Technical College*

(WV Code Chapter 18B)

Fund 0383 FY 2016 Org 0489

- 1 West Virginia Northern
- 2 Community and
- 3 Technical College. . . . . 44700 \$ 7,099,616

*99 - Eastern West Virginia Community and Technical College*

(WV Code Chapter 18B)

Fund 0587 FY 2016 Org 0492

- 1 Eastern West Virginia
- 2 Community and
- 3 Technical College. . . . . 41200 \$ 1,887,174

*100 - BridgeValley Community and Technical College*

(WV Code Chapter 18B)

Fund 0618 FY 2016 Org 0493

1	Bridge Valley Community and		
2	Technical College. . . . .	71700	\$ 7,739,898

**HIGHER EDUCATION POLICY COMMISSION**

*101 - Higher Education Policy Commission –  
Administration –  
Control Account*

(WV Code Chapter 18B)

Fund 0589 FY 2016 Org 0441

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 2,517,148
3	Current Expenses. . . . .	13000	172,806
4	Higher Education Grant Program. .	16400	39,019,864
5	Tuition Contract Program (R). . . . .	16500	1,249,464
6	Underwood-Smith Scholarship		
7	Program-Student Awards. . . . .	16700	192,500
8	Facilities Planning and		
9	Administration (R).. . . . .	38600	1,897,759
10	PROMISE Scholarship –		
11	Transfer. . . . .	80000	18,500,000
12	HEAPS Grant Program (R). . . . .	86700	5,006,535
13	BRIM Premium. . . . .	91300	<u>16,362</u>
14	Total.. . . . .		\$ 68,572,438

15 Any unexpended balances remaining in the appropriations  
16 for Unclassified – Surplus (fund 0589, appropriation 09700),

17 Tuition Contract Program (fund 0589, appropriation 16500),  
18 Facilities Planning and Administration (fund 0589, appropriation  
19 38600), Capital Improvements – Surplus (fund 0589,  
20 appropriation 66100), Capital Outlay and Maintenance (fund  
21 0589, appropriation 75500), HEAPS Grant Program (fund 0589,  
22 appropriation 86700), and Higher Education – Special Projects  
23 – Surplus (fund 0589, appropriation 94600) at the close of the  
24 fiscal year 2015 are hereby reappropriated for expenditure  
25 during the fiscal year 2016.

26 The above appropriation for Facilities Planning and  
27 Administration (fund 0589, appropriation 38600) is for  
28 operational expenses of the West Virginia Education, Research  
29 and Technology Park between construction and full occupancy.

30 The above appropriation for Higher Education Grant  
31 Program (fund 0589, appropriation 16400) shall be transferred  
32 to the Higher Education Grant Fund (fund 4933, org 0441)  
33 established by W.Va. Code §18C-5-3.

34 The above appropriation for Underwood-Smith Scholarship  
35 Program-Student Awards (fund 0589, appropriation 16700) shall  
36 be transferred to the Underwood-Smith Teacher Scholarship and  
37 Loan Assistance Fund (fund 4922, org 0441) established by  
38 W.Va. Code §18C-4-1.

39 The above appropriation for PROMISE Scholarship –  
40 Transfer (fund 0589, appropriation 80000) shall be transferred  
41 to the PROMISE Scholarship Fund (fund 4296, org 0441)  
42 established by W.Va. Code §18C-7-7.

*102 - Higher Education Policy Commission –  
Administration –  
West Virginia Network for Educational Telecomputing (WVNET)*

(WV Code Chapter 18B)

Fund 0551 FY 2016 Org 0495

1	WVNET.....	16900	\$	1,696,561
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*103 - West Virginia University –  
School of Medicine  
Medical School Fund*

(WV Code Chapter 18B)

Fund 0343 FY 2016 Org 0463

1	WVU School of Health Science –			
2	Eastern Division. ....	05600	\$	2,303,985
3	WVU – School of			
4	Health Sciences. ....	17400		16,711,414
5	WVU – School of Health Sciences –			
6	Charleston Division.....	17500		2,374,260
7	Rural Health Outreach			
8	Programs (R).....	37700		175,720
9	West Virginia University			
10	School of Medicine			
11	BRIM Subsidy.....	46000		1,209,668
12	Total.....		\$	22,775,047

13 Any unexpended balance remaining in the appropriations for  
14 Rural Health Outreach Programs (fund 0343, appropriation  
15 37700), and Educational Enhancements – Surplus (fund 0343,  
16 appropriation 92700) at the close of the fiscal year 2015 are  
17 hereby reappropriated for expenditure during the fiscal year  
18 2016.

19 Included in the appropriation for WVU - School of Health  
20 Sciences (fund 0343, appropriation 17400) is \$2,000,000 for the

21 School of Public Health; Graduate Medical Education;  
 22 programming or research for multiple sclerosis, alzheimers, and  
 23 neurosciences (including the Blanchette Rockefeller Project);  
 24 and \$82,000 for the West Virginia University National Center of  
 25 Excellence in Women’s Health. Appropriations for WVU -  
 26 School of Health Sciences (fund 0343, appropriation 17400)  
 27 used for Graduate Medical Education may be transferred to the  
 28 Department of Health and Human Resources Medical Service  
 29 fund (fund 5084) for the purpose of matching federal or other  
 30 funds used to support graduate medical education, subject to the  
 31 approval of the vice-chancellor for health sciences and the  
 32 Secretary of the Department of Health and Human Resources.  
 33 If approval is denied, funds bay be utilized by the respective  
 34 institutions for expenditure on graduate medical education.

35 The above appropriation for Rural Health Outreach  
 36 Programs (fund 0343, appropriation 37700) includes rural health  
 37 activities and programs; rural residency development and  
 38 education; and rural outreach activities.

39 The above appropriation for BRIM subsidy (fund 0343,  
 40 appropriation 46000) shall be paid to the Board of Risk and  
 41 Insurance Management as a general revenue subsidy against the  
 42 “Total Premium Billed” to the institution as part of the full cost  
 43 of their malpractice insurance coverage.

*104 - West Virginia University –  
 General Administrative Fund*

(WV Code Chapter 18B)

Fund 0344 FY 2016 Org 0463

1	West Virginia University.....	45900	\$	100,354,338
2	Jackson’s Mill (R). . . . .	46100		307,713

3	West Virginia University		
4	Institute for Technology. . . . .	47900	8,281,570
5	State Priorities – Brownfield		
6	Professional Development (R). 53100		348,287
7	West Virginia University –		
8	Potomac State. . . . .	99400	<u>4,037,218</u>
9	Total. . . . .		\$ 113,329,126

10 Any unexpended balances remaining in the appropriations  
 11 for Jackson’s Mill (fund 0344, appropriation 46100), and State  
 12 Priorities – Brownfield Professional Development (fund 0344,  
 13 appropriation 53100) at the close of the fiscal year 2015 are  
 14 hereby reappropriated for expenditure during the fiscal year  
 15 2016.

16 Included in the appropriation for West Virginia University  
 17 (fund 0344, appropriation 45900) is \$360,000 for the WVU Law  
 18 School - Skills Program; \$836,400 for the College of  
 19 Engineering and Mineral Resources for the WVU Coal and  
 20 Energy Research Bureau, the Mining Engineering Program, and  
 21 the Petroleum Engineering Program; \$416,600 for farms in the  
 22 Davis College of Forestry, Agriculture and Consumer Sciences;  
 23 \$100,000 for the WVU Soil Testing Program; and \$25,000 for  
 24 the West Virginia University Extension Service cyber-bullying  
 25 prevention program.

26 Included in the above appropriation for Jackson’s Mill (fund  
 27 0344, appropriation 46100) is \$121,500 for the Jackson’s Mill  
 28 Fire Academy.

*105 - Marshall University –  
 School of Medicine*

(WV Code Chapter 18B)



Fund 0347 FY 2016 Org 0471

1	Marshall Medical School.....	17300	\$	12,541,389
2	Rural Health Outreach			
3	Programs (R).....	37700		174,600
4	Forensic Lab.....	37701		415,000
5	Center for Rural Health. ....	37702		275,000
6	Marshall University Medical			
7	School BRIM Subsidy.....	44900		<u>877,385</u>
8	Total.....		\$	14,283,374

9 Any unexpended balance remaining in the appropriation for  
10 Rural Health Outreach Program (fund 0347, appropriation  
11 37700) at the close of the fiscal year 2015 is hereby  
12 reappropriated for expenditure during the fiscal year 2016.

13 The above appropriation for Rural Health Outreach  
14 Programs (fund 0347, appropriation 37700) includes rural health  
15 activities and programs; rural residency development and  
16 education; and rural outreach activities.

17 The above appropriation for BRIM subsidy (fund 0347,  
18 appropriation 44900) shall be paid to the Board of Risk and  
19 Insurance Management as a general revenue subsidy against the  
20 "Total Premium Billed" to the institution as part of the full cost  
21 of their malpractice insurance coverage.

*106 - Marshall University –  
General Administration Fund*

(WV Code Chapter 18B)

Fund 0348 FY 2016 Org 0471

1	Marshall University.....	44800	\$	47,262,017
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2	Vista E-Learning (R). . . . .	51900	259,207
3	State Priorities – Brownfield		
4	Professional Development (R). 53100		348,287
5	Marshall University Graduate		
6	College Writing Project. . . . .	80700	21,601
7	Luke Lee Listening		
8	Language and Learning Lab. . .	44801	175,000
9	WV Autism Training Center (R). . .	93200	<u>1,846,830</u>
10	Total. . . . .		\$ 49,912,942

11 Any unexpended balances remaining in the appropriations  
 12 for Vista E-Learning (fund 0348, appropriation 51900), State  
 13 Priorities – Brownfield Professional Development (fund 0348,  
 14 appropriation 53100) and WV Autism Training Center (fund  
 15 0348, appropriation 93200) at the close of fiscal year 2015 are  
 16 hereby reappropriated for expenditure during the fiscal year  
 17 2016.

*107 - West Virginia School of Osteopathic Medicine*

(WV Code Chapter 18B)

Fund 0336 FY 2016 Org 0476

1	West Virginia School of		
2	Osteopathic Medicine. . . . .	17200	\$ 7,458,334
3	Rural Health Outreach		
4	Programs (R). . . . .	37700	175,367
5	West Virginia School of		
6	Osteopathic Medicine		
7	BRIM Subsidy. . . . .	40300	150,751

8	Rural Health Initiative –		
9	Medical Schools Support... . . . .	58100	<u>418,652</u>
10	Total.....		\$ 8,203,104

11 Any unexpended balance remaining in the appropriation for  
 12 Rural Health Outreach Programs (fund 0336, appropriation  
 13 37700) at the close of fiscal year 2015 is hereby reappropriated  
 14 for expenditure during the fiscal year 2016.

15 The above appropriation for Rural Health Outreach  
 16 Programs (fund 0336, appropriation 37700) includes rural health  
 17 activities and programs; rural residency development and  
 18 education; and rural outreach activities.

19 The above appropriation for BRIM subsidy (fund 0336,  
 20 appropriation 40300) shall be paid to the Board of Risk and  
 21 Insurance Management as a general revenue subsidy against the  
 22 “Total Premium Billed” to the institution as part of the full cost  
 23 of their malpractice insurance coverage.

*108 - Bluefield State College*

(WV Code Chapter 18B)

Fund 0354 FY 2016 Org 0482

1	Bluefield State College. . . . .	40800	\$ 5,823,680
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*109 - Concord University*

(WV Code Chapter 18B)

Fund 0357 FY 2016 Org 0483

1	Concord University. . . . .	41000	\$ 8,933,744
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*110 - Fairmont State University*

(WV Code Chapter 18B)

Fund 0360 FY 2016 Org 0484

1 Fairmont State University. . . . . 41400 \$ 15,668,202

*111 - Glenville State College*

(WV Code Chapter 18B)

Fund 0363 FY 2016 Org 0485

1 Glenville State College. . . . . 42800 \$ 6,034,427

*112 - Shepherd University*

(WV Code Chapter 18B)

Fund 0366 FY 2016 Org 0486

1 Shepherd University. . . . . 43200 \$ 9,921,556

*113 - West Liberty University*

(WV Code Chapter 18B)

Fund 0370 FY 2016 Org 0488

1 West Liberty University. . . . . 43900 \$ 8,198,329

*114 - West Virginia State University*

(WV Code Chapter 18B)

Fund 0373 FY 2016 Org 0490

1 West Virginia State University. . . . 44100 \$ 10,733,691

2	West Virginia State University		
3	Land Grant Match. . . . .	95600	<u>1,649,709</u>
4	Total. . . . .		\$ 12,383,400
5	Total TITLE II, Section 1 —		
6	General Revenue		
7	(Including claims against the state).. .		<u>\$ 4,305,776,000</u>

1       **Sec. 2. Appropriations from state road fund.** — From the  
 2 state road fund there are hereby appropriated conditionally upon  
 3 the fulfillment of the provisions set forth in Article 2, Chapter  
 4 11B of the Code the following amounts, as itemized, for  
 5 expenditure during the fiscal year 2016.

**DEPARTMENT OF TRANSPORTATION**

*115 - Division of Motor Vehicles*

(WV Code Chapters 17, 17A, 17B, 17C, 17D, 20 and 24A)

Fund 9007 FY 2016 Org 0802

			<b>State Road Fund</b>
	<b>Appro- priation</b>		
1	Personal Services and		
2	Employee Benefits.. . . .	00100	\$ 23,278,949
3	Current Expenses. . . . .	13000	16,204,124
4	Repairs and Alterations. . . . .	06400	144,000
5	Equipment. . . . .	07000	1,080,000
6	Buildings. . . . .	25800	10,000

7	Other Assets.....	69000	2,600,000
8	BRIM Premium. ....	91300	<u>61,656</u>
9	Total.....		\$ 43,378,729

*116 - Division of Highways*

(WV Code Chapters 17 and 17C)

Fund 9017 FY 2016 Org 0803

1	Debt Service.....	04000	\$ 37,000,000
2	Maintenance . . . . .	23700	361,480,000
3	Maintenance, Contract Paving and		
4	Secondary Road Maintenance..	27200	48,500,000
5	Bridge Repair and Replacement. . .	27300	20,000,000
6	Inventory Revolving. . . . .	27500	4,000,000
7	Equipment Revolving. . . . .	27600	15,000,000
8	General Operations. . . . .	27700	52,285,000
9	Interstate Construction.....	27800	120,000,000
10	Other Federal Aid Programs. . . . .	27900	371,856,000
11	Appalachian Programs.....	28000	90,000,000
12	Nonfederal Aid Construction.....	28100	15,000,000
13	Highway Litter Control. . . . .	28200	1,740,000
14	Courtesy Patrol.....	28201	<u>3,000,000</u>
15	Total.....		\$ 1,139,861,000

16 The above appropriations are to be expended in accordance  
17 with the provisions of Chapters 17 and 17C of the code.

18 The commissioner of highways shall have the authority to  
19 operate revolving funds within the state road fund for the  
20 operation and purchase of various types of equipment used  
21 directly and indirectly in the construction and maintenance of  
22 roads and for the purchase of inventories and materials and  
23 supplies.

24 There is hereby appropriated in addition to the above  
25 appropriations, sufficient money for the payment of claims,  
26 accrued or arising during this budgetary period, to be paid in  
27 accordance with Sections 17 and 18, Article 2, Chapter 14 of the  
28 code.

29 It is the intent of the Legislature to capture and match all  
30 federal funds available for expenditure on the Appalachian  
31 highway system at the earliest possible time. Therefore, should  
32 amounts in excess of those appropriated be required for the  
33 purposes of Appalachian programs, funds in excess of the  
34 amount appropriated may be made available upon  
35 recommendation of the commissioner and approval of the  
36 Governor. Further, for the purpose of Appalachian programs,  
37 funds appropriated by appropriation may be transferred to other  
38 appropriations upon recommendation of the commissioner and  
39 approval of the Governor.

*117 - Office of Administrative Hearings*

(WV Code Chapter 17C)

Fund 9027 FY 2016 Org 0808

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 1,585,201
3	Current Expenses. . . . .	13000	344,278

4	Repairs and Alterations. . . . .	06400	5,000
5	Equipment. . . . .	07000	7,500
6	BRIM Premium. . . . .	91300	<u>10,000</u>
7	Total. . . . .		\$ 1,951,979
8	Total TITLE II, Section 2 —		
9	State Road Fund		
10	(Including claims against the state). . .		<u>\$ 1,185,922,141</u>

1       **Sec. 3. Appropriations from other funds.** — From the  
2 funds designated there are hereby appropriated conditionally  
3 upon the fulfillment of the provisions set forth in Article 2,  
4 Chapter 11B of the Code the following amounts, as itemized, for  
5 expenditure during the fiscal year 2016.

### LEGISLATIVE

#### *118 - Crime Victims Compensation Fund*

(WV Code Chapter 14)

Fund 1731 FY 2016 Org 2300

		<b>Appro- piation</b>	<b>Other Funds</b>
1	Personal Services and		
2	Employee Benefits. . . . .	00100	\$ 498,020
3	Current Expenses. . . . .	13000	133,903
4	Repairs and Alterations. . . . .	06400	1,000
5	Economic Loss Claim		
6	Payment Fund. . . . .	33400	3,460,125



2015]	HOUSE OF DELEGATES	3393
7	Other Assets..... 69000	<u>3,700</u>
8	Total.....	\$ 4,096,748

**JUDICIAL**

*119 - Supreme Court –  
Family Court Fund*

(WV Code Chapter 51)

Fund 1763 FY 2016 Org 2400

1	Current Expenses..... 13000	\$ 1,200,000
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**EXECUTIVE**

*120 - Governor's Office  
Minority Affairs Fund*

(WV Code Chapter 5)

Fund 1058 FY 2016 Org 0100

1	Personal Services and	
2	Employee Benefits..... 00100	\$ 172,800
3	Current Expenses..... 13000	<u>512,126</u>
4	Total.....	\$ 684,926

*121 - Auditor's Office –  
Land Operating Fund*

(WV Code Chapters 11A, 12 and 36)

Fund 1206 FY 2016 Org 1200

1	Personal Services and	
2	Employee Benefits..... 00100	\$ 642,647

3	Unclassified. . . . .	09900		15,139
4	Current Expenses. . . . .	13000		440,291
5	Repairs and Alterations. . . . .	06400		2,600
6	Equipment. . . . .	07000		426,741
7	Cost of Delinquent Land Sales. . . . .	76800		<u>1,341,168</u>
8	Total. . . . .		\$	2,868,586

9 There is hereby appropriated from this fund, in addition to  
 10 the above appropriations if needed, the necessary amount for the  
 11 expenditure of funds other than personal services and employee  
 12 benefits to enable the division to pay the direct expenses relating  
 13 to land sales as provided in Chapter 11A of the West Virginia  
 14 Code.

15 The total amount of these appropriations shall be paid from  
 16 the special revenue fund out of fees and collections as provided  
 17 by law.

*122 - Auditor's Office –  
 Local Government Purchasing Card Expenditure Fund*

(WV Code Chapter 6)

Fund 1224 FY 2016 Org 1200

1	Personal Services and			
2	Employee Benefits. . . . .	00100	\$	308,087
3	Current Expenses. . . . .	13000		62,030
4	Repairs and Alterations. . . . .	06400		6,000
5	Equipment. . . . .	07000		10,805

2015] HOUSE OF DELEGATES 3395

6	Other Assets.....	69000		50,000
7	Statutory Revenue Distribution. . .	74100	<u>1,500,000</u>	
8	Total.....		\$	1,936,922

9 There is hereby appropriated from this fund, in addition to  
 10 the above appropriations if needed, the amount necessary to  
 11 meet the transfer of revenue distribution requirements to provide  
 12 a proportionate share of rebates back to the general fund of local  
 13 governments based on utilization of the program in accordance  
 14 with W.Va. Code §6-9-2b.

*123 - Auditor’s Office –  
 Securities Regulation Fund*

(WV Code Chapter 32)

Fund 1225 FY 2016 Org 1200

1	Personal Services and			
2	Employee Benefits.....	00100	\$	1,882,510
3	Unclassified. ....	09900		31,866
4	Current Expenses.....	13000		838,830
5	Repairs and Alterations. ....	06400		12,400
6	Equipment. ....	07000		19,700
7	Other Assets.....	69000	<u>673,326</u>	
8	Total.....		\$	3,458,632

*124 - Auditor’s Office –  
 Technology Support and Acquisition Fund*

(WV Code Chapter 12)

Fund 1233 FY 2016 Org 1200

1	Current Expenses. . . . .	13000	\$	300,000
2	Other Assets. . . . .	69000		<u>100,000</u>
3	Total. . . . .		\$	400,000

4 Fifty percent of the deposits made into this fund shall be  
 5 transferred to the Treasurer's Office – Technology Support and  
 6 Acquisition Fund (fund 1329, org 1300) for expenditure for the  
 7 purposes described in W.Va. Code §12-3-10c.

*125 - Auditor's Office –  
 Purchasing Card Administration Fund*

(WV Code Chapter 12)

Fund 1234 FY 2016 Org 1200

1	Personal Services and			
2	Employee Benefits. . . . .	00100	\$	2,499,307
3	Current Expenses. . . . .	13000		1,578,622
4	Repairs and Alterations. . . . .	06400		5,500
5	Equipment. . . . .	07000		650,000
6	Other Assets. . . . .	69000		308,886
7	Statutory Revenue Distribution. . . . .	74100		<u>4,000,000</u>
8	Total. . . . .		\$	9,042,315

9 There is hereby appropriated from this fund, in addition to  
 10 the above appropriations if needed, the amount necessary to  
 11 meet the transfer and revenue distribution requirements to the

- 12 Purchasing Improvement Fund (fund 2264), the Hatfield-McCoy
- 13 Regional Recreation Authority, and the State Park Operating
- 14 Fund (fund 3265) per W.Va. Code §12-3-10d.

*126 - Auditor's Office –  
Chief Inspector's Fund*

(WV Code Chapter 6)

Fund 1235 FY 2016 Org 1200

1	Personal Services and		
2	Employee Benefits.. . . . . 00100	\$	3,405,512
3	Current Expenses. . . . . 13000		765,915
4	Equipment. . . . . 07000		50,000
5	Total. . . . .	\$	4,221,427

*127 - Auditor's Office –  
Volunteer Fire Department Workers'  
Compensation Premium Subsidy Fund*

(WV Code Chapters 12 and 33)

Fund 1239 FY 2016 Org 1200

1	Volunteer Fire Department		
2	Workers' Compensation		
3	Subsidy. . . . . 83200	\$	2,500,000

*128 - Treasurer's Office –  
College Prepaid Tuition and Savings Program  
Administrative Account*

(WV Code Chapter 18)

Fund 1301 FY 2016 Org 1300

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 769,227
3	Unclassified. . . . .	09900	14,000
4	Current Expenses. . . . .	13000	<u>625,404</u>
5	Total. . . . .		\$ 1,408,631

*129 - Treasurer's Office –  
Technology Support and Acquisition Fund*

(WV Code Chapter 12)

Fund 1329 FY 2016 Org 1300

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 183,074
3	Unclassified. . . . .	09900	4,700
4	Current Expenses. . . . .	13000	228,875
5	Other Assets. . . . .	69000	<u>60,000</u>
6	Total. . . . .		\$ 476,649

*130 - Department of Agriculture –  
Agriculture Fees Fund*

(WV Code Chapter 19)

Fund 1401 FY 2016 Org 1400

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 2,244,245

2015]	HOUSE OF DELEGATES	3399
3	Unclassified. . . . . 09900	37,425
4	Current Expenses. . . . . 13000	1,356,184
5	Repairs and Alterations. . . . . 06400	58,500
6	Equipment. . . . . 07000	36,209
7	Other Assets. . . . . 69000	<u>10,000</u>
8	Total. . . . .	\$ 3,742,563

*131 - Department of Agriculture –  
West Virginia Rural Rehabilitation Program*

(WV Code Chapter 19)

Fund 1408 FY 2016 Org 1400

1	Personal Services and	
2	Employee Benefits. . . . . 00100	\$ 73,807
3	Unclassified. . . . . 09900	10,476
4	Current Expenses. . . . . 13000	<u>963,404</u>
5	Total. . . . .	\$ 1,047,687

*132 - Department of Agriculture –  
General John McCausland Memorial Farm Fund*

(WV Code Chapter 19)

Fund 1409 FY 2016 Org 1400

1	Unclassified. . . . . 09900	\$ 2,100
2	Current Expenses. . . . . 13000	129,500

3	Repairs and Alterations. . . . .	06400		47,400
4	Equipment. . . . .	07000		<u>31,000</u>
5	Total. . . . .		\$	210,000

6 The above appropriations shall be expended in accordance  
 7 with Article 26, Chapter 19 of the Code.

*133 - Department of Agriculture –  
 Farm Operating Fund*

(WV Code Chapter 19)

Fund 1412 FY 2016 Org 1400

1	Personal Services and			
2	Employee Benefits.. . . .	00100	\$	309,248
3	Unclassified. . . . .	09900		15,173
4	Current Expenses. . . . .	13000		1,167,464
5	Repairs and Alterations. . . . .	06400		238,722
6	Equipment. . . . .	07000		249,393
7	Other Assets. . . . .	69000		<u>20,000</u>
8	Total. . . . .		\$	2,000,000

*134 - Department of Agriculture –  
 Donated Food Fund*

(WV Code Chapter 19)

Fund 1446 FY 2016 Org 1400

1	Personal Services and			
2	Employee Benefits.. . . .	00100	\$	958,864



2015]	HOUSE OF DELEGATES	3401
3	Unclassified. . . . . 09900	45,807
4	Current Expenses. . . . . 13000	3,410,542
5	Repairs and Alterations. . . . . 06400	128,500
6	Equipment. . . . . 07000	10,000
7	Other Assets. . . . . 69000	<u>27,000</u>
8	Total. . . . .	\$ 4,580,713

*135 - Department of Agriculture –  
Integrated Predation Management Fund*

(WV Code Chapter 7)

Fund 1465 FY 2016 Org 1400

1	Current Expenses. . . . . 13000	\$	100,000
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*136 - Department of Agriculture –  
West Virginia Spay Neuter Assistance Fund*

(WV Code Chapter 19)

Fund 1481 FY 2016 Org 1400

1	Current Expenses. . . . . 13000	\$	100
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*137 - Department of Agriculture –  
Veterans and Warriors to Agriculture Fund*

(WV Code Chapter 19)

Fund 1483 FY 2016 Org 1400

1	Current Expenses. . . . . 13000	\$	7,500
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*138 - Attorney General –  
Antitrust Enforcement Fund*

(WV Code Chapter 47)

Fund 1507 FY 2016 Org 1500

1	Personal Services and		
2	Employee Benefits.. . . . . 00100	\$	356,900
3	Current Expenses. . . . . 13000		142,803
4	Repairs and Alterations. . . . . 06400		3,000
5	Equipment. . . . . 07000		<u>5,000</u>
6	Total.. . . . .	\$	507,703

*139 - Attorney General –  
Preneed Burial Contract Regulation Fund*

(WV Code Chapter 47)

Fund 1513 FY 2016 Org 1500

1	Personal Services and		
2	Employee Benefits.. . . . . 00100	\$	210,226
3	Current Expenses. . . . . 13000		48,615
4	Repairs and Alterations. . . . . 06400		3,000
5	Equipment. . . . . 07000		<u>5,000</u>
6	Total.. . . . .	\$	266,841

*140 - Attorney General –  
Preneed Funeral Guarantee Fund*

(WV Code Chapter 47)

Fund 1514 FY 2016 Org 1500

1	Current Expenses. . . . .	13000	\$	901,135
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*141 - Secretary of State –  
Service Fees and Collection Account*

(WV Code Chapters 3, 5, and 59)

Fund 1612 FY 2016 Org 1600

1	Personal Services and			
2	Employee Benefits.. . . . .	00100	\$	791,051
3	Unclassified. . . . .	09900		4,524
4	Current Expenses. . . . .	13000		<u>8,036</u>
5	Total. . . . .		\$	803,611

*142 - Secretary of State –  
General Administrative Fees Account*

(WV Code Chapters 3, 5 and 59)

Fund 1617 FY 2016 Org 1600

1	Personal Services and			
2	Employee Benefits.. . . . .	00100	\$	2,769,898
3	Unclassified. . . . .	09900		25,529
4	Current Expenses. . . . .	13000		796,716
5	Technology Improvements. . . . .	59900		<u>750,000</u>
6	Total. . . . .		\$	4,342,143

**DEPARTMENT OF ADMINISTRATION**

*143 - Department of Administration –  
Office of the Secretary –  
Tobacco Settlement Fund*

(WV Code Chapter 4)

Fund 2041 FY 2016 Org 0201

1	Tobacco Settlement		
2	Securitization Trustee		
3	Pass Thru. . . . .	65000	\$ 80,000,000
4	Tobacco Settlement Fund –		
5	Transfer. . . . .	90200	<u>6,000</u>
6	Total. . . . .		\$ 80,006,000

7 The above appropriation for Tobacco Settlement Fund –  
8 Transfer (appropriation 90200) shall be transferred to the  
9 Division of Health (fund 5124, org 0506) for expenditure.

*144 - Department of Administration –  
Office of the Secretary  
Employee Pension and Health Care Benefit Fund*

(WV Code Chapter 18)

Fund 2044 FY 2016 Org 0201

1	Current Expenses. . . . .	13000	\$ 34,472,000
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2 The above appropriation for Current Expenses (fund 2044,  
3 appropriation 13000) shall be transferred to the Consolidated  
4 Public Retirement Board – West Virginia Teachers’ Retirement  
5 System Employers Accumulation Fund (fund 2601).

*145 - Division of Information Services and Communications*

(WV Code Chapter 5A)

Fund 2220 FY 2016 Org 0210

1	Personal Services and		
2	Employee Benefits.. . . . . 00100	\$	23,378,322
3	Unclassified. . . . . 09900		382,354
4	Current Expenses. . . . . 13000		11,394,766
5	Repairs and Alterations. . . . . 06400		1,000
6	Equipment. . . . . 07000		2,034,000
7	Other Assets. . . . . 69000		<u>1,045,000</u>
8	Total. . . . .	\$	38,235,442

9       The total amount of these appropriations shall be paid from  
10   a special revenue fund out of collections made by the division of  
11   information services and communications as provided by law.

12       Each spending unit operating from the general revenue fund,  
13   from special revenue funds or receiving reimbursement for  
14   postage from the federal government shall be charged monthly  
15   for all postage meter service and shall reimburse the revolving  
16   fund monthly for all such amounts.

*146 - Division of Purchasing –  
Vendor Fee Fund*

(WV Code Chapter 5A)

Fund 2263 FY 2016 Org 0213

1	Personal Services and		
2	Employee Benefits.. . . . . 00100	\$	655,208

3	Unclassified. . . . .	09900	2,382
4	Current Expenses. . . . .	13000	238,115
5	Repairs and Alterations. . . . .	06400	5,000
6	Equipment. . . . .	07000	2,500
7	Other Assets. . . . .	69000	2,500
8	BRIM Premium. . . . .	91300	<u>810</u>
9	Total. . . . .		\$ 906,515

*147 - Division of Purchasing –  
Purchasing Improvement Fund*

(WV Code Chapter 5A)

Fund 2264 FY 2016 Org 0213

1	Personal Services and		
2	Employee Benefits. . . . .	00100	\$ 540,889
3	Unclassified. . . . .	09900	5,562
4	Current Expenses. . . . .	13000	393,066
5	Repairs and Alterations. . . . .	06400	1,500,500
6	Equipment. . . . .	07000	500
7	Other Assets. . . . .	69000	500,500
8	BRIM Premium. . . . .	91300	<u>850</u>
9	Total. . . . .		\$ 2,941,867

2015]

HOUSE OF DELEGATES

3407

*148 - Travel Management  
Fleet Management Office Fund*

(WV Code Chapter 5A)

Fund 2301 FY 2016 Org 0215

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 722,586
3	Unclassified. . . . .	09900	4,000
4	Current Expenses. . . . .	13000	8,130,614
5	Repairs and Alterations. . . . .	06400	12,000
6	Equipment. . . . .	07000	800,000
7	Other Assets. . . . .	69000	<u>2,000</u>
8	Total. . . . .		\$ 9,671,200

*149 - Travel Management  
Aviation Fund*

(WV Code Chapter 5A)

Fund 2302 FY 2016 Org 0215

1	Unclassified. . . . .	09900	\$ 1,000
2	Current Expenses. . . . .	13000	149,700
3	Repairs and Alterations. . . . .	06400	400,237
4	Equipment. . . . .	07000	1,000
5	Buildings. . . . .	25800	100

6	Other Assets.....	69000		100
7	Land.....	73000		<u>100</u>
8	Total.....		\$	552,237

*150 - Division of Personnel*

(WV Code Chapter 29)

Fund 2440 FY 2016 Org 0222

1	Personal Services and			
2	Employee Benefits.....	00100	\$	3,942,590
3	Unclassified.....	09900		51,418
4	Current Expenses.....	13000		1,062,813
5	Repairs and Alterations.....	06400		5,000
6	Equipment.....	07000		20,000
7	Other Assets.....	69000		<u>60,000</u>
8	Total.....		\$	5,141,821

9 The total amount of these appropriations shall be paid from  
 10 a special revenue fund out of fees collected by the division of  
 11 personnel.

*151 - West Virginia Prosecuting Attorneys Institute*

(WV Code Chapter 7)

Fund 2521 FY 2016 Org 0228

1	Personal Services and			
2	Employee Benefits.....	00100	\$	249,242



2015]	HOUSE OF DELEGATES	3409
3	Unclassified. . . . . 09900	5,523
4	Current Expenses. . . . . 13000	294,528
5	Repairs and Alterations. . . . . 06400	600
6	Equipment. . . . . 07000	1,500
7	Other Assets. . . . . 69000	<u>1,000</u>
8	Total. . . . .	\$ 552,393

*152 - Office of Technology –  
Chief Technology Officer Administration Fund*

(WV Code Chapter 5A)

Fund 2531 FY 2016 Org 0231

1	Personal Services and	
2	Employee Benefits. . . . . 00100	\$ 399,911
3	Unclassified. . . . . 09900	6,949
4	Current Expenses. . . . . 13000	227,116
5	Repairs and Alterations. . . . . 06400	1,000
6	Equipment. . . . . 07000	50,000
7	Other Assets. . . . . 69000	<u>10,000</u>
8	Total. . . . .	\$ 694,976

9 From the above fund, the provisions of W.Va. Code §11B-2-  
10 18 shall not operate to permit expenditures in excess of the funds  
11 authorized for expenditure herein.

**DEPARTMENT OF COMMERCE***153 - Division of Forestry*

(WV Code Chapter 19)

Fund 3081 FY 2016 Org 0305

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 1,264,328
3	Current Expenses. . . . .	13000	282,202
4	Repairs and Alterations. . . . .	06400	<u>53,000</u>
5	Total. . . . .		\$ 1,599,530

*154 - Division of Forestry –  
Timbering Operations Enforcement Fund*

(WV Code Chapter 19)

Fund 3082 FY 2016 Org 0305

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 224,433
3	Current Expenses. . . . .	13000	87,036
4	Repairs and Alterations. . . . .	06400	<u>11,250</u>
5	Total. . . . .		\$ 322,719

*155 - Geological and Economic Survey –  
Geological and Analytical Services Fund*

(WV Code Chapter 29)

Fund 3100 FY 2016 Org 0306

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 37,966

2015]	HOUSE OF DELEGATES	3411
3	Unclassified. . . . . 09900	2,182
4	Current Expenses. . . . . 13000	141,631
5	Repairs and Alterations. . . . . 06400	6,500
6	Equipment. . . . . 07000	20,000
7	Other Assets. . . . . 69000	<u>10,000</u>
8	Total. . . . .	\$ 218,279

9 The above appropriations shall be used in accordance with  
10 W.Va. Code §29-2-4.

*156 - West Virginia Development Office –  
Department of Commerce  
Marketing and Communications Operating Fund*

(WV Code Chapter 5B)

Fund 3002 FY 2016 Org 0307

1	Personal Services and	
2	Employee Benefits. . . . . 00100	\$ 1,528,219
3	Unclassified. . . . . 09900	30,000
4	Current Expenses. . . . . 13000	<u>1,482,760</u>
5	Total. . . . .	\$ 3,040,979

*157 - West Virginia Development Office –  
Broadband Deployment Fund*

(WV Code Chapter 31)

Fund 3174 FY 2016 Org 0307

1	Current Expenses. . . . . 13000	\$ 2,840,000
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*158 - Division of Labor –  
Contractor Licensing Board Fund*

(WV Code Chapter 21)

Fund 3187 FY 2016 Org 0308

1	Personal Services and		
2	Employee Benefits.. . . . . 00100	\$	1,519,374
3	Unclassified. . . . . 09900		21,589
4	Current Expenses. . . . . 13000		597,995
5	Repairs and Alterations. . . . . 06400		15,000
6	Buildings. . . . . 25800		5,000
7	Total. . . . .	\$	2,158,958

*159 - Division of Labor –  
Elevator Safety Fund*

(WV Code Chapter 21)

Fund 3188 FY 2016 Org 0308

1	Personal Services and		
2	Employee Benefits.. . . . . 00100	\$	176,772
3	Unclassified. . . . . 09900		2,261
4	Current Expenses. . . . . 13000		44,112
5	Repairs and Alterations. . . . . 06400		2,000
6	Buildings. . . . . 25800		1,000
7	Total. . . . .	\$	226,145

*160 - Division of Labor –  
Crane Operator Certification Fund*

(WV Code Chapter 21)

Fund 3191 FY 2016 Org 0308

1	Personal Services and		
2	Employee Benefits.. . . . . 00100	\$	84,380
3	Unclassified. . . . . 09900		1,380
4	Current Expenses. . . . . 13000		49,765
5	Repairs and Alterations. . . . . 06400		1,500
6	Buildings. . . . . 25800		1,000
7	Total. . . . .	\$	138,025

*161 - Division of Labor –  
Amusement Rides and Amusement Attraction Safety Fund*

(WV Code Chapter 21)

Fund 3192 FY 2016 Org 0308

1	Personal Services and		
2	Employee Benefits.. . . . . 00100	\$	79,316
3	Unclassified. . . . . 09900		1,281
4	Current Expenses. . . . . 13000		44,520
5	Repairs and Alterations. . . . . 06400		2,000
6	Buildings. . . . . 25800		1,000
7	Total. . . . .	\$	128,117

*162 - Division of Labor –  
State Manufactured Housing Administration Fund*

(WV Code Chapter 21)

Fund 3195 FY 2016 Org 0308

1	Personal Services and		
2	Employee Benefits.. . . . . 00100	\$	133,768
3	Unclassified. . . . . 09900		1,847
4	Current Expenses. . . . . 13000		43,700
5	Repairs and Alterations. . . . . 06400		1,000
6	Buildings. . . . . 25800		1,000
7	BRIM Premium. . . . . 91300		3,404
8	Total. . . . .	\$	184,719

*163 - Division of Labor –  
Weights and Measures Fund*

(WV Code Chapter 47)

Fund 3196 FY 2016 Org 0308

1	Current Expenses. . . . . 13000		
2	Repairs and Alterations. . . . . 06400	\$	48,000
3	Equipment. . . . . 07000		81,000
			76,000
4	Total. . . . .	\$	205,000

*164 - Division of Natural Resources –  
License Fund – Wildlife Resources*

(WV Code Chapter 20)

Fund 3200 FY 2016 Org 0310

1	Wildlife Resources.....	02300	\$	5,551,895
2	Administration.....	15500		1,387,974
3	Capital Improvements and			
4	Land Purchase (R) . . . . .	24800		1,387,973
5	Law Enforcement.....	80600		<u>5,551,895</u>
6	Total.....		\$	13,879,737

7       The total amount of these appropriations shall be paid from  
8 a special revenue fund out of fees collected by the division of  
9 natural resources.

10       Any unexpended balance remaining in the appropriation for  
11 Capital Improvements and Land Purchase (fund 3200,  
12 appropriation 24800) at the close of the fiscal year 2015 is  
13 hereby reappropriated for expenditure during the fiscal year  
14 2016.

*165 - Division of Natural Resources –  
Natural Resources Game Fish and Aquatic Life Fund*

(WV Code Chapter 22)

Fund 3202 FY 2016 Org 0310

1	Current Expenses.....	13000	\$	125,000
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*166 - Division of Natural Resources –  
Nongame Fund*

(WV Code Chapter 20)

Fund 3203 FY 2016 Org 0310

1	Personal Services and			
2	Employee Benefits.....	00100	\$	678,109

3416	JOURNAL OF THE	[MARCH 18
3	Current Expenses..... 13000	201,930
4	Equipment. .... 07000	<u>106,615</u>
5	Total.....	\$ 986,654

*167 - Division of Natural Resources –  
Planning and Development Division*

(WV Code Chapter 20)

Fund 3205 FY 2016 Org 0310

1	Personal Services and	
2	Employee Benefits.. .... 00100	\$ 189,520
3	Current Expenses. .... 13000	157,864
4	Repairs and Alterations. .... 06400	15,016
5	Equipment. .... 07000	8,300
6	Buildings. .... 25800	8,300
7	Other Assets..... 69000	1,000,000
8	Land. .... 73000	<u>31,700</u>
9	Total.....	\$ 1,410,700

*168 - Division of Natural Resources –  
Whitewater Study and Improvement Fund*

(WV Code Chapter 20)

Fund 3253 FY 2016 Org 0310

1	Personal Services and	
2	Employee Benefits.. .... 00100	\$ 62,704



2015]	HOUSE OF DELEGATES	3417
3	Current Expenses. . . . .	13000 64,778
4	Equipment. . . . .	07000 1,297
5	Buildings. . . . .	25800 <u>6,969</u>
6	Total. . . . .	\$ 135,748

*169 - Division of Natural Resources –  
Whitewater Advertising and Promotion Fund*

(WV Code Chapter 20)

Fund 3256 FY 2016 Org 0310

1	Unclassified. . . . .	09900 \$ 200
2	Current Expenses. . . . .	13000 <u>19,800</u>
3	Total. . . . .	\$ 20,000

*170 - Division of Miners' Health, Safety and Training –  
Special Health, Safety and Training Fund*

(WV Code Chapter 22A)

Fund 3355 FY 2016 Org 0314

1	Personal Services and	
2	Employee Benefits. . . . .	00100 \$ 471,606
3	WV Mining Extension Service. . .	02600 150,000
4	Unclassified. . . . .	09900 40,985
5	Current Expenses. . . . .	13000 1,954,557
6	Buildings. . . . .	25800 481,358

7	Land. . . . .	73000		<u>1,000,000</u>
8	Total. . . . .		\$	4,098,506

*171 - Division of Energy –  
Energy Assistance*

(WV Code Chapter 5B)

Fund 3010 FY 2016 Org 0328

1	Energy Assistance – Total. . . . .	64700		\$ 172,000
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*172 - Division of Energy –  
Office of Coal Field Community Development*

(WV Code Chapter 5B)

Fund 3011 FY 2016 Org 0328

1	Personal Services and			
2	Employee Benefits. . . . .	00100	\$	430,724
3	Unclassified. . . . .	09900		8,300
4	Current Expenses. . . . .	13000		394,191
5	Repairs and Alterations. . . . .	06400		1,000
6	Equipment. . . . .	07000		<u>4,000</u>
7	Total. . . . .		\$	838,215

**DEPARTMENT OF EDUCATION**

*173 - State Board of Education –  
Strategic Staff Development*

(WV Code Chapter 18)

Fund 3937 FY 2016 Org 0402

1	Personal Services and		
2	Employee Benefits..... 00100	\$	134,000
3	Unclassified..... 09900		1,000
4	Current Expenses..... 13000		<u>265,000</u>
5	Total.....	\$	400,000

*174 - State Board of Education –  
School Construction Fund*

(WV Code Chapters 18 and 18A)

Fund 3951 FY 2016 Org 0402

1	SBA Construction Grants..... 24000	\$	37,217,000
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*175 - School Building Authority*

(WV Code Chapter 18)

Fund 3959 FY 2016 Org 0402

1	Personal Services and		
2	Employee Benefits..... 00100	\$	1,086,552
3	Current Expenses..... 13000		249,750
4	Repairs and Alterations..... 06400		7,500
5	Equipment..... 07000		<u>26,000</u>
6	Total.....	\$	1,369,802

7     The above appropriations are for the administrative expenses  
8 of the school building authority and shall be paid from the  
9 interest earnings on debt service reserve accounts maintained on  
10 behalf of said authority.

*176 - State Board of Education –  
State FFA-FHA Camp and Conference Center*

(WV Code Chapters 18 and 18A)

Fund 3960 FY 2016 Org 0402

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 1,169,194
3	Unclassified. . . . .	09900	17,000
4	Current Expenses. . . . .	13000	707,223
5	Repairs and Alterations. . . . .	06400	57,500
6	Equipment. . . . .	07000	1,000
7	Buildings. . . . .	25800	1,000
8	Other Assets. . . . .	69000	10,000
9	Land . . . . .	73000	<u>1,000</u>
10	Total. . . . .		\$ 1,963,917

**DEPARTMENT OF EDUCATION AND THE ARTS**

*177 - Office of the Secretary –  
Lottery Education Fund Interest Earnings –  
Control Account*

(WV Code Chapter 29)

Fund 3508 FY 2016 Org 0431

- 1 Any unexpended balance remaining in the appropriation for
- 2 Educational Enhancements (fund 3508, appropriation 69500) at

3 the close of the fiscal year 2015 is hereby reappropriated for  
 4 expenditure during the fiscal year 2016.

*178 - Division of Culture and History –  
 Public Records and Preservation Revenue Account*

(WV Code Chapter 5A)

Fund 3542 FY 2016 Org 0432

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 211,418
3	Current Expenses.....	13000	862,241
4	Equipment.....	07000	75,000
5	Buildings.....	25800	1,000
6	Other Assets.....	69000	52,328
7	Land.....	73000	<u>1,000</u>
8	Total.....		\$ 1,202,987

*179 - State Board of Rehabilitation –  
 Division of Rehabilitation Services –  
 West Virginia Rehabilitation Center Special Account*

(WV Code Chapter 18)

Fund 8664 FY 2016 Org 0932

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 119,738
3	Current Expenses.....	13000	2,180,122

4	Equipment. ....	00700		220,000
5	Repairs and Alterations. ....	06400		85,500
6	Buildings. ....	25800		150,000
7	Other Assets. ....	69000		<u>150,000</u>
8	Total. ....		\$	2,905,360

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

*180 - Solid Waste Management Board*

(WV Code Chapter 22C)

Fund 3288 FY 2016 Org 0312

1	Personal Services and			
2	Employee Benefits. ....	00100	\$	804,189
3	Current Expenses. ....	13000		2,059,077
4	Repairs and Alterations. ....	06400		1,000
5	Equipment. ....	07000		5,000
6	Other Assets. ....	69000		<u>4,403</u>
7	Total. ....		\$	2,873,669

*181 - Division of Environmental Protection –  
Protect Our Water Fund*

(WV Code Chapter 22)

Fund 3017 FY 2016 Org 0313

1	Current Expenses. ....	13000	\$	200,000
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*182 - Division of Environmental Protection –  
Hazardous Waste Management Fund*

2015]

HOUSE OF DELEGATES

3423

(WV Code Chapter 22)

Fund 3023 FY 2016 Org 0313

1	Personal Services and		
2	Employee Benefits..... 00100	\$	701,197
3	Current Expenses..... 13000		187,733
4	Repairs and Alterations..... 06400		500
5	Equipment..... 07000		4,000
6	Other Assets..... 69000		<u>2,000</u>
7	Total.....	\$	895,430

*183 - Division of Environmental Protection –  
Air Pollution Education and Environment Fund*

(WV Code Chapter 22)

Fund 3024 FY 2016 Org 0313

1	Personal Services and		
2	Employee Benefits..... 00100	\$	935,324
3	Current Expenses..... 13000		1,251,510
4	Repairs and Alterations..... 06400		13,000
5	Equipment..... 07000		53,105
6	Other Assets..... 69000		<u>10,000</u>
7	Total.....	\$	2,262,939

*184 - Division of Environmental Protection –  
Special Reclamation Fund*

(WV Code Chapter 22)

Fund 3321 FY 2016 Org 0313

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 1,350,829
3	Current Expenses. . . . .	13000	16,402,506
4	Repairs and Alterations. . . . .	06400	79,950
5	Equipment. . . . .	07000	130,192
6	Other Assets. . . . .	69000	<u>32,000</u>
7	Total. . . . .		\$ 17,995,477

*185 - Division of Environmental Protection –  
Oil and Gas Reclamation Fund*

(WV Code Chapter 22)

Fund 3322 FY 2016 Org 0313

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 163,594
3	Current Expenses. . . . .	13000	<u>512,329</u>
4	Total. . . . .		\$ 675,923

*186 - Division of Environmental Protection –  
Oil and Gas Operating Permit and Processing Fund*

(WV Code Chapter 22)

Fund 3323 FY 2016 Org 0313

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 2,899,788



2015]	HOUSE OF DELEGATES	3425
3	Current Expenses. . . . . 13000	1,414,609
4	Repairs and Alterations. . . . . 06400	15,600
5	Equipment. . . . . 07000	8,000
6	Other Assets. . . . . 69000	<u>15,000</u>
7	Total. . . . .	\$ 4,352,997

*187 - Division of Environmental Protection –  
Mining and Reclamation Operations Fund*

(WV Code Chapter 22)

Fund 3324 FY 2016 Org 0313

1	Personal Services and	
2	Employee Benefits. . . . . 00100	\$ 4,635,449
3	Current Expenses. . . . . 13000	2,407,012
4	Repairs and Alterations. . . . . 06400	60,260
5	Equipment. . . . . 07000	85,134
6	Other Assets. . . . . 69000	<u>57,500</u>
7	Total. . . . .	\$ 7,245,355

*188 - Division of Environmental Protection –  
Underground Storage Tank  
Administrative Fund*

(WV Code Chapter 22)

Fund 3325 FY 2016 Org 0313

1	Personal Services and	
2	Employee Benefits. . . . . 00100	\$ 441,543

3	Current Expenses. . . . .	13000		350,940
4	Repairs and Alterations. . . . .	06400		5,350
5	Equipment. . . . .	07000		3,610
6	Other Assets. . . . .	69000		<u>3,500</u>
7	Total. . . . .		\$	804,943

*189 - Division of Environmental Protection –  
Hazardous Waste Emergency Response Fund*

(WV Code Chapter 22)

Fund 3331 FY 2016 Org 0313

1	Personal Services and			
2	Employee Benefits. . . . .	00100	\$	643,319
3	Current Expenses. . . . .	13000		433,002
4	Repairs and Alterations. . . . .	06400		7,014
5	Equipment. . . . .	07000		9,000
6	Other Assets. . . . .	69000		<u>11,700</u>
7	Total. . . . .		\$	1,104,035

*190 - Division of Environmental Protection –  
Solid Waste Reclamation and  
Environmental Response Fund*

(WV Code Chapter 22)

Fund 3332 FY 2016 Org 0313

1	Personal Services and			
2	Employee Benefits. . . . .	00100	\$	779,261

2015]	HOUSE OF DELEGATES	3427
3	Current Expenses. . . . . 13000	3,657,693
4	Repairs and Alterations. . . . . 06400	10,150
5	Equipment. . . . . 07000	31,500
6	Other Assets. . . . . 69000	<u>1,000</u>
7	Total. . . . .	\$ 4,479,604

*191 - Division of Environmental Protection –  
Solid Waste Enforcement Fund*

(WV Code Chapter 22)

Fund 3333 FY 2016 Org 0313

1	Personal Services and	
2	Employee Benefits. . . . . 00100	\$ 2,913,948
3	Current Expenses. . . . . 13000	1,178,850
4	Repairs and Alterations. . . . . 06400	31,930
5	Equipment. . . . . 07000	28,356
6	Other Assets. . . . . 69000	<u>25,554</u>
7	Total. . . . .	\$ 4,178,638

*192 - Division of Environmental Protection –  
Air Pollution Control Fund*

(WV Code Chapter 22)

Fund 3336 FY 2016 Org 0313

1	Personal Services and	
2	Employee Benefits. . . . . 00100	\$ 5,658,302

3	Current Expenses. . . . .	13000		1,560,534
4	Repairs and Alterations. . . . .	06400		74,045
5	Equipment. . . . .	07000		106,927
6	Other Assets. . . . .	69000		<u>44,249</u>
7	Total. . . . .		\$	7,444,057

*193 - Division of Environmental Protection –  
Environmental Laboratory  
Certification Fund*

(WV Code Chapter 22)

Fund 3340 FY 2016 Org 0313

1	Personal Services and			
2	Employee Benefits. . . . .	00100	\$	296,164
3	Current Expenses. . . . .	13000		94,688
4	Repairs and Alterations. . . . .	06400		1,000
5	Equipment. . . . .	07000		6,500
6	Other Assets. . . . .	69000		<u>126,000</u>
7	Total. . . . .		\$	524,352

*194 - Division of Environmental Protection –  
Stream Restoration Fund*

(WV Code Chapter 22)

Fund 3349 FY 2016 Org 0313

1	Current Expenses. . . . .	13000	\$	11,294,705
2	Repairs and Alterations. . . . .	06400		2,500

2015]	HOUSE OF DELEGATES	3429
3	Equipment. . . . . 07000	500
4	Other Assets. . . . . 69000	<u>500</u>
5	Total. . . . .	\$ 11,298,205

*195 - Division of Environmental Protection –  
Litter Control Fund*

(WV Code Chapter 22)

Fund 3486 FY 2016 Org 0313

1	Current Expenses. . . . . 13000	\$ 60,000
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*196 - Division of Environmental Protection –  
Recycling Assistance Fund*

(WV Code Chapter 22)

Fund 3487 FY 2016 Org 0313

1	Personal Services and	
2	Employee Benefits. . . . . 00100	\$ 544,553
3	Current Expenses. . . . . 13000	2,237,354
4	Repairs and Alterations. . . . . 06400	800
5	Equipment. . . . . 07000	500
6	Other Assets. . . . . 69000	<u>2,500</u>
7	Total. . . . .	\$ 2,785,707

*197 - Division of Environmental Protection –  
Mountaintop Removal Fund*

(WV Code Chapter 22)

Fund 3490 FY 2016 Org 0313

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 1,228,345
3	Current Expenses. . . . .	13000	649,909
4	Repairs and Alterations. . . . .	06400	20,112
5	Equipment. . . . .	07000	23,725
6	Other Assets. . . . .	69000	<u>15,500</u>
7	Total. . . . .		\$ 1,937,591

*198 - Oil and Gas Conservation Commission –  
Special Oil and Gas Conservation Fund*

(WV Code Chapter 22C)

Fund 3371 FY 2016 Org 0315

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 157,224
3	Current Expenses. . . . .	13000	161,225
4	Repairs and Alterations. . . . .	06400	1,000
5	Equipment. . . . .	07000	9,481
6	Other Assets. . . . .	69000	<u>1,500</u>
7	Total. . . . .		\$ 330,430

**DEPARTMENT OF HEALTH AND HUMAN RESOURCES**

*199 - Division of Health –  
Tobacco Settlement Expenditure Fund*

(WV Code Chapter 4)

Fund 5124 FY 2016 Org 0506

1 Institutional Facilities Operations. . 33500 \$ 6,000

2 Additional funds have been appropriated in fund 0525, fiscal  
3 year 2016, organization 0506, and fund 5156, fiscal year 2016,  
4 organization 0506, for the operation of the institutional facilities.  
5 The secretary of the department of health and human resources  
6 is authorized to utilize up to ten percent of the funds from the  
7 appropriation for Institutional Facilities Operations to facilitate  
8 cost effective and cost saving services at the community level.

*200 - Division of Health –  
The Vital Statistics Account*

(WV Code Chapter 16)

Fund 5144 FY 2016 Org 0506

1	Personal Services and		
2	Employee Benefits..... 00100	\$	876,771
3	Unclassified..... 09900		15,500
4	Current Expenses..... 13000		785,954
5	Equipment..... 07000		30,000
6	Other Assets..... 69000		<u>441,834</u>
7	Total.....	\$	2,150,059

*201 - Division of Health –  
Hospital Services Revenue Account  
Special Fund*

*Capital Improvement, Renovation and Operations*

(WV Code Chapter 16)

Fund 5156 FY 2016 Org 0506

1	Institutional Facilities Operations. . 33500	\$ 56,708,911
2	Medical Services Trust Fund –	
3	Transfer. . . . . 51200	<u>27,800,000</u>
4	Total. . . . .	\$ 84,508,911

5       The total amount of these appropriations shall be paid from  
6 the hospital services revenue account special fund created by  
7 W.Va. Code §16-1-13, and shall be used for operating expenses  
8 and for improvements in connection with existing facilities.

9       Additional funds have been appropriated in fund 0525, fiscal  
10 year 2016, organization 0506 and fund 5124, fiscal year 2016,  
11 organization 0506, for the operation of the institutional facilities.  
12 The secretary of the department of health and human resources  
13 is authorized to utilize up to ten percent of the funds from the  
14 appropriation for Institutional Facilities Operations to facilitate  
15 cost effective and cost saving services at the community level.

16       Necessary funds from the above appropriation may be used  
17 for medical facilities operations, either in connection with this  
18 fund or in connection with the appropriation designated  
19 Institutional Facilities Operations in the consolidated medical  
20 service fund (fund 0525, organization 0506).

21       From the above appropriation to Institutional Facilities  
22 Operations, together with available funds from the consolidated  
23 medical services fund (fund 0525, appropriation 33500) on July  
24 1, 2015, the sum of \$160,000 shall be transferred to the  
25 department of agriculture – land division – farm operation fund  
26 (1412) as advance payment for the purchase of food products;  
27 actual payments for such purchases shall not be required until  
28 such credits have been completely expended.



2015]

HOUSE OF DELEGATES

3433

*202 - Division of Health –  
Laboratory Services Fund*

(WV Code Chapter 16)

Fund 5163 FY 2016 Org 0506

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 912,657
3	Unclassified. . . . .	09900	18,114
4	Current Expenses. . . . .	13000	850,133
5	Equipment. . . . .	07000	<u>30,583</u>
6	Total. . . . .		\$ 1,811,487

*203 - Division of Health –  
The Health Facility Licensing Account*

(WV Code Chapter 16)

Fund 5172 FY 2016 Org 0506

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 605,950
3	Unclassified. . . . .	09900	7,113
4	Current Expenses. . . . .	13000	<u>98,247</u>
5	Total. . . . .		\$ 711,310

*204 - Division of Health –  
Hepatitis B Vaccine*

(WV Code Chapter 16)

Fund 5183 FY 2016 Org 0506

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 88,582
3	Unclassified... . . . .	09900	18,477
4	Current Expenses. . . . .	13000	<u>1,740,699</u>
5	Total... . . . .		\$ 1,847,758

*205 - Division of Health –  
Lead Abatement Account*

(WV Code Chapter 16)

Fund 5204 FY 2016 Org 0506

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 19,100
3	Unclassified. . . . .	09900	373
4	Current Expenses. . . . .	13000	<u>17,875</u>
5	Total... . . . .		\$ 37,348

*206 - Division of Health –  
West Virginia Birth-to-Three Fund*

(WV Code Chapter 16)

Fund 5214 FY 2016 Org 0506

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 707,545
3	Unclassified. . . . .	09900	223,999

2015] HOUSE OF DELEGATES 3435

4	Current Expenses.....	13000		<u>21,468,438</u>
5	Total.....		\$	22,399,982

*207 - Division of Health –  
Tobacco Control Special Fund*

(WV Code Chapter 16)

Fund 5218 FY 2016 Org 0506

1	Current Expenses.....	13000	\$	7,579
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*208 - West Virginia Health Care Authority –  
Health Care Cost Review Fund*

(WV Code Chapter 16)

Fund 5375 FY 2016 Org 0507

1	Personal Services and			
2	Employee Benefits.....	00100	\$	3,033,821
3	Hospital Assistance. ....	02500		600,000
4	Unclassified. ....	09900		67,000
5	Current Expenses.....	13000		2,837,945
6	Repairs and Alterations. ....	06400		25,000
7	Equipment. ....	07000		50,000
8	Buildings. ....	25800		25,000
9	Other Assets.....	69000		<u>100,000</u>
10	Total.....		\$	6,738,766

11 The above appropriation is to be expended in accordance  
 12 with and pursuant to the provisions of W.Va. Code §16-29B and  
 13 from the special revolving fund designated health care cost  
 14 review fund.

15 The Health Care Authority is authorized to transfer up to  
 16 \$1,500,000 from fund 5375 to the West Virginia Health  
 17 Information Network Account (fund 5380) as authorized per  
 18 W.Va. Code §16-29G-4.

*209 - West Virginia Health Care Authority –  
 West Virginia Health Information Network Account*

(WV Code Chapter 16)

Fund 5380 FY 2016 Org 0507

1	Personal Services and		
2	Employee Benefits..... 00100	\$	729,000
3	Unclassified..... 09900		20,000
4	Current Expenses..... 13000		1,251,000
5	Technology Infrastructure		
6	Network..... 35100		<u>3,500,000</u>
7	Total.....	\$	5,500,000

*210 - West Virginia Health Care Authority –  
 Revolving Loan Fund*

(WV Code Chapter 16)

Fund 5382 FY 2016 Org 0507

1	Current Expenses..... 13000	\$	2,000,000
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211 - Division of Human Services –  
Health Care Provider Tax –  
Medicaid State Share Fund

(WV Code Chapter 11)

Fund 5090 FY 2016 Org 0511

1	Medical Services. . . . .	18900	\$ 198,381,008
2	Medical Services		
3	Administrative Costs. . . . .	78900	<u>418,992</u>
4	Total. . . . .		\$ 198,800,000

5 The above appropriation for Medical Services  
6 Administrative Costs (fund 5090, appropriation 78900) shall be  
7 transferred to a special revenue account in the treasury for use by  
8 the department of health and human resources for administrative  
9 purposes. The remainder of all moneys deposited in the fund  
10 shall be transferred to the West Virginia medical services fund  
11 (fund 5084).

212 - Division of Human Services –  
Child Support Enforcement Fund

(WV Code Chapter 48A)

Fund 5094 FY 2016 Org 0511

1	Personal Services and		
2	Employee Benefits. . . . .	00100	\$ 24,809,509
3	Unclassified (R). . . . .	09900	380,000
4	Current Expenses (R). . . . .	13000	<u>12,810,491</u>
5	Total. . . . .		\$ 38,000,000

6 Any unexpended balances remaining in the appropriations  
 7 for Unclassified (fund 5094, appropriation 09900) and Current  
 8 Expenses (fund 5094, appropriation 13000) at the close of the  
 9 fiscal year 2015 are hereby reappropriated for expenditure  
 10 during the fiscal year 2016.

*213 - Division of Human Services –  
 Medical Services Trust Fund*

(WV Code Chapter 9)

Fund 5185 FY 2016 Org 0511

1	Medical Services. . . . .	18900	\$	55,858,205
2	Medical Services			
3	Administrative Costs. . . . .	78900		<u>548,723</u>
4	Total. . . . .		\$	56,406,928

5 The above appropriation to Medical Services shall be used  
 6 to provide state match of Medicaid expenditures as defined and  
 7 authorized in subsection (c) of W.Va. Code §9-4A-2a.  
 8 Expenditures from the fund are limited to the following:  
 9 payment of backlogged billings, funding for services to future  
 10 federally mandated population groups and payment of the  
 11 required state match for medicaid disproportionate share  
 12 payments. The remainder of all moneys deposited in the fund  
 13 shall be transferred to the division of human services accounts.

*214 - Division of Human Services –  
 James “Tiger” Morton Catastrophic Illness Fund*

(WV Code Chapter 16)

Fund 5454 FY 2016 Org 0511

1	Personal Services and			
2	Employee Benefits. . . . .	00100	\$	89,392

2015]	HOUSE OF DELEGATES	3439
3	Unclassified. . . . . 09900	16,031
4	Current Expenses. . . . . 13000	<u>1,497,688</u>
5	Total. . . . .	\$ 1,603,111

*215 - Division of Human Services –  
Domestic Violence Legal Services Fund*

(WV Code Chapter 48)

Fund 5455 FY 2016 Org 0511

1	Current Expenses. . . . . 13000	\$ 1,077,982
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*216 - Division of Human Services –  
West Virginia Works Separate State College Program Fund*

(WV Code Chapter 9)

Fund 5467 FY 2016 Org 0511

1	Current Expenses. . . . . 13000	\$ 1,065,000
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*217 - Division of Human Services –  
West Virginia Works Separate State Two-Parent Program Fund*

(WV Code Chapter 9)

Fund 5468 FY 2016 Org 0511

1	Current Expenses. . . . . 13000	\$ 3,250,000
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*218 - Division of Human Services –  
Marriage Education Fund*

(WV Code Chapter 9)

Fund 5490 FY 2016 Org 0511

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 10,000
3	Current Expenses. . . . .	13000	<u>25,000</u>
4	Total. . . . .		\$ 35,000

**DEPARTMENT OF MILITARY AFFAIRS  
AND PUBLIC SAFETY**

*219 - Department of Military Affairs and Public Safety –  
Office of the Secretary –  
Law-Enforcement, Safety and Emergency Worker  
Funeral Expense Payment Fund*

(WV Code Chapter 15)

Fund 6003 FY 2016 Org 0601

1	Current Expenses. . . . .	13000	\$ 32,000
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*220 - State Armory Board –  
General Armory Fund*

(WV Code Chapter 15)

Fund 6057 FY 2016 Org 0603

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 1,643,528
3	Current Expenses. . . . .	13000	750,000
4	Repairs and Alterations. . . . .	06400	485,652
5	Equipment. . . . .	07000	300,000



6	Buildings. . . . .	25800	770,820
7	Land. . . . .	73000	<u>50,000</u>
8	Total. . . . .		\$ 4,000,000

9 From the above appropriations, the Adjutant General may  
 10 receive and expend funds to conduct operations and activities to  
 11 include functions of the Military Authority. The Adjutant  
 12 General may transfer funds between appropriations, except no  
 13 funds may be transferred to Personal Services and Employee  
 14 Benefits (fund 6057, appropriation 00100).

*221 - Division of Homeland Security and  
 Emergency Management –  
 West Virginia Interoperable Radio Project*

(WV Code Chapter 24)

Fund 6295 FY 2016 Org 0606

1	Current Expenses. . . . .	13000	\$ 2,000,000
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2 Any unexpended balance remaining in the appropriation for  
 3 Unclassified – Total (fund 6295, appropriation 09600) at the  
 4 close of fiscal year 2015 is hereby reappropriated for expenditure  
 5 during the fiscal year 2016.

*222 - West Virginia Division of Corrections –  
 Parolee Supervision Fees*

(WV Code Chapter 62)

Fund 6362 FY 2016 Org 0608

1	Personal Services and		
2	Employee Benefits. . . . .	00100	\$ 1,013,793
3	Unclassified. . . . .	09900	9,804

4	Current Expenses. . . . .	13000		758,480
5	Equipment. . . . .	07000		30,000
6	Other Assets. . . . .	69000		<u>40,129</u>
7	Total. . . . .		\$	1,852,206

*223 - West Virginia State Police –  
Motor Vehicle Inspection Fund*

(WV Code Chapter 17C)

Fund 6501 FY 2016 Org 0612

1	Personal Services and			
2	Employee Benefits. . . . .	00100	\$	1,786,923
3	Current Expenses. . . . .	13000		288,211
4	Repairs and Alterations. . . . .	06400		4,500
5	Equipment. . . . .	07000		350,000
6	Buildings. . . . .	25800		534,000
7	Other Assets. . . . .	69000		5,000
8	BRIM Premium. . . . .	91300		<u>302,432</u>
9	Total. . . . .		\$	3,271,066

10       The total amount of these appropriations shall be paid from  
 11 the special revenue fund out of fees collected for inspection  
 12 stickers as provided by law. Per W.Va. §17C-16-5(a) any  
 13 balance remaining in the fund on the last day of June of each  
 14 fiscal year, not required for the administration and enforcement  
 15 of the provisions of this article, shall be transferred to the state  
 16 road fund.

*224 - West Virginia State Police –  
Drunk Driving Prevention Fund*

(WV Code Chapter 15)

Fund 6513 FY 2016 Org 0612

1	Current Expenses. . . . .	13000	\$	1,327,000
2	Equipment. . . . .	07000		3,491,895
3	BRIM Premium. . . . .	91300		<u>154,452</u>
4	Total. . . . .		\$	4,973,347

5 The total amount of these appropriations shall be paid from  
6 the special revenue fund out of receipts collected pursuant to  
7 W.Va. Code §11-15-9a and 16 and paid into a revolving fund  
8 account in the state treasury.

*225 - West Virginia State Police –  
Surplus Real Property Proceeds Fund*

(WV Code Chapter 15)

Fund 6516 FY 2016 Org 0612

1	Buildings. . . . .	25800	\$	443,980
2	Land. . . . .	73000		1,000
3	BRIM Premium. . . . .	91300		<u>77,222</u>
4	Total. . . . .		\$	522,202

*226 - West Virginia State Police –  
Surplus Transfer Account*

(WV Code Chapter 15)

Fund 6519 FY 2016 Org 0612

1	Current Expenses. . . . .	13000	\$	114,063
2	Repairs and Alterations. . . . .	06400		10,000
3	Equipment. . . . .	07000		157,002
4	Buildings. . . . .	25800		40,000
5	Other Assets. . . . .	69000		<u>45,000</u>
6	Total. . . . .		\$	366,065

*227 - West Virginia State Police –  
Central Abuse Registry Fund*

(WV Code Chapter 15)

Fund 6527 FY 2016 Org 0612

1	Personal Services and			
2	Employee Benefits. . . . .	00100	\$	236,881
3	Current Expenses. . . . .	13000		51,443
4	Repairs and Alterations. . . . .	06400		500
5	Equipment. . . . .	07000		200,500
6	Other Assets. . . . .	69000		500
7	BRIM Premium. . . . .	91300		<u>18,524</u>
8	Total. . . . .		\$	508,348

*228 - West Virginia State Police –  
Bail Bond Enforcer Account*

(WV Code Chapter 15)

2015]

HOUSE OF DELEGATES

3445

Fund 6532 FY 2016 Org 0612

Current Expenses. . . . . 13000 \$ 8,300

*229 - West Virginia State Police –  
State Police Academy Post Exchange*

(WV Code Chapter 15)

Fund 6544 FY 2016 Org 0612

1 Current Expenses. . . . . 13000 \$ 160,000

2 Repairs and Alterations. . . . . 06400 40,000

3 Total. . . . . \$ 200,000

*230 - Regional Jail and Correctional Facility Authority*

(WV Code Chapter 31)

Fund 6675 FY 2016 Org 0615

1 Personal Services and

2 Employee Benefits. . . . . 00100 \$ 1,971,039

3 Debt Service. . . . . 04000 9,000,000

4 Current Expenses. . . . . 13000 495,852

5 Repairs and Alterations. . . . . 06400 4,000

6 Equipment. . . . . 07000 1,743

7 Total. . . . . \$ 11,472,634

*231 - Fire Commission –  
Fire Marshal Fees*

(WV Code Chapter 29)

Fund 6152 FY 2016 Org 0619

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 2,848,036
3	Unclassified. . . . .	09900	3,800
4	Current Expenses. . . . .	13000	1,238,550
5	Repairs and Alterations. . . . .	06400	54,500
6	Equipment. . . . .	07000	50,800
7	Other Assets. . . . .	69000	12,000
8	BRIM Premium. . . . .	91300	<u>50,000</u>
9	Total. . . . .		\$ 4,257,686

*232 - Division of Justice and Community Services –  
WV Community Corrections Fund*

(WV Code Chapter 62)

Fund 6386 FY 2016 Org 0620

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 152,000
3	Unclassified. . . . .	09900	750
4	Current Expenses. . . . .	13000	1,846,250
5	Repairs and Alterations. . . . .	06400	<u>1,000</u>
6	Total. . . . .		\$ 2,000,000

*233 - Division of Justice and Community Services –  
Court Security Fund*

(WV Code Chapter 51)

Fund 6804 FY 2016 Org 0620

1	Personal Services and		
2	Employee Benefits..... 00100	\$	21,865
3	Current Expenses..... 13000		<u>1,478,135</u>
4	Total.....	\$	1,500,000

**DEPARTMENT OF REVENUE***234 - Division of Financial Institutions*

(WV Code Chapter 31A)

Fund 3041 FY 2016 Org 0303

1	Personal Services and		
2	Employee Benefits..... 00100	\$	2,409,034
3	Unclassified..... 09900		32,290
4	Current Expenses..... 13000		719,042
5	Repairs and Alterations..... 06400		1,000
6	Equipment..... 07000		20,000
7	Other Assets..... 69000		<u>47,710</u>
8	Total.....	\$	3,229,076

*235 - Office of the Secretary –  
Revenue Shortfall Reserve Fund*

(WV Code Chapter 11B)

Fund 7005 FY 2016 Org 0701

1	Medical Services Trust Fund –		
2	Transfer..... 51200	\$	22,928,928

3       The above appropriation for Medical Services Trust Fund –  
 4       Transfer (appropriation 51200) shall be transferred to the  
 5       Medical Services Trust Fund (fund 5185).

6       The above appropriation does not affect the provisions of  
 7       W.Va. Code Chapter 11B-2-20(e).

*236 - Office of the Secretary –  
 State Debt Reduction Fund*

(WV Code Chapter 29)

Fund 7007 FY 2016 Org 0701

1   Directed Transfer. . . . . 70000       \$   20,000,000

2       The above appropriation for Directed Transfer shall be  
 3       transferred to the Consolidated Public Retirement Board – West  
 4       Virginia Public Employees Retirement System Employers  
 5       Accumulation Fund (fund 2510).

*237 - Tax Division –  
 Cemetery Company Account*

(WV Code Chapter 35)

Fund 7071 FY 2016 Org 0702

1	Personal Services and		
2	Employee Benefits.. . . . . 00100	\$	23,459
3	Current Expenses. . . . . 13000		<u>7,717</u>
4	Total. . . . .	\$	31,176

*238 - Tax Division –  
 Special Audit and Investigative Unit*

(WV Code Chapter 11)



2015]

HOUSE OF DELEGATES

3449

Fund 7073 FY 2016 Org 0702

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 655,203
3	Unclassified. . . . .	09900	9,500
4	Current Expenses. . . . .	13000	273,297
5	Repairs and Alterations. . . . .	06400	7,000
6	Equipment. . . . .	07000	<u>5,000</u>
7	Total. . . . .		\$ 950,000

*239 - Tax Division –  
Wine Tax Administration Fund*

(WV Code Chapter 60)

Fund 7087 FY 2016 Org 0702

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 254,162
3	Current Expenses. . . . .	13000	<u>5,406</u>
4	Total. . . . .		\$ 259,568

*240 - Tax Division –  
Reduced Cigarette Ignition Propensity  
Standard and Fire Prevention Act Fund*

(WV Code Chapter 47)

Fund 7092 FY 2016 Org 0702

1	Current Expenses. . . . .	13000	\$ 35,000
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2	Equipment. . . . . 07000	15,000
3	Total. . . . .	\$ 50,000

*241 - Tax Division –  
Local Sales Tax and Excise Tax  
Administration Fund*

(WV Code Chapter 11)

Fund 7099 FY 2016 Org 0702

1	Personal Services and	
2	Employee Benefits. . . . . 00100	\$ 908,968
3	Unclassified. . . . . 09900	10,000
4	Current Expenses. . . . . 13000	84,563
5	Repairs and Alterations. . . . . 06400	1,000
6	Equipment. . . . . 07000	5,000
7	Total. . . . .	\$ 1,009,531

*242 - State Budget Office –  
Public Employees Insurance Reserve Fund*

(WV Code Chapter 11B)

Fund 7400 FY 2016 Org 0703

1	Public Employees Insurance	
2	Reserve Fund – Transfer. . . . . 90300	\$ 6,800,000

3 The above appropriation for Public Employees Insurance  
 4 Reserve Fund – Transfer shall be transferred to the Medical  
 5 Services Trust Fund (fund 5185, org 0511) for expenditure.

*243 - Insurance Commissioner –  
Examination Revolving Fund*

(WV Code Chapter 33)

Fund 7150 FY 2016 Org 0704

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 718,525
3	Current Expenses. . . . .	13000	1,359,793
4	Repairs and Alterations. . . . .	06400	3,000
5	Equipment. . . . .	07000	81,374
6	Buildings. . . . .	25800	8,289
7	Other Assets. . . . .	69000	<u>11,426</u>
8	Total. . . . .		\$ 2,182,407

*244 - Insurance Commissioner –  
Consumer Advocate*

(WV Code Chapter 33)

Fund 7151 FY 2016 Org 0704

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 550,184
3	Current Expenses. . . . .	13000	204,196
4	Repairs and Alterations. . . . .	06400	5,000
5	Equipment. . . . .	07000	34,225
6	Buildings. . . . .	25800	4,865

7	Other Assets.....	69000		<u>19,460</u>
8	Total.....		\$	817,930

*245 - Insurance Commissioner –  
Insurance Commission Fund*

(WV Code Chapter 33)

Fund 7152 FY 2016 Org 0704

1	Personal Services and			
2	Employee Benefits.....	00100	\$	24,951,887
3	Current Expenses.....	13000		8,547,598
4	Repairs and Alterations.....	06400		68,614
5	Equipment.....	07000		1,906,240
6	Buildings.....	25800		25,000
7	Other Assets.....	69000		<u>500,661</u>
8	Total.....		\$	36,000,000

*246 - Insurance Commissioner –  
Workers' Compensation Old Fund*

(WV Code Chapter 23)

Fund 7162 FY 2016 Org 0704

1	Employee Benefits.....	01000	\$	100,000
2	Current Expenses.....	13000		<u>549,900,000</u>
3	Total.....		\$	550,000,000

*247 - Insurance Commissioner –  
Workers' Compensation Uninsured Employers' Fund*

(WV Code Chapter 23)

Fund 7163 FY 2016 Org 0704

1 Current Expenses. . . . . 13000 \$ 27,000,000

*248 - Insurance Commissioner –  
Self-Insured Employer Guaranty Risk Pool*

(WV Code Chapter 23)

Fund 7164 FY 2016 Org 0704

1 Current Expenses. . . . . 13000 \$ 5,000,000

*249 - Insurance Commissioner –  
Self-Insured Employer Security Risk Pool*

(WV Code Chapter 23)

Fund 7165 FY 2016 Org 0704

1 Current Expenses. . . . . 13000 \$ 10,000,000

*250 - Lottery Commission –  
Revenue Center Construction Fund*

(WV Code Chapter 29)

Fund 7209 FY 2016 Org 0705

1 Buildings. . . . . 25800 \$ 500,000

*251 - Municipal Bond Commission*

(WV Code Chapter 13)

Fund 7253 FY 2016 Org 0706

1	Personal Services and		
2	Employee Benefits.. . . . . 00100	\$	246,489
3	Current Expenses. . . . . 13000		105,878
4	Equipment. . . . . 07000		<u>100</u>
5	Total. . . . .	\$	352,467

*252 - Racing Commission –  
Relief Fund*

(WV Code Chapter 19)

Fund 7300 FY 2016 Org 0707

1	Medical Expenses – Total. . . . . 24500	\$	57,000
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2     The total amount of this appropriation shall be paid from the  
3 special revenue fund out of collections of license fees and fines  
4 as provided by law.

5     No expenditures shall be made from this fund except for  
6 hospitalization, medical care and/or funeral expenses for persons  
7 contributing to this fund.

*253 - Racing Commission –  
Administration and Promotion Account*

(WV Code Chapter 19)

Fund 7304 FY 2016 Org 0707

1	Personal Services and		
2	Employee Benefits.. . . . . 00100	\$	256,665
3	Current Expenses. . . . . 13000		93,335

2015] HOUSE OF DELEGATES 3455

4	Other Assets..... 69000	_____ 5,000
5	Total.....	\$ 355,000

*254 - Racing Commission –  
General Administration*

(WV Code Chapter 19)

Fund 7305 FY 2016 Org 0707

1	Personal Services and	
2	Employee Benefits..... 00100	\$ 2,271,339
3	Current Expenses..... 13000	566,248
4	Repairs and Alterations..... 06400	7,000
5	Other Assets..... 69000	_____ 50,000
6	Total.....	\$ 2,894,587

*255 - Racing Commission –  
Administration, Promotion, Education, Capital Improvement  
and Greyhound Adoption Programs  
to include Spaying and Neutering Account*

(WV Code Chapter 19)

Fund 7307 FY 2016 Org 0707

1	Personal Services and	
2	Employee Benefits..... 00100	\$ 864,474
3	Current Expenses..... 13000	214,406
4	Other Assets..... 69000	_____ 200,000
5	Total.....	\$ 1,278,880

*256 - Alcohol Beverage Control Administration –  
Wine License Special Fund*

(WV Code Chapter 60)

Fund 7351 FY 2016 Org 0708

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 122,339
3	Current Expenses. . . . .	13000	69,186
4	Repairs and Alterations. . . . .	06400	7,263
5	Equipment. . . . .	07000	10,000
6	Buildings. . . . .	25800	100,000
7	Other Assets. . . . .	69000	<u>100</u>
8	Total. . . . .		\$ 308,888
9	To the extent permitted by law, four classified exempt		
10	positions shall be provided from Personal Services and		
11	Employee Benefits appropriation for field auditors.		

*257 - Alcohol Beverage Control Administration*

(WV Code Chapter 60)

Fund 7352 FY 2016 Org 0708

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 5,413,237
3	Current Expenses. . . . .	13000	2,897,577
4	Repairs and Alterations. . . . .	06400	84,000



2015]	HOUSE OF DELEGATES	3457
5	Equipment. . . . . 07000	108,000
6	Buildings. . . . . 25800	100
7	Purchase of Supplies for Resale. . . . 41900	71,000,000
8	Transfer Liquor Profits and Taxes. . 42500	16,070,724
9	Other Assets. . . . . 69000	100
10	Land. . . . . 73000	100
11	Total. . . . .	\$ 95,573,838

12 The total amount of these appropriations shall be paid from  
13 a special revenue fund out of liquor revenues and any other  
14 revenues available.

15 The above appropriations include the salary of the  
16 commissioner and the salaries, expenses and equipment of  
17 administrative offices, warehouses and inspectors.

18 The above appropriations include funding for the  
19 Tobacco/Alcohol Education Program.

20 There is hereby appropriated from liquor revenues, in  
21 addition to the above appropriations as needed, the necessary  
22 amount for the purchase of liquor as provided by law and the  
23 remittance of profits and taxes to the General Revenue Fund.

**DEPARTMENT OF TRANSPORTATION**

*258 - Division of Motor Vehicles –  
Dealer Recovery Fund*

(WV Code Chapter 17)

Fund 8220 FY 2016 Org 0802

1	Current Expenses. . . . . 13000	\$ 189,000
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*259 - Division of Motor Vehicles –  
Motor Vehicle Fees Fund*

(WV Code Chapter 17B)

Fund 8223 FY 2016 Org 0802

1	Personal Services and		
2	Employee Benefits..... 00100	\$	2,852,799
3	Current Expenses..... 13000		4,896,057
4	Equipment..... 00700		75,000
5	Repairs and Alterations..... 06400		16,000
6	Other Assets..... 69000		10,000
7	BRIM Premium..... 91300		<u>61,655</u>
8	Total.....	\$	7,911,511

*260 - Division of Highways –  
A. James Manchin Fund*

(WV Code Chapter 22)

Fund 8319 FY 2016 Org 0803

1	Current Expenses..... 13000	\$	1,650,000
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*261 - Public Port Authority –  
Special Railroad and Intermodal Enhancement Fund*

(WV Code Chapter 17)

Fund 8254 FY 2016 Org 0806

1	Current Expenses..... 13000	\$	10,000
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2	Other Assets..... 69000	7,990,000
3	Total.....	\$ 8,000,000

**DEPARTMENT OF VETERANS' ASSISTANCE**

*262 - Veterans' Facilities Support Fund*

(WV Code Chapter 9A)

Fund 6703 FY 2016 Org 0613

1	Personal Services and	
2	Employee Benefits..... 00100	\$ 94,210
3	Current Expenses..... 13000	2,255,997
4	Repairs and Alterations. .... 06400	10,000
5	Equipment. .... 07000	10,000
6	Other Assets..... 69000	10,000
7	Total.....	\$ 2,380,207

*263 - Department of Veterans' Assistance –  
    WV Veterans' Home –  
    Special Revenue Operating Fund*

(WV Code Chapter 9A)

Fund 6754 FY 2016 Org 0618

1	Current Expenses..... 13000	\$ 700,000
2	Repairs and Alterations. .... 06400	50,000
3	Total.....	\$ 750,000

**BUREAU OF SENIOR SERVICES**

*264 - Bureau of Senior Services –  
Community Based Service Fund*

(WV Code Chapter 22)

Fund 5409 FY 2016 Org 0508

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 151,290
3	Current Expenses.....	13000	<u>10,348,710</u>
4	Total.....		\$ 10,500,000

5       The total amount of these appropriations are funded from  
6 annual table game license fees to enable the aged and disabled  
7 citizens of West Virginia to stay in their homes through the  
8 provision of home and community-based services.

**HIGHER EDUCATION POLICY COMMISSION**

*265 - Higher Education Policy Commission –  
System –  
Registration Fee Capital Improvement Fund  
(Capital Improvement and Bond Retirement Fund)  
Control Account*

(WV Code Chapters 18 and 18B)

Fund 4902 FY 2016 Org 0442

1	General Capital Expenditures. . . . .	30600	\$ 500,000
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2       The total amount of this appropriation shall be paid from the  
3 special capital improvements fund created in W.Va. Code §18B-  
4 10-8. Projects are to be paid on a cash basis and made available

5 on July 1 of each year and may be transferred to special revenue  
6 funds for capital improvement projects at the institutions.

*266 - Higher Education Policy Commission –  
System –  
Tuition Fee Capital Improvement Fund  
(Capital Improvement and Bond Retirement Fund)  
Control Account*

(WV Code Chapters 18 and 18B)

Fund 4903 FY 2016 Org 0442

1	Debt Service.....	04000	\$ 28,901,910
2	General Capital Expenditures. . . .	30600	13,000,000
3	Facilities Planning and		
4	Administration.....	38600	<u>421,082</u>
5	Total.....		\$ 42,322,992

6 The total amount of these appropriations shall be paid from  
7 the special capital improvement fund created in W.Va. Code  
8 §18B-10-8. Projects are to be paid on a cash basis and made  
9 available on July 1.

10 The above appropriations, except for debt service, may be  
11 transferred to special revenue funds for capital improvement  
12 projects at the institutions.

*267 - Tuition Fee Revenue Bond Construction Fund*

(WV Code Chapters 18 and 18B)

Fund 4906 FY 2016 Org 0442

1 Any unexpended balance remaining in the appropriation for  
2 Capital Outlay (fund 4906, appropriation 51100) at the close of

3 the fiscal year 2015 is hereby reappropriated for expenditure  
4 during the fiscal year 2016.

5 The appropriation shall be paid from available unexpended  
6 cash balances and interest earnings accruing to the fund. The  
7 appropriation shall be expended at the discretion of the Higher  
8 Education Policy Commission and the funds may be allocated to  
9 any institution within the system.

10 The total amount of this appropriation shall be paid from the  
11 unexpended proceeds of revenue bonds previously issued  
12 pursuant to W.Va. Code §18-12B-8, which have since been  
13 refunded.

*268 - Community and Technical College  
Capital Improvement Fund*

(WV Code Chapter 18B)

Fund 4908 FY 2016 Org 0442

1 Any unexpended balance remaining in the appropriation for  
2 Capital Improvements – Total (fund 4908, appropriation 95800)  
3 at the close of fiscal year 2015 is hereby reappropriated for  
4 expenditure during the fiscal year 2016.

5 The total amount of this appropriation shall be paid from the  
6 sale of the 2009 Series A Community and Technical College  
7 Capital Improvement Revenue Bonds and anticipated interest  
8 earnings.

*269 - West Virginia University –  
West Virginia University Health Sciences Center*

(WV Code Chapters 18 and 18B)

Fund 4179 FY 2016 Org 0463

1	Personal Services and		
2	Employee Benefits..... 00100	\$	10,274,340
3	Current Expenses..... 13000		4,524,300
4	Repairs and Alterations..... 06400		425,000
5	Equipment..... 07000		512,000
6	Buildings..... 25800		150,000
7	Other Assets..... 69000		<u>50,000</u>
8	Total.....	\$	15,935,640

**MISCELLANEOUS BOARDS AND COMMISSIONS**

*270 - Board of Barbers and Cosmetologists –  
Barbers and Beauticians Special Fund*

(WV Code Chapters 16 and 30)

Fund 5425 FY 2016 Org 0505

1	Personal Services and		
2	Employee Benefits..... 00100	\$	504,497
3	Current Expenses..... 13000		<u>239,969</u>
4	Total.....	\$	744,466

5 The total amount of these appropriations shall be paid from  
6 a special revenue fund out of collections made by the board of  
7 barbers and cosmetologists as provided by law.

*271 - Hospital Finance Authority –  
Hospital Finance Authority Fund*

(WV Code Chapter 16)

Fund 5475 FY 2016 Org 0509

1	Personal Services and		
2	Employee Benefits..... 00100	\$	72,682
3	Unclassified..... 09900		1,450
4	Current Expenses..... 13000		<u>71,039</u>
5	Total.....	\$	145,171

6 The total amount of these appropriations shall be paid from  
7 the special revenue fund out of fees and collections as provided  
8 by Article 29A, Chapter 16 of the Code.

272 - *WV State Board of Examiners for Licensed Practical Nurses –  
Licensed Practical Nurses*

(WV Code Chapter 30)

Fund 8517 FY 2016 Org 0906

1	Personal Services and		
2	Employee Benefits..... 00100	\$	427,915
3	Current Expenses..... 13000		<u>55,542</u>
4	Total.....	\$	483,457

273 - *WV Board of Examiners for Registered Professional Nurses –  
Registered Professional Nurses*

(WV Code Chapter 30)

Fund 8520 FY 2016 Org 0907

1	Personal Services and		
2	Employee Benefits..... 00100	\$	1,082,344



2015]	HOUSE OF DELEGATES	3465
3	Current Expenses. . . . . 13000	295,214
4	Repairs and Alterations. . . . . 06400	3,000
5	Equipment. . . . . 07000	19,500
6	Other Assets. . . . . 69000	<u>4,500</u>
7	Total. . . . .	\$ 1,404,558

*274 - Public Service Commission*

(WV Code Chapter 24)

Fund 8623 FY 2016 Org 0926

1	Personal Services and	
2	Employee Benefits. . . . . 00100	\$ 11,807,314
3	Unclassified. . . . . 09900	147,643
4	Current Expenses. . . . . 13000	2,594,398
5	Repairs and Alterations. . . . . 06400	55,000
6	Equipment. . . . . 07000	160,000
7	Buildings. . . . . 25800	4,500,000
8	PSC Weight Enforcement. . . . . 34500	4,405,884
9	Debt Payment/Capital Outlay. . . . . 52000	350,000
10	BRIM Premium. . . . . 91300	<u>114,609</u>
11	Total. . . . .	\$ 24,134,848

12 The total amount of these appropriations shall be paid from  
13 a special revenue fund out of collections for special license fees  
14 from public service corporations as provided by law.

15 The Public Service Commission is authorized to transfer up  
 16 to \$500,000 from this fund to meet the expected deficiencies in  
 17 the Motor Carrier Division (fund 8625, org 0926) due to the  
 18 amendment and reenactment of W.Va. Code §24A-3-1 by  
 19 Enrolled House Bill Number 2715, Regular Session, 1997.

*275 - Public Service Commission –  
 Gas Pipeline Division –  
 Public Service Commission Pipeline Safety Fund*

(WV Code Chapter 24B)

Fund 8624 FY 2016 Org 0926

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 284,198
3	Unclassified. . . . .	09900	3,851
4	Current Expenses. . . . .	13000	93,115
5	Repairs and Alterations. . . . .	06400	<u>4,000</u>
6	Total. . . . .		\$ 385,164

7 The total amount of these appropriations shall be paid from  
 8 a special revenue fund out of receipts collected for or by the  
 9 public service commission pursuant to and in the exercise of  
 10 regulatory authority over pipeline companies as provided by law.

*276 - Public Service Commission –  
 Motor Carrier Division*

(WV Code Chapter 24A)

Fund 8625 FY 2016 Org 0926

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 2,243,526

2015]	HOUSE OF DELEGATES	3467
3	Unclassified. . . . . 09900	29,233
4	Current Expenses. . . . . 13000	577,557
5	Repairs and Alterations. . . . . 06400	23,000
6	Equipment. . . . . 07000	<u>50,000</u>
7	Total. . . . .	\$ 2,923,316

8 The total amount of these appropriations shall be paid from  
9 a special revenue fund out of receipts collected for or by the  
10 public service commission pursuant to and in the exercise of  
11 regulatory authority over motor carriers as provided by law.

*277 - Public Service Commission –  
Consumer Advocate Fund*

(WV Code Chapter 24)

Fund 8627 FY 2016 Org 0926

1	Personal Services and	
2	Employee Benefits. . . . . 00100	\$ 743,372
3	Current Expenses. . . . . 13000	276,472
4	Equipment. . . . . 07000	10,000
5	BRIM Premium. . . . . 91300	<u>4,532</u>
6	Total. . . . .	\$ 1,034,376

7 The total amount of these appropriations shall be supported  
8 by cash from a special revenue fund out of collections made by  
9 the public service commission.

*278 - Real Estate Commission –  
Real Estate License Fund*

(WV Code Chapter 30)

Fund 8635 FY 2016 Org 0927

1	Personal Services and		
2	Employee Benefits.. . . . . 00100	\$	582,413
3	Current Expenses. . . . . 13000		285,622
4	Repairs and Alterations. . . . . 06400		5,000
5	Equipment. . . . . 07000		<u>10,000</u>
6	Total. . . . .	\$	883,035

7 The total amount of these appropriations shall be paid out  
8 of collections of license fees as provided by law.

*279 - WV Board of Examiners for Speech-Language  
Pathology and Audiology –  
Speech-Language Pathology and Audiology Operating Fund*

(WV Code Chapter 30)

Fund 8646 FY 2016 Org 0930

1	Personal Services and		
2	Employee Benefits.. . . . . 00100	\$	73,190
3	Current Expenses. . . . . 13000		<u>65,623</u>
4	Total. . . . .	\$	138,813

*280 - WV Board of Respiratory Care –  
Board of Respiratory Care Fund*

(WV Code Chapter 30)

Fund 8676 FY 2016 Org 0935

1	Personal Services and		
2	Employee Benefits.. . . . . 00100	\$	78,880

2015]	HOUSE OF DELEGATES	3469
3	Current Expenses. . . . . 13000	51,750
4	Repairs and Alterations. . . . . 06400	<u>400</u>
5	Total. . . . .	\$ 131,030

*281 - WV Board of Licensed Dietitians –  
Dietitians Licensure Board Fund*

(WV Code Chapter 30)

Fund 8680 FY 2016 Org 0936

1	Personal Services and	
2	Employee Benefits.. . . . . 00100	\$ 8,648
3	Current Expenses. . . . . 13000	<u>14,352</u>
4	Total. . . . .	\$ 23,000

*282 - Massage Therapy Licensure Board –  
Massage Therapist Board Fund*

(WV Code Chapter 30)

Fund 8671 FY 2016 Org 0938

1	Personal Services and	
2	Employee Benefits.. . . . . 00100	\$ 102,398
3	Current Expenses. . . . . 13000	<u>24,668</u>
4	Total. . . . .	\$ 127,066

*283 - Board of Medicine –  
Medical Licensing Board Fund*

(WV Code Chapter 30)

Fund 9070 FY 2016 Org 0945

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 997,752
3	Current Expenses. . . . .	13000	813,789
4	Repairs and Alterations. . . . .	06400	<u>20,000</u>
5	Total. . . . .		\$ 1,831,541

*284 - West Virginia Enterprise Resource Planning Board  
Enterprise Resource Planning System Fund*

(WV Code Chapter 12)

Fund 9080 FY 2016 Org 0947

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 6,713,066
3	Unclassified. . . . .	09900	430,000
4	Current Expenses. . . . .	13000	42,306,934
5	Repairs and Alterations. . . . .	06400	100,000
6	Equipment. . . . .	07000	250,000
7	Buildings. . . . .	25800	100,000
8	Other Assets. . . . .	69000	<u>100,000</u>
9	Total. . . . .		\$ 50,000,000

*285 - Board of Treasury Investments –  
Board of Treasury Investments Fee Fund*

(WV Code Chapter 12)

Fund 9152 FY 2016 Org 0950

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 711,966
3	Unclassified.....	09900	12,667
4	Current Expenses.....	13000	482,574
5	BRIM Premium.....	91300	59,500
6	Fees of Custodians, Fund		
7	Advisors and Fund Managers..	93800	<u>3,500,000</u>
8	Total.....		\$ 4,766,707

9       There is hereby appropriated from this fund, in addition to  
10 the above appropriation if needed, an amount of funds necessary  
11 for the Board of Treasury Investments to pay the fees and  
12 expenses of custodians, fund advisors and fund managers for the  
13 Consolidated fund of the State as provided in Article 6C,  
14 Chapter 12 of the Code.

15       The total amount of these appropriations shall be paid from  
16 the special revenue fund out of fees and collections as provided  
17 by law.

18 Total TITLE II, Section 3 —  
19 Other Funds  
20 (Including claims against the state)... \$ 1,805,760,851

1       **Sec. 4. Appropriations from lottery net profits.** — Net  
2 profits of the lottery are to be deposited by the director of the  
3 lottery to the following accounts in the amounts indicated. The  
4 director of the lottery shall prorate each deposit of net profits in  
5 the proportion the appropriation for each account bears to the  
6 total of the appropriations for all accounts.

7 After first satisfying the requirements for Fund 2252, Fund  
 8 3963, and Fund 4908 pursuant to W.Va. Code §29-22-18, the  
 9 director of the lottery shall make available from the remaining  
 10 net profits of the lottery any amounts needed to pay debt service  
 11 for which an appropriation is made for Fund 9065, Fund 4297,  
 12 Fund 9067, and Fund 3514 and is authorized to transfer any such  
 13 amounts to Fund 9065, Fund 4297, Fund 9067, and Fund 3514  
 14 for that purpose. Upon receipt of reimbursement of amounts so  
 15 transferred, the director of the lottery shall deposit the  
 16 reimbursement amounts to the following accounts as required by  
 17 this section.

*286 - Education, Arts, Sciences and Tourism –  
 Debt Service Fund*

(WV Code Chapter 5)

Fund 2252 FY 2016 Org 0211

	<b>Appro- piation</b>		<b>Lottery Funds</b>
1 Debt Service – Total. . . . .	31000	\$	10,000,000

*287 - West Virginia Development Office –  
 Division of Tourism*

(WV Code Chapter 5B)

Fund 3067 FY 2016 Org 0304

1 Tourism – Telemarketing Center. . .	46300	\$	82,080
2 WV Film Office. . . . .	49800		340,434
3 Tourism – Advertising (R). . . . .	61800		3,571,419
4 Tourism – Operations (R). . . . .	66200		<u>4,006,373</u>



5	Total.....		\$ 8,000,306
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6 Any unexpended balances remaining in the appropriations  
 7 for Tourism – Advertising (fund 3067, appropriation 61800), and  
 8 Tourism – Operations (fund 3067, appropriation 66200) at the  
 9 close of the fiscal year 2015 are hereby reappropriated for  
 10 expenditure during the fiscal year 2016.

*288 - Division of Natural Resources*

(WV Code Chapter 20)

Fund 3267 FY 2016 Org 0310

1	Personal Services and		
2	Employee Benefits..... 00100	\$	2,133,913
3	Current Expenses..... 13000		47,127
4	Pricketts Fort State Park..... 32400		111,000
5	Non-Game Wildlife (R)..... 52700		389,234
6	State Parks and Recreation		
7	Advertising (R). .... 61900		<u>507,578</u>
8	Total.....	\$	3,188,852

9 Any unexpended balances remaining in the appropriations  
 10 for Unclassified (fund 3267, appropriation 09900), Capital  
 11 Outlay – Parks (fund 3267, appropriation 28800), Non-Game  
 12 Wildlife (fund 3267, appropriation 52700), and State Parks and  
 13 Recreation Advertising (fund 3267, appropriation 61900) at the  
 14 close of the fiscal year 2015 are hereby reappropriated for  
 15 expenditure during the fiscal year 2016.

*289 - State Board of Education*

(WV Code Chapters 18 and 18A)

Fund 3951 FY 2016 Org 0402

1	FBI Checks.....	37200	\$	108,031
2	Vocational Education Equipment			
3	Replacement. ....	39300		800,000
4	Assessment Program (R). ....	39600		2,935,751
5	21st Century Technology			
6	Infrastructure Network			
7	Tools and Support (R).....	93300		<u>14,108,744</u>
8	Total.....		\$	17,952,526

9 Any unexpended balances remaining in the appropriations  
10 for Unclassified (fund 3951, appropriation 09900), Current  
11 Expenses (fund 3951, appropriation 13000), Assessment  
12 Program (fund 3951, appropriation 39600), and 21st Century  
13 Technology Infrastructure Network Tools and Support (fund  
14 3951, appropriation 93300) at the close of the fiscal year 2015  
15 are hereby reappropriated for expenditure during the fiscal year  
16 2016.

*290 - State Department of Education –  
School Building Authority –  
Debt Service Fund*

(WV Code Chapter 18)

Fund 3963 FY 2016 Org 0402

1	Debt Service – Total. ....	31000	\$	7,507,700
2	Directed Transfer.....	70000		<u>10,492,300</u>
3	Total.....		\$	18,000,000

4 The School Building Authority shall have the authority to  
 5 transfer between the above appropriations in accordance with  
 6 W.Va. Code §29-22-18.

*291 - Department of Education and the Arts –  
 Office of the Secretary –  
 Control Account –  
 Lottery Education Fund*

(WV Code Chapter 5F)

Fund 3508 FY 2016 Org 0431

1	Unclassified (R).....	09900	\$	15,881
2	Current Expenses.....	13000		104,119
3	Commission for National and			
4	Community Service.....	19300		350,341
5	Governor’s Honors Academy (R). .	47800		400,000
6	Arts Programs (R). . . . .	50000		81,165
7	College Readiness. . . . .	57900		154,906
8	Statewide STEM 21 <sup>st</sup>			
9	Century Academy. . . . .	89700		130,000
10	Literacy Project (R).....	89900		350,000
11	Total.....		\$	1,586,412

12 Any unexpended balances remaining in the appropriations  
 13 for Unclassified (fund 3508, appropriation 09900), Governor’s  
 14 Honors Academy (fund 3508, appropriation 47800), Arts  
 15 Programs (fund 3508, appropriation 50000), and Literacy Project  
 16 (fund 3508, appropriation 89900) at the close of fiscal year 2015

17 are hereby reappropriated for expenditure during the fiscal year  
18 2016.

*292 - Division of Culture and History –  
Lottery Education Fund*

(WV Code Chapter 29)

Fund 3534 FY 2016 Org 0432

1	Huntington Symphony.....	02700	\$	82,025
2	Preservation West Virginia (R)....	09200		652,799
3	Fairs and Festivals (R).....	12200		1,853,663
4	Archeological Curation/ 5 Capital Improvements (R)....	24600		41,668
6	Historic Preservation Grants (R)...	31100		368,368
7	West Virginia Public Theater.....	31200		166,693
8	George Tyler Moore Center for the 9 Study of the Civil War.....	39700		51,932
10	Greenbrier Valley Theater.....	42300		138,254
11	Theater Arts of West Virginia.....	46400		125,000
12	Marshall Artists Series.....	51800		50,008
13	Grants for Competitive 14 Arts Program (R).....	62400		731,000
15	West Virginia State Fair.....	65700		43,391
16	Save the Music.....	68000		30,000

17	Contemporary American		
18	Theater Festival. . . . .	81100	79,558
19	Independence Hall. . . . .	81200	37,885
20	Mountain State Forest Festival. . .	86400	53,038
21	WV Symphony. . . . .	90700	82,025
22	Wheeling Symphony. . . . .	90800	82,025
23	Appalachian Children’s Chorus. . . .	91600	<u>75,770</u>
24	Total. . . . .		\$ 4,745,102

25 Any unexpended balances remaining in the appropriations  
 26 for Preservation West Virginia (fund 3534, appropriation  
 27 09200), Fairs and Festivals (fund 3534, appropriation 12200),  
 28 Archeological Curation/Capital Improvements (fund 3534,  
 29 appropriation 24600), Historic Preservation Grants (fund 3534,  
 30 appropriation 31100), Grants for Competitive Arts Program  
 31 (fund 3534, appropriation 62400), and Project ACCESS (fund  
 32 3534, appropriation 86500) at the close of the fiscal year 2015  
 33 are hereby reappropriated for expenditure during the fiscal year  
 34 2016.

35 From the above appropriation for Preservation West Virginia  
 36 (fund 3534, appropriation 09200) funding shall be provided to  
 37 the African-American Heritage Family Tree Museum (Fayette)  
 38 \$3,713, Aracoma Story (Logan) \$41,254, Arts Monongahela  
 39 (Monongalia) \$16,502, Barbour County Arts and Humanities  
 40 Council \$1,238, Beckley Main Street (Raleigh) \$4,125,  
 41 Buffalo Creek Memorial (Logan) \$4,125, Carnegie Hall  
 42 (Greenbrier) \$65,138, Ceredo Historical Society (Wayne)  
 43 \$1,650, Ceredo Kenova Railroad Museum (Wayne) \$1,650,  
 44 Ceredo Museum (Wayne) \$1,000, Children’s Theatre of  
 45 Charleston (Kanawha) \$4,343, Chuck Mathena Center (Mercer)

46 \$86,850, Collis P. Huntington Railroad Historical Society  
47 (Cabell) \$8,251, Country Music Hall of Fame and Museum  
48 (Marion) \$5,776, First Stage Children's Theater Company  
49 \$1,650, Flannigan Murrell House (Summers) \$8,251, Fort  
50 Ashby Fort (Mineral) \$1,238, Fort New Salem (Harrison)  
51 \$3,053, Fort Randolph (Mason) \$4,125, General Adam Stephen  
52 Memorial Foundation (Berkeley) \$15,286, Grafton Mother's  
53 Day Shrine Committee (Taylor) \$7,013, Hardy County Tour and  
54 Crafts Association \$16,502, Heritage Farm Museum & Village  
55 (Cabell) \$41,254, Historic Fayette Theater (Fayette) \$4,538,  
56 Historic Middleway Conservancy (Jefferson) \$825, Jefferson  
57 County Black History Preservation Society \$4,125, Jefferson  
58 County Historical Landmark Commission \$6,601, Maddie  
59 Carroll House (Cabell) \$6,188, Marshall County Historical  
60 Society \$7,013, McCoy Theater (Hardy) \$16,502, Morgantown  
61 Theater Company (Monongalia) \$16,502, Mountaineer Boys'  
62 State (Lewis) \$8,251, Nicholas Old Main Foundation (Nicholas)  
63 \$1,650, Norman Dillon Farm Museum (Berkeley) \$8,251, Old  
64 Opera House Theater Company (Jefferson) \$12,376,  
65 Parkersburg Arts Center (Wood) \$16,502, Pocahontas Historic  
66 Opera House \$4,950, Raleigh County All Wars Museum  
67 \$8,251, Rhododendron Girl's State (Ohio) \$8,251, Roane  
68 County 4-H and FFA Youth Livestock Program \$4,125, Scottish  
69 Heritage Society/N. Central WV (Harrison) \$4,125, Society for  
70 the Preservation of McGrew House (Preston) \$2,888, Southern  
71 West Virginia Veterans' Museum \$3,713, Summers County  
72 Historic Landmark Commission \$4,125, Those Who Served  
73 War Museum (Mercer) \$3,300, Three Rivers Avian Center  
74 (Summers) \$12,376, Tug Valley Arts Council (Mingo) \$4,125,  
75 Tug Valley Chamber of Commerce Coal House (Mingo) \$1,650,  
76 Tunnelton Historical Society (Preston) \$1,650, Veterans  
77 Committee for Civic Improvement of Huntington (Wayne)  
78 \$4,125, West Virginia Museum of Glass (Lewis) \$4,125, West  
79 Virginia Music Hall of Fame (Kanawha) \$28,878, YMCA Camp  
80 Horseshoe (Tucker) \$82,508, Youth Museum of Southern West

81 Virginia (Raleigh) \$9,901, Z.D. Ramsdell House (Wayne)  
82 \$1,000.

83 From the above appropriation for Fairs and Festivals (fund  
84 3534, appropriation 12200) funding shall be provided to the  
85 African-American Cultural Heritage Festival (Jefferson) \$4,125,  
86 Alderson 4th of July Celebration (Greenbrier) \$4,125,  
87 Allegheny Echo (Pocahontas) \$6,189, Alpine Festival/Leaf  
88 Peepers Festival (Tucker) \$9,282, American Civil War (Grant)  
89 \$4,343, American Legion Post 8 Veterans Day Parade  
90 (McDowell) \$1,737, Angus Beef and Cattle Show (Lewis)  
91 \$1,238, Annual Birch River Days (Nicholas) \$1,800, Annual  
92 Don Redman Heritage Concert & Awards (Jefferson) \$1,303,  
93 Annual Ruddle Park Jamboree (Pendleton) \$6,514, Antique  
94 Market Fair (Lewis) \$1,650, Apollo Theater-Summer Program  
95 (Berkeley) \$1,650, Appalachian Autumn Fest (Gilmer) \$3,325,  
96 Apple Butter Festival (Morgan) \$4,950, Arkansaw  
97 Homemaker's Heritage Weekend (Hardy) \$2,888, Armed  
98 Forces Day-South Charleston (Kanawha) \$2,475, Arthurdale  
99 Heritage New Deal Festival (Preston) \$4,125, Athens Town  
100 Fair (Mercer) \$1,650, Augusta Fair (Randolph) \$4,125,  
101 Autumn Harvest Fest (Monroe) \$1,900, Barbour County Fair  
102 \$20,627, Barboursville Octoberfest (Cabell) \$4,125, Bass  
103 Festival (Pleasants) \$1,527, Battelle District Fair (Monongalia)  
104 \$4,125, Battle of Dry Creek (Greenbrier) \$1,238, Battle of  
105 Point Pleasant Memorial Committee (Mason) \$4,125, Belle  
106 Town Fair (Kanawha) \$3,713, Belleville Homecoming (Wood)  
107 \$16,502, Bergoo Down Home Days (Webster) \$2,063,  
108 Berkeley County Youth Fair \$15,264, Black Bear 4K Mountain  
109 Bike Race (Kanawha) \$950, Black Heritage Festival (Harrison)  
110 \$4,950, Black Walnut Festival (Roane) \$8,251, Blast from the  
111 Past (Upshur) \$2,000, Blue-Gray Reunion (Barbour) \$2,888,  
112 Boone County Fair \$8,251, Boone County Labor Day  
113 Celebration \$3,300, Bradshaw Fall Festival (McDowell)  
114 \$1,650, Brandonville Heritage Day (Preston) \$1,455, Braxton

115 County Fair \$9,489, Braxton County Monster Fest / West  
116 Virginia Autumn Festival \$2,063, Brooke County Fair \$2,888,  
117 Bruceton Mills Good Neighbor Days (Preston) \$1,650,  
118 Buckwheat Festival (Preston) \$7,014, Buffalo 4th of July  
119 Celebration (Putnam) \$475, Buffalo October Fest (Putnam)  
120 \$4,500, Burlington Apple Harvest Festival (Mineral) \$24,752,  
121 Burlington Pumpkin Harvest Festival (Raleigh) \$4,125,  
122 Burnsville Harvest Festival (Braxton) \$1,954, Cabell County  
123 Fair \$8,251, Calhoun County Wood Festival \$1,650,  
124 Campbell's Creek Community Fair (Kanawha) \$2,063, Cape  
125 Coalwood Festival Association (McDowell) \$2,063, Capon  
126 Bridge Founders Day Festival (Hampshire) \$1,650, Capon  
127 Springs Ruritan 4th of July (Hampshire) \$950, Cass  
128 Homecoming (Pocahontas) \$1,650, Cedarville Town Festival  
129 (Gilmer) \$950, Celebration in the Park (Wood) \$3,300,  
130 Celebration of America (Monongalia) \$4,950, Ceredo Freedom  
131 Festival (Wayne) \$973, Chapmanville Apple Butter Festival  
132 (Logan) \$950, Chapmanville Fire Department 4th of July  
133 (Logan) \$2,475, Charles Town Christmas Festival (Jefferson)  
134 \$4,125, Charles Town Heritage Festival (Jefferson) \$4,125,  
135 Charlie West Blues Festival (Kanawha) \$8,251, Cherry River  
136 Festival (Nicholas) \$5,363, Chester Fireworks (Hancock)  
137 \$1,238, Chester 4th of July Festivities (Hancock) \$4,125, Chief  
138 Logan State Park-Civil War Celebration (Logan) \$6,601,  
139 Chilifest West Virginia State Chili Championship (Cabell)  
140 \$2,171, Christmas In Our Town (Marion) \$4,343, Christmas in  
141 Shepherdstown (Jefferson) \$3,300, Christmas in the Park  
142 (Brooke) \$4,125, Christmas in the Park (Logan) \$20,627, City  
143 of Dunbar Critter Dinner (Kanawha) \$8,251, City of New  
144 Martinsville Festival of Memories (Wetzel) \$9,076, Clay  
145 County Golden Delicious Apple Festival \$5,776, Coal Field  
146 Jamboree (Logan) \$28,878, Coalton Days Fair (Randolph)  
147 \$5,776, Country Roads Festival (Fayette) \$1,650, Cowen  
148 Railroad Festival (Webster) \$2,888, Craigsville Fall Festival  
149 (Nicholas) \$2,888, Culturefest World Music & Arts Festival



150 (Mercer) \$6,514, Delbarton Homecoming (Mingo) \$2,888,  
151 Doddridge County Fair \$5,776, Durbin Days (Pocahontas)  
152 \$4,125, Eastern Kanawha Valley Homecoming Festival  
153 (Kanawha) \$2,171, Elbert/Filbert Reunion Festival (McDowell)  
154 \$1,238, Elizabethtown Festival (Marshall) \$4,125, Elkins  
155 Randolph County 4th of July Car Show (Randolph) \$1,650,  
156 Fairview 4th of July Celebration (Marion) \$950, Farm Safety  
157 Day (Preston) \$1,650, Farmer Day Festival (Monroe) \$1,737,  
158 Farmers' Day Parade (Wyoming) \$1,000, FestivALL  
159 Charleston (Kanawha) \$16,502, Fiber Festival (Preston)  
160 \$1,500, Flatwoods Days (Braxton) \$973, Flemington Day Fair  
161 and Festival (Taylor) \$2,888, Follansbee Community Days  
162 (Brooke) \$6,807, Fort Gay Mountain Heritage Days (Wayne)  
163 \$4,125, Fort Henry Days (Ohio) \$4,373, Fort Henry Living  
164 History (Ohio) \$2,171, Fort New Salem Spirit of Christmas  
165 Festival (Harrison) \$3,378, Frankford Autumnfest (Greenbrier)  
166 \$4,125, Franklin Fishing Derby (Pendleton) \$6,189, Franklin  
167 Firemen Carnival (Pendleton) \$4,125, Freshwater Folk Festival  
168 (Greenbrier) \$4,125, Friends Auxiliary of W.R. Sharpe  
169 Hospital (Lewis) \$4,125, Frontier Days (Harrison) \$2,475,  
170 Frontier Fest/Canaan Valley (Taylor) \$4,125, Fund for the Arts-  
171 Wine & All that Jazz Festival (Kanawha) \$2,063, Gassaway  
172 Days Celebration (Braxton) \$4,125, Gilbert Elementary Fall  
173 Blast (Mingo) \$2,171, Gilbert Kiwanis Harvest Festival  
174 (Mingo) \$3,300, Gilbert Spring Fling (Mingo) \$4,125, Gilmer  
175 County Farm Show \$3,300, Grant County Arts Council \$1,650,  
176 Grape Stomping Wine Festival (Nicholas) \$1,650, Great  
177 Greenbrier River Race (Pocahontas) \$8,251, Greater Quinwood  
178 Days (Greenbrier) \$1,086, Green Spring Days (Hampshire)  
179 \$950, Guyandotte Civil War Days (Cabell) \$8,251, Hamlin 4th  
180 of July Celebration (Lincoln) \$4,125, Hampshire Civil War  
181 Celebration Days (Hampshire) \$950, Hampshire County 4th of  
182 July Celebration \$16,502, Hampshire County Fair \$6,948,  
183 Hampshire Heritage Days (Hampshire) \$3,300, Hancock  
184 County Oldtime Fair \$4,125, Hardy County Commission - 4th

185 of July \$8,251, Hatfield McCoy Matewan Reunion Festival  
186 (Mingo) \$17,125, Hatfield McCoy Trail National ATV and Dirt  
187 Bike Weekend (Wyoming) \$4,125, Heat'n the Hills Chilifest  
188 (Lincoln) \$3,474, Heritage Craft Festival (Monroe) \$950,  
189 Heritage Days Festival (Roane) \$1,238, Hilltop Festival  
190 (Cabell) \$950, Hilltop Festival of Lights (McDowell) \$1,650,  
191 Hinton Railroad Days (Summers) \$4,538, Holly River Festival  
192 (Webster) \$1,238, Hometown Mountain Heritage Festival  
193 (Fayette) \$3,378, Hundred 4th of July (Wetzel) \$5,982,  
194 Hundred American Legion Earl Kiger Post Bluegrass Festival  
195 (Wetzel) \$1,650, Hurricane 4th of July Celebration (Putnam)  
196 \$4,125, Jaeger Town Fair (McDowell) \$1,238, Irish Heritage  
197 Festival of West Virginia (Raleigh) \$4,125, Irish Spring  
198 Festival (Lewis) \$950, Italian Heritage Festival-Clarksburg  
199 (Harrison) \$24,752, Jackson County Fair \$4,125, Jamboree  
200 (Pocahontas) \$4,125, Jane Lew Arts and Crafts Fair (Lewis)  
201 \$950, Jefferson County Fair Association \$20,627, Jersey  
202 Mountain Ruritan Pioneer Days (Hampshire) \$950, John Henry  
203 Days Festival (Monroe) \$4,125, Johnnie Johnson Blues and  
204 Jazz Festival (Marion) \$4,125, Johnstown Community Fair  
205 (Harrison) \$2,063, Junior Heifer Preview Show (Lewis)  
206 \$1,650, Kanawha Coal Riverfest-St. Albans 4th of July Festival  
207 (Kanawha) \$4,125, Keeper of the Mountains-Kayford  
208 (Kanawha) \$2,063, Kenova Autumn Festival (Wayne) \$6,080,  
209 Kermit Fall Festival (Mingo) \$2,475, Keystone Reunion Gala  
210 (McDowell) \$2,171, King Coal Festival (Mingo) \$4,125,  
211 Kingwood Downtown Street Fair and Heritage Days (Preston)  
212 \$1,650, L.Z. Rainelle West Virginia Veterans Reunion  
213 (Greenbrier) \$4,125, Lady of Agriculture (Preston) \$950,  
214 Larry Joe Harless Center Octoberfest Hatfield McCoy Trail  
215 (Mingo) \$8,251, Larry Joe Harless Community Center Spring  
216 Middle School Event (Mingo) \$4,125, Last Blast of Summer  
217 (McDowell) \$4,125, Lewis County Fair Association \$2,888,  
218 Lewisburg Shanghai (Greenbrier) \$1,650, Lincoln County Fall  
219 Festival \$6,601, Lincoln County Winterfest \$4,125, Little

220 Levels Heritage Festival (Pocahontas) \$1,650, Logan Freedom  
221 Festival \$6,189, Lost Creek Community Festival (Harrison)  
222 \$5,776, Main Street Arts Festival (Upshur) \$4,343, Main Street  
223 Martinsburg Chocolate Fest and Book Fair (Berkeley) \$3,908,  
224 Mannington District Fair (Marion) \$4,950, Maple Syrup  
225 Festival (Randolph) \$950, Marion County FFA Farm Fest  
226 \$2,063, Marmet Labor Day Celebration (Kanawha) \$4,275,  
227 Marshall County Antique Power Show \$2,063, Marshall  
228 County Fair \$6,189, Mason County Fair \$4,125, Mason Dixon  
229 Festival (Monongalia) \$5,776, Matewan Massacre Reenactment  
230 (Mingo) \$6,950, Matewan-Magnolia Fair (Mingo) \$22,128,  
231 McARTS-McDowell County \$16,502, McDowell County Fair  
232 \$2,063, McGrew House History Day (Preston) \$1,650,  
233 McNeill's Rangers (Mineral) \$6,601, Meadow Bridge  
234 Hometown Festival (Fayette) \$1,032, Meadow River Days  
235 Festival (Greenbrier) \$2,475, Mercer Bluestone Valley Fair  
236 (Mercer) \$1,650, Mercer County Fair \$1,650, Mercer County  
237 Heritage Festival \$4,825, Mid Ohio Valley Antique Engine  
238 Festival (Wood) \$2,475, Milton Christmas in the Park (Cabell)  
239 \$2,063, Milton 4th of July Celebration (Cabell) \$2,063,  
240 Mineral County Veterans Day Parade \$1,238, Molasses  
241 Festival (Calhoun) \$1,650, Monongahfest (Marion) \$5,211,  
242 Moon Over Mountwood Fishing Festival (Wood) \$2,475,  
243 Morgan County Fair-History Wagon \$1,238, Moundsville Bass  
244 Festival (Marshall) \$3,300, Moundsville July 4th Celebration  
245 (Marshall) \$4,125, Mount Liberty Fall Festival (Barbour)  
246 \$2,063, Mountain Fest (Monongalia) \$16,502, Mountain  
247 Festival (Mercer) \$3,816, Mountain Music Festival  
248 (McDowell) \$2,063, Mountain State Apple Harvest Festival  
249 (Berkeley) \$6,189, Mountain State Arts & Crafts Fair Cedar  
250 Lakes (Jackson) \$37,128, Mountaineer Hot Air Balloon  
251 Festival (Monongalia) \$3,300, Mullens Dogwood Festival  
252 (Wyoming) \$5,776, Multi-Cultural Festival of West Virginia  
253 (Kanawha) \$16,502, Music and Barbecue - Banks District VFD  
254 (Upshur) \$1,776, New Cumberland Christmas Parade (Hancock)

255 \$2,475, New Cumberland 4th of July (Hancock) \$4,125, New  
256 River Bridge Day Festival (Fayette) \$33,003, Newburg  
257 Volunteer Fireman's Field Day (Preston) \$950, Nicholas  
258 County Fair \$4,125, Nicholas County Potato Festival \$2,888,  
259 Oak Leaf Festival (Fayette) \$8,685, Oceana Heritage Festival  
260 (Wyoming) \$4,950, Oglebay City Park - Festival of Lights  
261 (Ohio) \$66,006, Oglebay Festival (Ohio) \$8,251, Ohio County  
262 Country Fair \$7,426, Ohio Valley Beef Association (Wood)  
263 \$2,063, Ohio Valley Black Heritage Festival (Ohio) \$4,538,  
264 Old Central City Fair (Cabell) \$4,125, Old Century City Fair  
265 (Barbour) \$1,737, Old Tyme Christmas (Jefferson) \$1,980,  
266 Paden City Labor Day Festival (Wetzel) \$5,363, Parkersburg  
267 Homecoming (Wood) \$12,159, Patty Fest (Monongalia)  
268 \$1,650, Paw Paw District Fair (Marion) \$2,888, Pax Reunion  
269 Committee (Fayette) \$4,125, Pendleton County 4-H Weekend  
270 \$1,650, Pendleton County Committee for Arts \$12,376,  
271 Pendleton County Fair \$8,685, Pennsboro Country Road  
272 Festival (Ritchie) \$1,650, Petersburg 4th of July Celebration  
273 (Grant) \$16,502, Petersburg HS Celebration (Grant) \$8,251,  
274 Piedmont-Annual Back Street Festival (Mineral) \$3,300, Pinch  
275 Reunion (Kanawha) \$1,238, Pine Bluff Fall Festival (Harrison)  
276 \$3,300, Pine Grove 4th of July Festival (Wetzel) \$5,776,  
277 Pineville Festival (Wyoming) \$4,950, Pleasants County  
278 Agriculture Youth Fair \$4,125, Poca Heritage Days (Putnam)  
279 \$2,475, Pocahontas County Pioneer Days \$5,776, Point  
280 Pleasant Stern Wheel Regatta (Mason) \$4,125, Potomac  
281 Highlands Maple Festival (Grant) \$4,950, Pratt Fall Festival  
282 (Kanawha) \$2,063, Princeton Autumnfest (Mercer) \$2,171,  
283 Princeton Street Fair (Mercer) \$4,125, Putnam County Fair  
284 \$4,125, Quartets on Parade (Hardy) \$3,300, Rainelle Fall  
285 Festival (Greenbrier) \$4,343, Rand Community Center Festival  
286 (Kanawha) \$2,063, Randolph County Community Arts Council  
287 \$2,475, Randolph County Fair \$5,776, Randolph County Ramp  
288 and Rails \$1,650, Ranson Christmas Festival (Jefferson)  
289 \$4,125, Ranson Festival (Jefferson) \$4,125, Ravenswood

290 Octoberfest (Jackson) \$6,601, Renick Liberty Festival  
291 (Greenbrier) \$950, Ripley 4th of July (Jackson) \$12,376,  
292 Ritchie County Fair and Exposition \$4,125, Ritchie County  
293 Pioneer Days \$950, River City Festival (Preston) \$950,  
294 Riverside Blues Festival (Randolph) \$4,343, Roane County  
295 Agriculture Field Day \$2,475, Rock the Park (Kanawha) \$4,500,  
296 Rocket Boys Festival (Raleigh) \$2,375, Romney Heritage Days  
297 (Hampshire) \$2,606, Ronceverte River Festival (Greenbrier)  
298 \$4,125, Rowlesburg Labor Day Festival (Preston) \$950, Rupert  
299 Country Fling (Greenbrier) \$2,475, Saint Spyridon Greek  
300 Festival (Harrison) \$2,063, Salem Apple Butter Festival  
301 (Harrison) \$3,300, Sistersville 4th of July (Tyler) \$4,538,  
302 Skirmish on the River (Mingo) \$1,737, Smoke on the Water  
303 (Wetzel) \$2,475, South Charleston Summerfest (Kanawha)  
304 \$8,251, Southern Wayne County Fall Festival \$950, Spirit of  
305 Grafton Celebration (Taylor) \$8,251, Springfield Peach Festival  
306 (Hampshire) \$1,026, St. Albans City of Lights - December  
307 (Kanawha) \$4,125, Sternwheel Festival (Wood) \$2,475, Stoco  
308 Reunion (Raleigh) \$2,063, Stonewall Jackson Heritage Arts &  
309 Crafts Jubilee (Lewis) \$9,076, Storytelling Festival (Lewis)  
310 \$475, Strawberry Festival (Upshur) \$24,752, Sylvester Big  
311 Coal River Festival \$2,700, Tacy Fair (Barbour) \$950, Taste  
312 of Parkersburg (Wood) \$4,125, Taylor County Fair \$4,538,  
313 Terra Alta VFD 4th of July Celebration (Preston) \$950, The  
314 Gathering at Sweet Creek (Wood) \$2,475, Three Rivers Coal  
315 Festival (Marion) \$6,394, Thunder on the Tygart - Mothers'  
316 Day Celebration (Taylor) \$12,376, Town of Delbarton 4th of  
317 July Celebration (Mingo) \$2,475, Town of Fayetteville  
318 Heritage Festival (Fayette) \$6,189, Town of Matoaka Hog  
319 Roast (Mercer) \$950, Town of Rivesville 4th of July Festival  
320 (Marion) \$4,343, Town of Winfield - Putnam County  
321 Homecoming \$4,500, Treasure Mountain Festival (Pendleton)  
322 \$20,627, Tri-County Fair (Grant) \$31,318, Tucker County Arts  
323 Festival and Celebration \$14,851, Tucker County Fair \$3,919,  
324 Tucker County Health Fair \$1,650, Tunnelton Depot Days

325 (Preston) \$950, Tunnelton Volunteer Fire Department Festival  
326 (Preston) \$950, Turkey Festival (Hardy) \$2,475, Tyler County  
327 Fair \$4,290, Tyler County 4th of July \$475, Tyler County  
328 OctoberFest \$1,000, Union Community Irish Festival (Barbour)  
329 \$900, Uniquely West Virginia Festival (Morgan) \$1,650,  
330 Upper Kanawha Valley Oktoberfest (Kanawha) \$2,063, Upper  
331 Ohio Valley Italian Festival (Ohio) \$9,901, Upper West Fork  
332 Park Bluegrass Festival (Calhoun) \$475, Upshur County Youth  
333 Livestock Show \$2,000, Valley District Fair (Preston) \$2,888,  
334 Veterans Welcome Home Celebration (Cabell) \$1,303,  
335 Vietnam Veterans of America # 949 Christmas Party (Cabell)  
336 \$950, Volcano Days at Mountwood Park (Wood) \$4,125, War  
337 Homecoming Fall Festival (McDowell) \$1,238, Wardensville  
338 Fall Festival (Hardy) \$4,125, Wayne County Fair \$4,125,  
339 Wayne County Fall Festival \$4,125, Webster County Wood  
340 Chopping Festival \$12,376, Webster Wild Water Weekend  
341 \$1,650, Weirton July 4th Celebration (Hancock) \$16,502,  
342 Welcome Home Family Day (Wayne) \$2,640, Wellsburg 4th  
343 of July Celebration (Brooke) \$6,189, Wellsburg Apple Festival  
344 of Brooke County \$4,125, West Virginia Blackberry Festival  
345 (Harrison) \$4,125, West Virginia Chestnut Festival (Preston)  
346 \$950, West Virginia Coal Festival (Boone) \$8,251, West  
347 Virginia Coal Show (Mercer) \$2,171, West Virginia Dairy  
348 Cattle Show (Lewis) \$8,251, West Virginia Dandelion Festival  
349 (Greenbrier) \$4,125, West Virginia Fair and Exposition (Wood)  
350 \$6,684, West Virginia Fireman's Rodeo (Fayette) \$2,063,  
351 West Virginia Oil and Gas Festival (Tyler) \$9,076, West  
352 Virginia Peach Festival (Hampshire) \$4,500, West Virginia  
353 Polled Hereford Association (Braxton) \$1,238, West Virginia  
354 Poultry Festival (Hardy) \$4,125, West Virginia Pumpkin  
355 Festival (Cabell) \$8,251, West Virginia State Monarch  
356 Butterfly Festival (Brooke) \$4,125, West Virginia Water  
357 Festival - City of Hinton (Summers) \$13,201, Weston VFD 4th  
358 of July Firemen Festival (Lewis) \$1,650, Wetzel County  
359 Autumnfest \$4,538, Wetzel County Town and Country Days

360 \$14,026, Wheeling Celtic Festival (Ohio) \$1,650, Wheeling  
 361 City of Lights (Ohio) \$6,601, Wheeling Sternwheel Regatta  
 362 (Ohio) \$8,251, Wheeling Vintage Raceboat Regatta (Ohio)  
 363 \$16,502, Whipple Community Action (Fayette) \$2,063,  
 364 Wileyville Homecoming (Wetzel) \$3,300, Wine Festival and  
 365 Mountain Music Event (Harrison) \$4,125, Winter Festival of  
 366 the Waters (Berkeley) \$4,125, Wirt County Fair \$2,063, Wirt  
 367 County Pioneer Days \$1,650, Wyoming County Civil War  
 368 Days \$1,800, Youth Stockman Beef Expo (Lewis) \$1,650.

369 Any Fairs & Festivals awards shall be funded in addition to,  
 370 and not in lieu of, individual grant allocations derived from the  
 371 Arts Council and the Cultural Grant Program allocations.

*293 - Library Commission –  
 Lottery Education Fund*

(WV Code Chapter 10)

Fund 3559 FY 2016 Org 0433

1	Books and Films.. . . . .	17900	\$	360,784
2	Services to Libraries. . . . .	18000		550,000
3	Grants to Public Libraries. . . . .	18200		9,439,571
4	Digital Resources.. . . . .	30900		219,992
5	Infomine Network. . . . .	88400		<u>850,646</u>
6	Total.. . . . .		\$	11,420,993

7 Any unexpended balance remaining in the appropriation for  
 8 Libraries – Special Projects (fund 3559, appropriation 62500) at  
 9 the close of fiscal year 2015 is hereby reappropriated for  
 10 expenditure during the fiscal year 2016.

*294 - Bureau of Senior Services –  
Lottery Senior Citizens Fund*

(WV Code Chapter 29)

Fund 5405 FY 2016 Org 0508

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 193,414
3	Current Expenses. . . . .	13000	333,681
4	Repairs and Alterations. . . . .	06400	1,000
5	Local Programs Service		
6	Delivery Costs. . . . .	20000	2,435,250
7	Silver Haired Legislature. . . . .	20200	18,500
8	Transfer to Division of Human		
9	Services for Health Care		
10	and Title XIX Waiver for		
11	Senior Citizens. . . . .	53900	20,503,026
12	Roger Tompkins Alzheimer's		
13	Respite Care. . . . .	64300	2,296,543
14	WV Alzheimer's Hotline. . . . .	72400	45,000
15	Regional Aged and Disabled		
16	Resource Center. . . . .	76700	425,000
17	Senior Services Medicaid		
18	Transfer. . . . .	87100	8,670,000
19	Legislative Initiatives for the		
20	Elderly. . . . .	90400	9,671,239



2015]	HOUSE OF DELEGATES	3489
21	Long Term Care Ombudsman. . . . . 90500	297,226
22	BRIM Premium. . . . . 91300	6,500
23	In-Home Services and Nutrition for	
24	Senior Citizens.. . . . . 91700	<u>4,320,941</u>
25	Total.. . . . .	\$ 49,217,320

26 Any unexpended balance remaining in the appropriation for  
27 Senior Citizen Centers and Programs (fund 5405, appropriation  
28 46200) at the close of the fiscal year 2015 is hereby  
29 reappropriated for expenditure during the fiscal year 2016.

30 Included in the above appropriation for Current Expenses  
31 (fund 5405, appropriation 13000), is funding to support an in-  
32 home direct care workforce registry.

33 The above appropriation for Transfer to Division of Human  
34 Services for Health Care and Title XIX Waiver for Senior  
35 Citizens (appropriation 53900) along with the federal moneys  
36 generated thereby shall be used for reimbursement for services  
37 provided under the program.

*295 - Higher Education Policy Commission –  
Lottery Education –  
Higher Education Policy Commission –  
Control Account*

(WV Code Chapters 18B and 18C)

Fund 4925 FY 2016 Org 0441

1	RHI Program and Site	
2	Support (R). . . . . 03600	\$ 1,912,491
3	RHI Program and Site Support –	
4	RHEP Program	
5	Administration (R).. . . . . 03700	146,653

6	RHI Program and Site Support –		
7	Grad Med		
8	Ed and Fiscal Oversight (R). . . 03800		85,813
9	Minority Doctoral Fellowship (R).. 16600		129,604
10	Underwood–Smith Scholarship		
11	Program–Student Awards. . . . 16700		135,849
12	Health Sciences Scholarship (R). . . 17600		220,598
13	Vice Chancellor for Health Sciences –		
14	Rural Health Residency		
15	Program (R)..... 60100		62,725
16	WV Engineering, Science, and		
17	Technology Scholarship		
18	Program..... 86800		<u>452,831</u>
19	Total.....	\$	3,146,564

20 Any unexpended balances remaining in the appropriations  
21 for RHI Program and Site Support (fund 4925, appropriation  
22 03600), RHI Program and Site Support – RHEP Program  
23 Administration (fund 4925, appropriation 03700), RHI Program  
24 and Site Support – Grad Med Ed and Fiscal Oversight (fund  
25 4925, appropriation 03800), Minority Doctoral Fellowship (fund  
26 4925, appropriation 16600), Health Sciences Scholarship (fund  
27 4925, appropriation 17600), and Vice Chancellor for Health  
28 Sciences – Rural Health Residency Program (fund 4925,  
29 appropriation 60100) at the close of fiscal year 2015 are hereby  
30 reappropriated for expenditure during the fiscal year 2016.

31 The above appropriation for Underwood–Smith Scholarship  
32 Program–Student Awards (appropriation 16700) shall be  
33 transferred to the Underwood – Smith Teacher Scholarship and  
34 Loan Assistance Fund (fund 4922, org 0441) established by  
35 W.Va. Code §18C-4-1.

36 The above appropriation for WV Engineering, Science, and  
 37 Technology Scholarship Program (appropriation 86800) shall be  
 38 transferred to the West Virginia Engineering, Science and  
 39 Technology Scholarship Fund (fund 4928, org 0441) established  
 40 by W.Va. Code §18C-6-1.

*296 - Community and Technical College –  
 Capital Improvement Fund*

(WV Code Chapter 18B)

Fund 4908 FY 2016 Org 0442

1 Debt Service – Total. . . . . 31000 \$ 5,000,000

2 Any unexpended balance remaining in the appropriation for  
 3 Capital Outlay and Improvements – Total (fund 4908,  
 4 appropriation 84700) at the close of fiscal year 2015 is hereby  
 5 reappropriated for expenditure during the fiscal year 2016.

*297 - Higher Education Policy Commission –  
 Lottery Education –  
 West Virginia University – School of Medicine*

(WV Code Chapter 18B)

Fund 4185 FY 2016 Org 0463

1 WVU Health Sciences –  
 2 RHI Program and Site  
 3 Support (R). . . . . 03500 \$ 1,125,203

4 MA Public Health Program and  
 5 Health Science  
 6 Technology (R). . . . . 62300 54,432

7 Health Sciences Career  
 8 Opportunities Program (R). . . 86900 328,462

9	HSTA Program (R). . . . .	87000	1,674,240
10	Center for Excellence in		
11	Disabilities (R).. . . . .	96700	<u>305,806</u>
12	Total.. . . . .		\$ 3,488,143

13 Any unexpended balances remaining in the appropriations  
 14 for WVU Health Sciences – RHI Program and Site Support  
 15 (fund 4185, appropriation 03500), MA Public Health Program  
 16 and Health Science Technology (fund 4185, appropriation  
 17 62300), Health Sciences Career Opportunities Program (fund  
 18 4185, appropriation 86900), HSTA Program (fund 4185,  
 19 appropriation 87000), and Center for Excellence in Disabilities  
 20 (fund 4185, appropriation 96700) at the close of fiscal year 2015  
 21 are hereby reappropriated for expenditure during the fiscal year  
 22 2016.

*298 - Higher Education Policy Commission –  
 Lottery Education –  
 Marshall University*

(WV Code Chapters 18B)

Fund 4267 FY 2016 Org 0471

1 Any unexpended balance remaining in the appropriation for  
 2 Marshall University Graduate College Writing Project (fund  
 3 4267, appropriation 80700) at the close of fiscal year 2015 is  
 4 hereby reappropriated for expenditure during the fiscal year  
 5 2016.

*299 - Higher Education Policy Commission –  
 Lottery Education –  
 Marshall University – School of Medicine*

(WV Code Chapter 18B)

Fund 4896 FY 2016 Org 0471

1	Marshall Medical School –		
2	RHI Program and		
3	Site Support (R)..... 03300	\$	410,253
4	Vice Chancellor for Health Sciences –		
5	Rural Health Residency		
6	Program (R)..... 60100		<u>169,529</u>
7	Total.....	\$	579,782

8 Any unexpended balances remaining in the appropriations  
9 for Marshall Medical School – RHI Program and Site Support  
10 (fund 4896, appropriation 03300) and Vice Chancellor for  
11 Health Sciences – Rural Health Residency Program (fund 4896,  
12 appropriation 60100) at the close of fiscal year 2015 are hereby  
13 reappropriated for expenditure during the fiscal year 2016.

14	Total TITLE II, Section 4 —		
15	Lottery Revenue. ....	\$	<u>136,326,000</u>

1       **Sec. 5. Appropriations from state excess lottery revenue**  
2 **fund.** — In accordance with W.Va. Code §29-22-18a, §29-22A-  
3 10d, §29-22A-10e, §29-22C-27a and §29-25-22b, the following  
4 appropriations shall be deposited and disbursed by the Director  
5 of the Lottery to the following accounts in this section in the  
6 amounts indicated.

7       After first funding the appropriations required by W.Va.  
8 Code §29-22-18a, §29-22A-10d, §29-22A-10e, §29-22C-27a and  
9 §29-25-22b, the Director of the Lottery shall provide funding  
10 from the State Excess Lottery Revenue Fund for the remaining  
11 appropriations in this section to the extent that funds are  
12 available. In the event that revenues to the State Excess Lottery  
13 Revenue Fund are not sufficient to meet all the appropriations  
14 made pursuant to this section, then the Director of the Lottery  
15 shall first provide the necessary funds to meet fund 7208,

16 appropriation 70011 of this section; next, to provide the funds  
 17 necessary for fund 5365, appropriation 18900. Allocation of the  
 18 funds for each appropriation shall be allocated in succession  
 19 before any funds are provided for the next subsequent  
 20 appropriation.

*300 - Lottery Commission –  
 Refundable Credit*

Fund 7207 FY 2016 Org 0705

	<b>Appro- pria- tion</b>	<b>Excess Lottery Funds</b>
1 Directed Transfer. . . . .	70000	\$ 10,000,000

2 The above appropriation shall be transferred to the General  
 3 Revenue Fund to provide reimbursement for the refundable  
 4 credit allowable under W.Va. Code §11-21-21. The amount of  
 5 the required transfer shall be determined solely by the state tax  
 6 commissioner and shall be completed by the director of the  
 7 lottery upon the commissioner’s request.

*301 - Lottery Commission –  
 General Purpose Account*

Fund 7206 FY 2016 Org 0705

1 General Revenue Fund – Transfer. .	70011	\$ 65,000,000
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2 The above appropriation shall be transferred to the General  
 3 Revenue Fund as determined by the director of the lottery in  
 4 accordance with W.Va. Code §29-22-18a.

*302 - Higher Education Policy Commission –  
 Education Improvement Fund*

Fund 4295 FY 2016 Org 0441

1 PROMISE Scholarship – Transfer.. 80000 \$ 29,000,000

2 The above appropriation shall be transferred to the  
3 PROMISE Scholarship Fund (fund 4296, org 0441) established  
4 by W.Va. Code §18C-7-7.

5 The Legislature has explicitly set a finite amount of  
6 available appropriations and directed the administrators of the  
7 Program to provide for the award of scholarships within the  
8 limits of available appropriations.

*303 - Economic Development Authority –  
Economic Development Project Fund*

Fund 9065 FY 2016 Org 0944

1 Debt Service – Total. . . . . 31000 \$ 19,000,000

2 Pursuant to W.Va. Code §29-22-18a, subsection (f), excess  
3 lottery revenues are authorized to be transferred to the lottery  
4 fund as reimbursement of amounts transferred to the economic  
5 development project fund pursuant to section four of this title  
6 and W.Va. Code §29-22-18, subsection (f).

*304 - Department of Education –  
School Building Authority*

Fund 3514 FY 2016 Org 0402

1 Debt Service – Total. . . . . 31000 \$ 19,000,000

*305 - West Virginia Infrastructure Council –  
West Virginia Infrastructure Transfer Fund*

Fund 3390 FY 2016 Org 0316

1 Directed Transfer. . . . . 70000 \$ 36,000,000

2 The above appropriation shall be allocated pursuant to  
3 W.Va. Code §29-22-18d and §31-15-9.

*306 - Higher Education Policy Commission –  
Higher Education Improvement Fund*

Fund 4297 FY 2016 Org 0441

1 Directed Transfer..... 70000      \$ 15,000,000

2        The above appropriation shall be transferred to fund 4903,  
3 org 0442 as authorized by Senate Concurrent Resolution No. 41.

*307 - Division of Natural Resources  
State Park Improvement Fund*

Fund 3277 FY 2016 Org 0310

1 Current Expenses (R)..... 13000      \$ 2,438,300

2 Repairs and Alterations (R)..... 06400                      2,161,200

3 Equipment (R)..... 07000                                      200,000

4 Buildings (R)..... 25800                                      100,000

5 Other Assets (R)..... 69000                                      100,500

6        Total.....                                      \$ 5,000,000

7        Any unexpended balances remaining in the above  
8 appropriations for Repairs and Alterations (fund 3277,  
9 appropriation 06400), Equipment (fund 3277, appropriation  
10 07000), Unclassified – Total (fund 3277, appropriation 09600),  
11 Unclassified (fund 3277, appropriation 09900), Current  
12 Expenses (fund 3277, appropriation 13000), Buildings (fund  
13 3277, appropriation 25800), and Other Assets (fund 3277,  
14 appropriation 69000) at the close of the fiscal year 2015 are  
15 hereby reappropriated for expenditure during the fiscal year  
16 2016.



*308 - Racing Commission –*Fund 7308 FY 2016 Org 0707

1	Special Breeders Compensation		
2	(WVC §29-22-18a,		
3	subsection (1)). . . . .	21800	\$ 2,000,000

*309 - Lottery Commission –**Distributions to Statutory Funds and Purposes*Fund 7213 FY 2016 Org 0705

1	Parking Garage Fund – Transfer. . .	70001	\$ 500,000
2	2004 Capitol Complex Parking		
3	Garage Fund – Transfer. . . . .	70002	255,249
4	Capitol Dome and Improvements		
5	Fund – Transfer. . . . .	70003	2,200,641
6	Capitol Renovation and		
7	Improvement Fund –		
8	Transfer. . . . .	70004	2,807,722
9	Development Office Promotion		
10	Fund – Transfer. . . . .	70005	1,531,485
11	Research Challenge Fund –		
12	Transfer. . . . .	70006	2,041,980
13	Tourism Promotion Fund –		
14	Transfer. . . . .	70007	5,694,666
15	Cultural Facilities and Capitol		
16	Resources Matching		
17	Grant Program Fund –		
18	Transfer. . . . .	70008	1,500,000

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19	Workers' Compensation Debt	
20	Reduction Fund – Transfer. . . . 70009	11,000,000
21	State Debt Reduction Fund –	
22	Transfer. . . . . 70010	20,000,000
23	General Revenue Fund –	
24	Transfer. . . . . 70011	1,794,761
25	West Virginia Racing	
26	Commission Racetrack	
27	Video Lottery Account. . . . . 70012	4,083,958
28	Historic Resort Hotel Fund. . . . . 70013	34,200
29	Licensed Racetrack Regular	
30	Purse Fund. . . . . 70014	<u>12,159,198</u>
31	Total. . . . .	\$ 65,603,860

*310 - Lottery Commission –  
Excess Lottery Revenue Fund Surplus*

Fund 7208 FY 2016 Org 0705

- 1 General Revenue Fund – Transfer. . 70011      \$ 18,355,000
- 2     The above appropriation for General Revenue Fund –
- 3     Transfer (fund 7208, appropriation 70011) shall be transferred
- 4     to the General Revenue Fund.

*311 - Governor's Office*

(WV Code Chapter 5)

Fund 1046 FY 2016 Org 0100

- 1     Any unexpended balance remaining in the appropriation for
- 2     Publication of Papers and Transition Expenses – Lottery Surplus

3 (fund 1046, appropriation 06600) at the close of the fiscal year  
4 2015 is hereby reappropriated for expenditure during the fiscal  
5 year 2016.

*312 - West Virginia Development Office*

(WV Code Chapter 5B)

Fund 3170 FY 2016 Org 0307

1 Any unexpended balances remaining in the appropriations  
2 for Unclassified – Total (fund 3170, appropriation 09600),  
3 Recreational Grants or Economic Development Loans (fund  
4 3170, appropriation 25300), and Connectivity Research and  
5 Development – Lottery Surplus (fund 3170, appropriation  
6 92300) at the close of the fiscal year 2015 are hereby  
7 reappropriated for expenditure during the fiscal year 2016.

*313 - Higher Education Policy Commission –  
Administration –  
Control Account*

(WV Code Chapter 18B)

Fund 4932 FY 2016 Org 0441

1 Any unexpended balance remaining in the appropriation for  
2 Advanced Technology Centers (fund 4932, appropriation 02800)  
3 at the close of the fiscal year 2015 is hereby reappropriated for  
4 expenditure during the fiscal year 2016.

*314 - Division of Health –  
Central Office*

(WV Code Chapter 16)

Fund 5219 FY 2016 Org 0506

1 Any unexpended balance remaining in the appropriation for  
 2 Capital Outlay and Maintenance (fund 5219, appropriation  
 3 75500) at the close of the fiscal year 2015 is hereby  
 4 reappropriated for expenditure during the fiscal year 2016.

*315 - Division of Human Services*

(WV Code Chapters 9, 48 and 49)

Fund 5365 FY 2016 Org 0511

1 Medical Services. . . . . 18900 \$ 16,422,140

*316 - Division of Corrections –  
 Correctional Units*

(WV Code Chapters 25, 28, 49 and 62)

Fund 6283 FY 2016 Org 0608

1 Any unexpended balance remaining in the appropriation for  
 2 Capital Outlay and Maintenance (fund 6283, appropriation  
 3 75500) at the close of the fiscal year 2015 is hereby  
 4 reappropriated for expenditure during the fiscal year 2016.

5 Total TITLE II, Section 5 —

6 Excess Lottery Funds. . . . . \$ 300,381,000

1 **Sec. 6. Appropriations of federal funds.** — In accordance  
 2 with Article 11, Chapter 4 of the Code from federal funds there  
 3 are hereby appropriated conditionally upon the fulfillment of the  
 4 provisions set forth in Article 2, Chapter 11B of the Code the  
 5 following amounts, as itemized, for expenditure during the fiscal  
 6 year 2016.

**LEGISLATIVE**

*317 - Crime Victims Compensation Fund*

(WV Code Chapter 14)

Fund 8738 FY 2016 Org 2300

	<b>Appropriation</b>	<b>Federal Funds</b>
1 Economic Loss Claim		
2 Payment Fund. . . . .	33400	\$ 3,000,000

**JUDICIAL**

*318 - Supreme Court*

Fund 8867 FY 2016 Org 2400

1 Personal Services and		
2 Employee Benefits.. . . .	00100	\$ 250,000
3 Current Expenses. . . . .	13000	<u>1,750,000</u>
4 Total.. . . .		\$ 2,000,000

**EXECUTIVE**

*319 - Governor's Office*

(WV Code Chapter 5)

Fund 8742 FY 2016 Org 0100

1 Personal Services and		
2 Employee Benefits.. . . .	00100	\$ 86,677
3 Current Expenses. . . . .	13000	<u>138,323</u>
4 Total.. . . .		\$ 225,000

*320 - Department of Agriculture*

(WV Code Chapter 19)

Fund 8736 FY 2016 Org 1400

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 1,563,760
3	Unclassified. . . . .	09900	50,534
4	Current Expenses. . . . .	13000	3,229,161
5	Repairs and Alterations. . . . .	06400	50,000
6	Equipment. . . . .	07000	<u>160,000</u>
7	Total. . . . .		\$ 5,053,455

*321 - Department of Agriculture –  
Meat Inspection Fund*

(WV Code Chapter 19)

Fund 8737 FY 2016 Org 1400

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 610,830
3	Unclassified. . . . .	09900	8,755
4	Current Expenses. . . . .	13000	136,012
5	Repairs and Alterations. . . . .	06400	5,500
6	Equipment. . . . .	07000	<u>114,478</u>
7	Total. . . . .		\$ 875,575

*322 - Department of Agriculture –  
State Conservation Committee*

(WV Code Chapter 19)

Fund 8783 FY 2016 Org 1400

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 97,250
3	Current Expenses. . . . .	13000	<u>14,099,974</u>
4	Total. . . . .		\$ 14,197,224

*323 - Department of Agriculture –  
Land Protection Authority*

Fund 8896 FY 2016 Org 1400

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 46,526
3	Unclassified. . . . .	09900	5,004
4	Current Expenses. . . . .	13000	<u>448,920</u>
5	Total. . . . .		\$ 500,450

*324 - Secretary of State –  
State Election Fund*

(WV Code Chapter 3)

Fund 8854 FY 2016 Org 1600

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 210,240
3	Unclassified. . . . .	09900	7,484
4	Current Expenses. . . . .	13000	415,727
5	Repairs and Alterations. . . . .	06400	15,000

6	Other Assets.....	69000		<u>100,000</u>
7	Total.....		\$	748,451

**DEPARTMENT OF ADMINISTRATION**

*325 - Children's Health Insurance Agency*

(WV Code Chapter 5)

Fund 8838 FY 2016 Org 0230

1	Personal Services and			
2	Employee Benefits.....	00100	\$	0
3	Current Expenses.....	13000		<u>0</u>
4	Total.....		\$	0

**DEPARTMENT OF COMMERCE**

*326 - Division of Forestry*

(WV Code Chapter 19)

Fund 8703 FY 2016 Org 0305

1	Personal Services and			
2	Employee Benefits.....	00100	\$	1,442,347
3	Unclassified.....	09900		51,050
4	Current Expenses.....	13000		5,622,560
5	Repairs and Alterations.....	06400		155,795
6	Equipment.....	07000		50,000
7	Other Assets.....	69000		<u>1,808,300</u>
8	Total.....		\$	9,130,052



*327 - Geological and Economic Survey*

(WV Code Chapter 29)

Fund 8704 FY 2016 Org 0306

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 54,432
3	Unclassified.....	09900	2,803
4	Current Expenses.....	13000	195,639
5	Repairs and Alterations.....	06400	5,000
6	Equipment.....	07000	7,500
7	Other Assets.....	69000	<u>15,000</u>
8	Total.....		\$ 280,374

*328 - West Virginia Development Office*

(WV Code Chapter 5B)

Fund 8705 FY 2016 Org 0307

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 1,052,547
3	Unclassified.....	09900	96,900
4	Current Expenses.....	13000	<u>8,553,505</u>
5	Total.....		\$ 9,702,952

*329 - Division of Labor*

(WV Code Chapters 21 and 47)

Fund 8706 FY 2016 Org 0308

1	Personal Services and		
2	Employee Benefits..... 00100	\$	384,072
3	Unclassified..... 09900		5,572
4	Current Expenses..... 13000		167,098
5	Repairs and Alterations..... 06400		<u>500</u>
6	Total.....	\$	557,242

*330 - Division of Natural Resources*

(WV Code Chapter 20)

Fund 8707 FY 2016 Org 0310

1	Personal Services and		
2	Employee Benefits..... 00100	\$	7,912,218
3	Unclassified..... 09900		107,693
4	Current Expenses..... 13000		5,556,594
5	Repairs and Alterations..... 06400		189,400
6	Equipment..... 07000		1,096,242
7	Buildings..... 25800		1,000
8	Other Assets..... 69000		1,951,000
9	Land..... 73000		<u>1,000</u>
10	Total.....	\$	16,815,147

*331 - Division of Miners' Health,  
Safety and Training*

(WV Code Chapter 22)

Fund 8709 FY 2016 Org 0314

1	Personal Services and		
2	Employee Benefits..... 00100	\$	613,177
3	Current Expenses..... 13000		<u>150,000</u>
4	Total.....	\$	763,177

*332 - WorkForce West Virginia*

(WV Code Chapter 23)

Fund 8835 FY 2016 Org 0323

1	Unclassified. .... 09900	\$	5,127
2	Current Expenses..... 13000		507,530
3	Reed Act 2002 –		
4	Unemployment Compensation. 62200		2,850,000
5	Reed Act 2002 –		
6	Employment Services. .... 63000		<u>1,650,000</u>
7	Total.....	\$	5,012,657

8 Pursuant to the requirements of 42 U.S.C. 1103, Section 903  
9 of the Social Security Act, as amended, and the provisions of  
10 W.Va. Code §21A-9-9, the above appropriation to Unclassified  
11 and Current Expenses shall be used by WorkForce West Virginia  
12 for the specific purpose of administration of the state’s  
13 unemployment insurance program or job service activities,  
14 subject to each and every restriction, limitation or obligation  
15 imposed on the use of the funds by those federal and state  
16 statutes.

*333 - Office of the Secretary –  
Office of Economic Opportunity*

(WV Code Chapter 5)

Fund 8780 FY 2016 Org 0327

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 497,289
3	Unclassified. . . . .	09900	106,795
4	Current Expenses. . . . .	13000	10,068,916
5	Repairs and Alterations. . . . .	06400	500
6	Equipment. . . . .	07000	<u>6,000</u>
7	Total. . . . .		\$ 10,679,500

*334 - Division of Energy*

(WV Code Chapter 5B)

Fund 8892 FY 2016 Org 0328

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 411,574
3	Unclassified. . . . .	09900	15,000
4	Current Expenses. . . . .	13000	1,082,968
5	Repairs and Alterations. . . . .	06400	200
6	Equipment. . . . .	07000	<u>1,000</u>
7	Total. . . . .		\$ 1,510,742

**DEPARTMENT OF EDUCATION**

*335 - State Board of Education –  
State Department of Education*

(WV Code Chapters 18 and 18A)

Fund 8712 FY 2016 Org 0402

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 7,078,855
3	Unclassified. . . . .	09900	2,000,000
4	Current Expenses. . . . .	13000	208,917,820
5	Repairs and Alterations. . . . .	06400	10,000
6	Equipment. . . . .	07000	10,000
7	Other Assets. . . . .	69000	10,000
8	Federal Economic Stimulus. . . . .	89100	<u>2,000,000</u>
9	Total. . . . .		\$ 220,026,675

*336 - State Board of Education –  
School Lunch Program*

(WV Code Chapters 18 and 18A)

Fund 8713 FY 2016 Org 0402

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 1,992,648
3	Unclassified. . . . .	09900	1,150,500
4	Current Expenses. . . . .	13000	113,101,265
5	Repairs and Alterations. . . . .	06400	20,000
6	Equipment. . . . .	07000	100,000

7	Other Assets.....	69000	<u>25,000</u>
8	Total.....		\$ 116,389,413

*337 - State Board of Education –  
Vocational Division*

(WV Code Chapters 18 and 18A)

Fund 8714 FY 2016 Org 0402

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 1,519,972
3	Unclassified.....	09900	155,000
4	Current Expenses.....	13000	13,820,081
5	Repairs and Alterations.....	06400	10,000
6	Equipment.....	07000	10,000
7	Other Assets.....	69000	<u>10,000</u>
8	Total.....		\$ 15,525,053

*338 - State Board of Education –  
Aid for Exceptional Children*

(WV Code Chapters 18 and 18A)

Fund 8715 FY 2016 Org 0402

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 4,044,940
3	Unclassified.....	09900	1,000,000
4	Current Expenses.....	13000	107,646,390

2015]	HOUSE OF DELEGATES	3511
5	Repairs and Alterations. . . . . 06400	10,000
6	Equipment. . . . . 07000	10,000
7	Other Assets. . . . . 69000	<u>10,000</u>
8	Total. . . . .	\$ 112,721,330

**DEPARTMENT OF EDUCATION AND THE ARTS**

*339 - Department of Education and the Arts –  
Office of the Secretary*

(WV Code Chapter 5F)

Fund 8841 FY 2016 Org 0431

1	Personal Services and	
2	Employee Benefits. . . . . 00100	\$ 414,424
3	Current Expenses. . . . . 13000	5,589,576
4	Repairs and Alterations. . . . . 06400	<u>1,000</u>
5	Total. . . . .	\$ 6,005,000

*340 - Division of Culture and History*

(WV Code Chapter 29)

Fund 8718 FY 2016 Org 0432

1	Personal Services and	
2	Employee Benefits. . . . . 00100	\$ 743,046
3	Current Expenses. . . . . 13000	1,947,372
4	Repairs and Alterations. . . . . 06400	1,000

5	Equipment. ....	07000		1,000
6	Buildings. ....	25800		1,000
7	Other Assets.....	69000		1,000
8	Land. ....	73000		<u>360</u>
9	Total.....		\$	2,694,778

*341 - Library Commission*

(WV Code Chapter 10)

Fund 8720 FY 2016 Org 0433

1	Personal Services and			
2	Employee Benefits.....	00100	\$	328,653
3	Current Expenses.....	13000		1,081,157
4	Equipment. ....	07000		<u>543,406</u>
5	Total.....		\$	1,953,216

*342 - Educational Broadcasting Authority*

(WV Code Chapter 10)

Fund 8721 FY 2016 Org 0439

1	Equipment. ....	07000	\$	750,000
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*343 - State Board of Rehabilitation –  
Division of Rehabilitation Services*

(WV Code Chapter 18)

Fund 8734 FY 2016 Org 0932



1	Personal Services and	
2	Employee Benefits.. . . . . 00100	\$ 12,616,894
3	Current Expenses. . . . . 13000	53,118,076
4	Repairs and Alterations. . . . . 06400	350,300
5	Equipment. . . . . 07000	<u>1,275,870</u>
6	Total.. . . . .	\$ 67,361,140

*344 - State Board of Rehabilitation –  
Division of Rehabilitation Services –  
Disability Determination Services*

(WV Code Chapter 18)

Fund 8890 FY 2016 Org 0932

1	Personal Services and	
2	Employee Benefits.. . . . . 00100	\$ 15,906,206
3	Current Expenses. . . . . 13000	9,207,634
4	Repairs and Alterations. . . . . 06400	1,100
5	Equipment. . . . . 07000	<u>83,350</u>
6	Total.. . . . .	\$ 25,198,290

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

*345 - Division of Environmental Protection*

(WV Code Chapter 22)

Fund 8708 FY 2016 Org 0313

1	Personal Services and	
2	Employee Benefits.. . . . . 00100	\$ 28,102,458

3514	JOURNAL OF THE	[MARCH 18
3	Current Expenses. . . . . 13000	166,827,394
4	Repairs and Alterations. . . . . 06400	233,583
5	Equipment. . . . . 07000	888,188
6	Other Assets. . . . . 69000	146,216
7	Land. . . . . 73000	<u>100,000</u>
8	Total. . . . .	\$ 196,297,839

**DEPARTMENT OF HEALTH AND HUMAN RESOURCES**

*346 - Consolidated Medical Service Fund*

(WV Code Chapter 16)

Fund 8723 FY 2016 Org 0506

1	Personal Services and	
2	Employee Benefits. . . . . 00100	\$ 627,336
3	Unclassified. . . . . 09900	73,307
4	Current Expenses. . . . . 13000	<u>6,630,103</u>
5	Total. . . . .	\$ 7,330,746

*347 - Division of Health –  
Central Office*

(WV Code Chapter 16)

Fund 8802 FY 2016 Org 0506

1	Personal Services and	
2	Employee Benefits. . . . . 00100	\$ 13,744,404

2015]	HOUSE OF DELEGATES	3515
3	Unclassified. . . . . 09900	910,028
4	Current Expenses. . . . . 13000	79,148,201
5	Equipment. . . . . 07000	456,972
6	Buildings. . . . . 25800	155,000
7	Other Assets. . . . . 69000	380,000
8	Federal Economic Stimulus. . . . . 89100	<u>150,000</u>
9	Total. . . . .	\$ 94,944,605

*348 - Division of Health –  
West Virginia Safe Drinking Water Treatment*

(WV Code Chapter 16)

Fund 8824 FY 2016 Org 0506

1	West Virginia Drinking	
2	Water Treatment	
3	Revolving Fund – Transfer. . . . . 68900	\$ 16,000,000

*349 - West Virginia Health Care Authority*

(WV Code Chapter 16)

Fund 8851 FY 2016 Org 0507

1	Unclassified. . . . . 09900	\$ 9,966
2	Current Expenses. . . . . 13000	<u>986,649</u>
3	Total. . . . .	\$ 996,615

*350 - Human Rights Commission*

(WV Code Chapter 5)

Fund 8725 FY 2016 Org 0510

1	Personal Services and		
2	Employee Benefits..... 00100	\$	549,827
3	Unclassified. .... 09900		5,482
4	Current Expenses. .... 13000		<u>90,389</u>
5	Total.....	\$	645,698

*351 - Division of Human Services*

(WV Code Chapters 9, 48 and 49)

Fund 8722 FY 2016 Org 0511

1	Personal Services and		
2	Employee Benefits..... 00100	\$	67,320,701
3	Unclassified. .... 09900		22,855,833
4	Current Expenses. .... 13000		71,798,431
5	Medical Services. .... 18900		2,803,202,632
6	Medical Services		
7	Administrative Costs..... 78900		132,045,119
8	CHIP Administrative Costs. .... 85601		533,752
9	CHIP Services. .... 85602		47,422,974
10	Federal Economic Stimulus..... 89100		<u>45,693,209</u>
11	Total.....	\$	3,190,872,651

**DEPARTMENT OF MILITARY AFFAIRS  
AND PUBLIC SAFETY**

*352 - Office of the Secretary*

## (WV Code Chapter 5F)

Fund 8876 FY 2016 Org 0601

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 440,525
3	Unclassified. . . . .	09900	250,053
4	Current Expenses. . . . .	13000	24,303,277
5	Repairs and Alterations. . . . .	06400	3,971
6	Other Assets. . . . .	69000	<u>7,500</u>
7	Total. . . . .		\$ 25,005,326

*353 - Adjutant General –  
State Militia*

## (WV Code Chapter 15)

Fund 8726 FY 2016 Org 0603

1	Unclassified. . . . .	09900	\$ 982,705
2	Mountaineer ChalleNGe		
3	Academy. . . . .	70900	3,050,000
4	Martinsburg Starbase. . . . .	74200	375,000
5	Charleston Starbase. . . . .	74300	325,000
6	Military Authority. . . . .	74800	<u>93,537,900</u>
7	Total. . . . .		\$ 98,270,605

8     The adjutant general shall have the authority to transfer  
9     between appropriations.

*354 - Adjutant General –  
West Virginia National Guard Counterdrug Forfeiture Fund*

(WV Code Chapter 15)

Fund 8785 FY 2016 Org 0603

1	Personal Services and	
2	Employee Benefits.. . . . . 00100	\$ 1,350,000
3	Current Expenses. . . . . 13000	300,000
4	Equipment. . . . . 07000	<u>350,000</u>
5	Total. . . . .	\$ 2,000,000

*355 - Division of Homeland Security and  
Emergency Management*

(WV Code Chapter 15)

Fund 8727 FY 2016 Org 0606

1	Personal Services and	
2	Employee Benefits.. . . . . 00100	\$ 721,650
3	Current Expenses. . . . . 13000	20,429,281
4	Repairs and Alterations. . . . . 06400	5,000
5	Equipment. . . . . 07000	<u>100,000</u>
6	Total. . . . .	\$ 21,255,931

*356 - Division of Corrections*

(WV Code Chapters 25, 28, 49 and 62)

Fund 8836 FY 2016 Org 0608

1	Unclassified. . . . . 09900	\$ 1,100
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2015]	HOUSE OF DELEGATES		3519
2	Current Expenses.....	13000	<u>108,900</u>
3	Total.....		\$ 110,000

*357 - West Virginia State Police*

(WV Code Chapter 15)

Fund 8741 FY 2016 Org 0612

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 2,325,349
3	Current Expenses.....	13000	2,125,971
4	Repairs and Alterations. ....	06400	42,000
5	Equipment. ....	07000	2,502,285
6	Buildings. ....	25800	750,500
7	Other Assets.....	69000	144,500
8	Land. ....	73000	<u>500</u>
9	Total.....		\$ 7,891,105

*358 - Fire Commission*

(WV Code Chapter 29)

Fund 8819 FY 2016 Org 0619

1	Current Expenses.....	13000	\$ 80,000
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*359 - Division of Justice and Community Services*

(WV Code Chapter 15)

Fund 8803 FY 2016 Org 0620

1	Personal Services and		
2	Employee Benefits.....	00100	\$ 724,370

3520	JOURNAL OF THE	[MARCH 18
3	Unclassified. . . . . 09900	25,185
4	Current Expenses. . . . . 13000	7,965,450
5	Repairs and Alterations. . . . . 06400	<u>1,750</u>
6	Total. . . . .	\$ 8,716,755

**DEPARTMENT OF REVENUE**

*360 - Tax Division –  
Consolidated Federal Fund*

(WV Code Chapter 11)

Fund 8899 FY 2016 Org 0702

1	Current Expenses. . . . . 13000	\$ 10,000
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*361 - Insurance Commissioner*

(WV Code Chapter 33)

Fund 8883 FY 2016 Org 0704

1	Personal Services and	
2	Employee Benefits. . . . . 00100	\$ 838,090
3	Current Expenses. . . . . 13000	12,962,837
4	Repairs and Alterations. . . . . 06400	25,000
5	Equipment. . . . . 07000	250,000
6	Buildings. . . . . 25800	25,000
7	Other Assets. . . . . 69000	<u>100,000</u>
8	Total. . . . .	\$ 14,200,927



**DEPARTMENT OF TRANSPORTATION***362 - Division of Motor Vehicles*

(WV Code Chapter 17B)

Fund 8787 FY 2016 Org 0802

1	Personal Services and		
2	Employee Benefits..... 00100	\$	501,394
3	Current Expenses..... 13000		17,671,640
4	Repairs and Alterations..... 06400		<u>500</u>
5	Total.....	\$	18,173,534

*363 - Division of Public Transit*

(WV Code Chapter 17)

Fund 8745 FY 2016 Org 0805

1	Personal Services and		
2	Employee Benefits..... 00100	\$	657,137
3	Current Expenses..... 13000		8,928,012
4	Repairs and Alterations..... 06400		2,500
5	Equipment..... 07000		5,286,432
6	Buildings..... 25800		500,000
7	Other Assets..... 69000		<u>174,119</u>
8	Total.....	\$	15,548,200

**DEPARTMENT OF VETERANS' ASSISTANCE***364 - Department of Veterans' Assistance*

## (WV Code Chapter 9A)

Fund 8858 FY 2016 Org 0613

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 2,749,840
3	Current Expenses. . . . .	13000	3,927,160
4	Repairs and Alterations. . . . .	06400	50,000
5	Equipment. . . . .	07000	200,000
6	Buildings. . . . .	25800	600,000
7	Other Assets. . . . .	69000	100,000
8	Land. . . . .	73000	<u>100,000</u>
9	Total. . . . .		\$ 7,727,000

*365 - Department of Veterans' Assistance –  
Veterans' Home*

## (WV Code Chapter 9A)

Fund 8728 FY 2016 Org 0618

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 877,375
3	Current Expenses. . . . .	13000	844,632
4	Repairs and Alterations. . . . .	06400	220,000
5	Equipment. . . . .	07000	198,000
6	Buildings. . . . .	25800	296,000

2015]	HOUSE OF DELEGATES	3523
7	Other Assets..... 69000	20,000
8	Land..... 73000	<u>10,000</u>
9	Total.....	\$ 2,466,007

**BUREAU OF SENIOR SERVICES**

*366 - Bureau of Senior Services*

(WV Code Chapter 29)

Fund 8724 FY 2016 Org 0508

1	Personal Services and	
2	Employee Benefits..... 00100	\$ 721,393
3	Current Expenses..... 13000	13,811,853
4	Repairs and Alterations..... 06400	<u>3,000</u>
5	Total.....	\$ 14,536,246

**MISCELLANEOUS BOARDS AND COMMISSIONS**

*367 - Public Service Commission –  
Motor Carrier Division*

(WV Code Chapter 24A)

Fund 8743 FY 2016 Org 0926

1	Personal Services and	
2	Employee Benefits..... 00100	\$ 1,286,913
3	Current Expenses..... 13000	368,953
4	Repairs and Alterations..... 06400	<u>40,000</u>
5	Total.....	\$ 1,695,866

*368 - Public Service Commission –  
Gas Pipeline Division*

(WV Code Chapter 24B)

Fund 8744 FY 2016 Org 0926

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 337,532
3	Current Expenses. . . . .	13000	14,648
4	Unclassified. . . . .	09900	<u>352</u>
5	Total. . . . .		\$ 352,532

*369 - National Coal Heritage Area Authority*

(WV Code Chapter 29)

Fund 8869 FY 2016 Org 0941

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 158,635
3	Current Expenses. . . . .	13000	631,365
4	Repairs and Alterations. . . . .	06400	5,000
5	Equipment. . . . .	07000	3,000
6	Other Assets. . . . .	69000	<u>2,000</u>
7	Total. . . . .		\$ 800,000

*370 - Coal Heritage Highway Authority*

(WV Code Chapter 29)

Fund 8861 FY 2016 Org 0942

1	Personal Services and		
2	Employee Benefits..... 00100	\$	0
3	Current Expenses..... 13000		<u>0</u>
4	Total.....	\$	0
5	Total TITLE II, Section 6 –		
6	Federal Funds. ....		<u>\$4,395,605,081</u>

1       **Sec. 7. Appropriations from federal block grants.** – The  
2 following items are hereby appropriated from federal block  
3 grants to be available for expenditure during the fiscal year 2016.

*371 - West Virginia Development Office –  
Community Development*

Fund 8746 FY 2016 Org 0307

1	Personal Services and		
2	Employee Benefits..... 00100	\$	648,117
3	Unclassified..... 09900		483,500
4	Current Expenses..... 13000		47,226,995
5	Repairs and Alterations..... 06400		<u>300</u>
6	Total.....	\$	48,358,912

*372 - WorkForce West Virginia –  
Workforce Investment Act*

Fund 8749 FY 2016 Org 0323

1	Personal Services and		
2	Employee Benefits..... 00100	\$	1,511,208

3	Unclassified. . . . .	09900	23,023
4	Current Expenses. . . . .	13000	19,864,909
5	Repairs and Alterations. . . . .	06400	1,600
6	Equipment. . . . .	07000	500
7	Buildings. . . . .	25800	<u>1,100</u>
8	Total. . . . .		\$ 21,402,340

*373 - Department of Commerce  
Office of the Secretary –  
Office of Economic Opportunity –  
Community Services*

Fund 8781 FY 2016 Org 0327

1	Personal Services and		
2	Employee Benefits. . . . .	00100	\$ 362,389
3	Unclassified. . . . .	09900	84,000
4	Current Expenses. . . . .	13000	12,043,111
5	Repairs and Alterations. . . . .	06400	1,500
6	Equipment. . . . .	07000	<u>9,000</u>
7	Total. . . . .		\$ 12,500,000

*374 - Division of Health –  
Maternal and Child Health*

Fund 8750 FY 2016 Org 0506

1	Personal Services and		
2	Employee Benefits. . . . .	00100	\$ 2,124,294

2015]	HOUSE OF DELEGATES	3527
3	Unclassified. . . . . 09900	110,017
4	Current Expenses. . . . . 13000	<u>8,767,420</u>
5	Total. . . . .	\$ 11,001,731

*375 - Division of Health –  
Preventive Health*

Fund 8753 FY 2016 Org 0506

1	Personal Services and	
2	Employee Benefits.. . . . . 00100	\$ 162,320
3	Unclassified. . . . . 09900	22,457
4	Current Expenses. . . . . 13000	1,895,366
5	Equipment. . . . . 07000	<u>165,642</u>
6	Total. . . . .	\$ 2,245,785

*376 - Division of Health –  
Substance Abuse Prevention and Treatment*

Fund 8793 FY 2016 Org 0506

1	Personal Services and	
2	Employee Benefits.. . . . . 00100	\$ 822,766
3	Unclassified. . . . . 09900	115,924
4	Current Expenses. . . . . 13000	<u>10,653,740</u>
5	Total. . . . .	\$ 11,592,430

*377 - Division of Health –  
Community Mental Health Services*

Fund 8794 FY 2016 Org 0506

1	Personal Services and		
2	Employee Benefits..... 00100	\$	936,557
3	Unclassified..... 09900		33,533
4	Current Expenses..... 13000		<u>2,383,307</u>
5	Total.....	\$	3,353,397

*378- Division of Human Services –  
Energy Assistance*

Fund 8755 FY 2016 Org 0511

1	Personal Services and		
2	Employee Benefits..... 00100	\$	1,475,000
3	Unclassified..... 09900		350,000
4	Current Expenses..... 13000		<u>33,175,000</u>
5	Total.....	\$	35,000,000

*379 - Division of Human Services –  
Social Services*

Fund 8757 FY 2016 Org 0511

1	Personal Services and		
2	Employee Benefits..... 00100	\$	14,231,684
3	Unclassified..... 09900		171,982
4	Current Expenses..... 13000		<u>2,870,508</u>
5	Total.....	\$	17,274,174



*380 - Division of Human Services –  
Temporary Assistance for Needy Families*

Fund 8816 FY 2016 Org 0511

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 17,964,349
3	Unclassified. . . . .	09900	1,250,000
4	Current Expenses. . . . .	13000	<u>105,785,651</u>
5	Total. . . . .		\$ 125,000,000

*381 - Division of Human Services –  
Child Care and Development*

Fund 8817 FY 2016 Org 0511

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 4,654,643
3	Unclassified. . . . .	09900	350,000
4	Current Expenses. . . . .	13000	<u>31,995,357</u>
5	Total. . . . .		\$ 37,000,000

*382 - Division of Justice and Community Services –  
Juvenile Accountability Incentive*

Fund 8829 FY 2016 Org 0620

1	Personal Services and		
2	Employee Benefits.. . . . .	00100	\$ 14,246
3	Current Expenses. . . . .	13000	235,729
4	Repairs and Alterations. . . . .	06400	<u>25</u>
5	Total. . . . .		\$ 250,000

6 Total TITLE II, Section 7 —  
 7 Federal Block Grants..... \$ 324,978,769

1 **Sec. 8. Awards for claims against the state.** — There are  
 2 hereby appropriated for fiscal year 2016, from the fund as  
 3 designated, in the amounts as specified, general revenue funds  
 4 in the amount of \$203,331, special revenue funds in the amount  
 5 of \$747,870, and state road funds in the amount of \$730,433 for  
 6 payment of claims against the state.

1 **Sec. 9. Appropriations from general revenue surplus**  
 2 **accrued.** — The following items are hereby appropriated from  
 3 the state fund, general revenue, and are to be available for  
 4 expenditure during the fiscal year 2016 out of surplus funds  
 5 only, accrued from the fiscal year ending June 30, 2015, subject  
 6 to the terms and conditions set forth in this section.

7 It is the intent and mandate of the Legislature that the  
 8 following appropriations be payable only from surplus accrued  
 9 as of July 31, 2015 from the fiscal year ending June 30, 2015,  
 10 only after first meeting requirements of W.Va. Code §11B-2-  
 11 20(b).

12 In the event that surplus revenues available on July 31, 2015,  
 13 are not sufficient to meet the appropriations made pursuant to  
 14 this section, then the appropriations shall be made to the extent  
 15 that surplus funds are available as of the date mandated to meet  
 16 the appropriation in this section.

*383 - Division of General Services*

(WV Code Chapter 5A)

Fund 0230 FY 2016 Org 0211

1 Capital Outlay, Repairs and  
 2 Equipment – Surplus..... 67700 \$ 9,000,000

*384 - Department of Education and the Arts -  
Office of the Secretary*

(WV Code Chapter 5F)

Fund 0294 FY 2016 Org 0431

1	WV Early Childhood Planning		
2	Task Force - Surplus. . . . .	14499	\$ 350,000
3	Total TITLE II, Section 9 –		
4	Surplus Accrued. . . . .		\$ <u>9,350,000</u>

1       **Sec. 10. Appropriations from lottery net profits surplus**  
2 **accrued.** — The following item is hereby appropriated from the  
3 lottery net profits, and is to be available for expenditure during  
4 the fiscal year 2016 out of surplus funds only, as determined by  
5 the director of lottery, accrued from the fiscal year ending June  
6 30, 2015, subject to the terms and conditions set forth in this  
7 section.

8       It is the intent and mandate of the Legislature that the  
9 following appropriation be payable only from surplus accrued  
10 from the fiscal year ending June 30, 2015.

11       In the event that surplus revenues available from the fiscal  
12 year ending June 30, 2015, are not sufficient to meet the  
13 appropriation made pursuant to this section, then the  
14 appropriation shall be made to the extent that surplus funds are  
15 available.

*385 - Bureau of Senior Services –  
Lottery Senior Citizens Fund*

(WV Code Chapter 29)

Fund 5405 FY 2016 Org 0508

1	Senior Services Medicaid		
2	Transfer – Lottery Surplus.. . . . 68199	\$	<u>10,000,000</u>
3	Total TITLE II, Section 10 –		
4	Surplus Accrued. . . . .	\$	<u><u>10,000,000</u></u>

1       **Sec. 11. Appropriations from state excess lottery revenue**  
2 **surplus accrued.** — The following item is hereby appropriated  
3 from the state excess lottery revenue fund, and is to be available  
4 for expenditure during the fiscal year 2016 out of surplus funds  
5 only, as determined by the director of lottery, accrued from the  
6 fiscal year ending June 30, 2015, subject to the terms and  
7 conditions set forth in this section.

8       It is the intent and mandate of the Legislature that the  
9 following appropriation be payable only from surplus accrued  
10 from the fiscal year ending June 30, 2015.

11       In the event that surplus revenues available from the fiscal  
12 year ending June 30, 2015, are not sufficient to meet the  
13 appropriation made pursuant to this section, then the  
14 appropriation shall be made to the extent that surplus funds are  
15 available.

*386 - Division of Human Services*

(WV Code Chapters 9, 48 and 49)

Fund 5365 FY 2016 Org 0511

1	Medical Services –		
2	Lottery Surplus. . . . . 68100	\$	<u>20,000,000</u>
3	Total TITLE II, Section 11 –		
4	Surplus Accrued. . . . .	\$	<u><u>20,000,000</u></u>

1       **Sec. 12. Special revenue appropriations.** — There are  
2 hereby appropriated for expenditure during the fiscal year 2016

3 appropriations made by general law from special revenues which  
4 are not paid into the state fund as general revenue under the  
5 provisions of W.Va. Code §12-2-2: Provided, That none of the  
6 money so appropriated by this section shall be available for  
7 expenditure except in compliance with the provisions of W.Va.  
8 Code §12-2 and 3, and W.Va. Code §11B-2, unless the spending  
9 unit has filed with the director of the budget and the legislative  
10 auditor prior to the beginning of each fiscal year:

11 (a) An estimate of the amount and sources of all revenues  
12 accruing to such fund; and

13 (b) A detailed expenditure schedule showing for what  
14 purposes the fund is to be expended.

1 **Sec. 13. State improvement fund appropriations.** —  
2 Bequests or donations of nonpublic funds, received by the  
3 Governor on behalf of the state during the fiscal year 2016, for  
4 the purpose of making studies and recommendations relative to  
5 improvements of the administration and management of  
6 spending units in the executive branch of state government, shall  
7 be deposited in the state treasury in a separate account therein  
8 designated state improvement fund.

9 There are hereby appropriated all moneys so deposited  
10 during the fiscal year 2016 to be expended as authorized by the  
11 Governor, for such studies and recommendations which may  
12 encompass any problems of organization, procedures, systems,  
13 functions, powers or duties of a state spending unit in the  
14 executive branch, or the betterment of the economic, social,  
15 educational, health and general welfare of the state or its  
16 citizens.

1 **Sec. 14. Specific funds and collection accounts.** — A fund  
2 or collection account which by law is dedicated to a specific use  
3 is hereby appropriated in sufficient amount to meet all lawful  
4 demands upon the fund or collection account and shall be

5 expended according to the provisions of Article 3, Chapter 12 of  
6 the Code.

1       **Sec. 15. Appropriations for refunding erroneous**  
2 **payment.** — Money that has been erroneously paid into the state  
3 treasury is hereby appropriated out of the fund into which it was  
4 paid, for refund to the proper person.

5       When the officer authorized by law to collect money for the  
6 state finds that a sum has been erroneously paid, he or she shall  
7 issue his or her requisition upon the Auditor for the refunding of  
8 the proper amount. The Auditor shall issue his or her warrant to  
9 the Treasurer and the Treasurer shall pay the warrant out of the  
10 fund into which the amount was originally paid.

1       **Sec. 16. Sinking fund deficiencies.** — There is hereby  
2 appropriated to the Governor a sufficient amount to meet any  
3 deficiencies that may arise in the mortgage finance bond  
4 insurance fund of the West Virginia housing development fund  
5 which is under the supervision and control of the municipal bond  
6 commission as provided by W.Va. Code §31-18-20b, or in the  
7 funds of the municipal bond commission because of the failure  
8 of any state agency for either general obligation or revenue  
9 bonds or any local taxing district for general obligation bonds to  
10 remit funds necessary for the payment of interest and sinking  
11 fund requirements. The Governor is authorized to transfer from  
12 time to time such amounts to the municipal bond commission as  
13 may be necessary for these purposes.

14       The municipal bond commission shall reimburse the state of  
15 West Virginia through the Governor from the first remittance  
16 collected from the West Virginia housing development fund or  
17 from any state agency or local taxing district for which the  
18 Governor advanced funds, with interest at the rate carried by the  
19 bonds for security or payment of which the advance was made.

1       **Sec. 17. Appropriations for local governments.** — There  
2 are hereby appropriated for payment to counties, districts and

3 municipal corporations such amounts as will be necessary to pay  
4 taxes due counties, districts and municipal corporations and  
5 which have been paid into the treasury:

6 (a) For redemption of lands;

7 (b) By public service corporations;

8 (c) For tax forfeitures.

1 **Sec. 18. Total appropriations.** — Where only a total sum  
2 is appropriated to a spending unit, the total sum shall include  
3 personal services and employee benefits, annual increment,  
4 current expenses, repairs and alterations, buildings, equipment,  
5 other assets, land, and capital outlay, where not otherwise  
6 specifically provided and except as otherwise provided in TITLE  
7 I – GENERAL PROVISIONS, Sec. 3.

1 **Sec. 19. General school fund.** — The balance of the  
2 proceeds of the general school fund remaining after the payment  
3 of the appropriations made by this act is appropriated for  
4 expenditure in accordance with W.Va. Code §18-9A-16.

1 **Sec. 20. Special permissive, one-time appropriation from**  
2 **Revenue Shortfall Reserve Fund.** — There is hereby  
3 appropriated an amount not to exceed \$20,000,000 from the  
4 Revenue Shortfall Reserve Fund (fund 7005) for the renovation  
5 of State Capitol Complex Building 3 to provide for its use as  
6 state office space. In lieu of incurring additional state debt, bond  
7 issuance and interest expense, the Governor may at his  
8 discretion, direct the transfer of funds to the Capitol Dome and  
9 Capitol Improvements Fund (fund 2257) created under 5A-4-2,  
10 for expenditure.

#### TITLE III – ADMINISTRATION.

1 **Sec. 1. Appropriations conditional.** — The expenditure of  
2 the appropriations made by this act, except those appropriations

3 made to the legislative and judicial branches of the state  
 4 government, are conditioned upon the compliance by the  
 5 spending unit with the requirements of Article 2, Chapter 11B of  
 6 the Code.

7 Where spending units or parts of spending units have been  
 8 absorbed by or combined with other spending units, it is the  
 9 intent of this act that appropriations and reappropriations shall be  
 10 to the succeeding or later spending unit created, unless otherwise  
 11 indicated.

1 **Sec. 2. Constitutionality.** — If any part of this act is  
 2 declared unconstitutional by a court of competent jurisdiction, its  
 3 decision shall not affect any portion of this act which remains,  
 4 but the remaining portion shall be in full force and effect as if  
 5 the portion declared unconstitutional had never been a part of the  
 6 act.

ERIC NELSON, JR.,

MIKE HALL,

BILL ANDERSON,

CHRIS WALTERS,

BOB ASHLEY,

DAVE SYPOLT,

RAY CANTERBURY,

GREG BOSO,

BRENT BOGGS,

ROMAN W. PREZIOSO,

LARRY A. WILLIAMS,

RON STOLLINGS,

H. K. WHITE,

ROBERT H. PLYMALE,

*Conferees on the part  
 of the House of Delegates.*

*Conferees on the part  
 of the Senate.*

On motion of Delegate E. Nelson, the report of the Committee of Conference was adopted.



Delegates Upson and Espinosa asked to be recorded as having voted “NAY” on the adoption of the report of the Committee of Conference for Com. Sub. for H. B. 2016.

**SPEAKER PRO TEMPORE ANDERSON IN THE CHAIR**

Mr. Speaker, Mr. Armstead, arose from his seat and requested to be excused from voting on the passage of Com. Sub. for H. B. 2016 under the provisions of House Rule 49.

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

Delegates Ashley, Boggs, Byrd, Campbell, Duke, Eldridge, Espinosa, Ferro, Fleischauer, Marcum, Morgan, Moye, J. Nelson, Perdue, Perry, Romine, Summers, Waxman, and H. White requested to be excused from voting on the passage of Com. Sub. for H. B. 2016 under the provisions of House Rule 49.

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

**MR. SPEAKER, MR. ARMSTEAD, IN THE CHAIR**

The bill, as amended by said report, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken (**Roll No. 645**), and there were, including pairs—yeas 84, nays 12, absent and not voting 4, paired 6, with the nays, paired and absent and not voting being as follows:

NAYS: Faircloth, Kurcaba, Lane, Moffatt, Morgan, J. Nelson, Overington, Perdue and R. Phillips.

Pursuant to House Rule 43, the following pairs were filed and announced by the Clerk:

## PAIRED:

YEA: Ellington

NAY: Folk

YEA: Householder

NAY: Ihle

YEA: Miller

NAY: McGeehan

ABSENT AND NOT VOTING: Deem, Hicks, Moore and L. Phillips.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2016) passed.

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

On this question, the yeas and nays were taken (**Roll No. 646**), and there were—yeas 93, nays 3, absent and not voting 4, paired 6, with the paired and absent and not voting being as follows:

Pursuant to House Rule 43, the following pairs were filed and announced by the Clerk:

## PAIRED:

YEA: Ellington

NAY: Folk

YEA: Householder

NAY: Ihle

YEA: Miller

NAY: McGeehan

ABSENT AND NOT VOTING: Deem, Hicks, Moore and L. Phillips.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2016) takes effect from its passage.

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

**COMMITTEE REPORTS**

At the request of Delegate Cowles and by unanimous consent, the House of Delegates returned to the Third Order of Business for the purpose of receiving committee reports.

Delegate McCuskey, 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 18<sup>th</sup> 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. 106)**, Excepting professional engineer member from sanitary board when project engineer is under contract,

**(Com. Sub. for S. B. 284)**, Relating to chief law-enforcement officer's requirement to certify transfer or making of certain firearms,

**(Com. Sub. for S. B. 336)**, Eliminating Health Care Authority's power to apply certain penalties to future rate applications,

**(Com. Sub. for S. B. 342)**, Clarifying scope, application and requirements for error corrections by CPRB,

**(Com. Sub. for S. B. 360)**, Repealing code sections relating to book indexes and claims reports required by court clerks,

**(S. B. 403)**, Increasing period during which recorded and refiled motor vehicle liens are valid,

**(Com. Sub. for S. B. 409)**, Establishing Fair and Open Competition in Governmental Construction Act,

**(S. B. 412)**, Relating to Real Estate Commission complaint filings,

And,

**(S. B. 502)**, Relating to eligibility for certain reclamation or remediation tax credit.

Delegate McCuskey, 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 18<sup>th</sup> day of March, 2015, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

**(Com. Sub. for S. B. 261)**, Clarifying definition of “owner” of dam,

**(S. B. 267)**, Repealing code relating to Governor’s Office of Health Enhancement and Lifestyle Planning,

**(S. B. 310)**, Exempting nonprofit public utility companies from B&O tax,

**(Com. Sub. for S. B. 347)**, Creating Firearms Act of 2015,

**(Com. Sub. for S. B. 373)**, Allowing wireless communication image serve as proof of motor vehicle insurance,

And,

**(S. B. 418)**, Relating to trustee real estate sale under deed of trust.

### MOTIONS

At the request of Delegate McCuskey, and by unanimous consent, permission was granted the Joint Committee on Enrolled Bills, after it had examined, found truly enrolled and presented to His Excellency, the Governor, for his action, bills passed but not presented to him prior to adjournment of this session of the Legislature, to file its report with the Clerk and that such reports be included in the final Journal of this session, and that communications from His Excellency, the Governor, as to his action on bills after adjournment of the session, also be included in the Journal.

At 4:32 P.M., on motion of Delegate Cowles, the House of Delegates recessed for fifteen minutes.

### MESSAGES FROM THE SENATE

A message from the Clerk of the Senate announced the concurrence by that body in the reconsideration, amendment and passage as amended, by a vote of a majority of the members elected to the House of Delegates, as a result of the objections of the Governor, of

**Enr. Com. Sub. for H. B. 2648**, Allowing authorized entities to maintain a stock of epinephrine auto-injectors to be used for emergency.

A message from the Clerk of the Senate announced the concurrence by that body in the reconsideration, amendment and passage as amended, by a vote of a majority of the members elected to the House of Delegates, as a result of the objections of the Governor, of

**Enr. H. B. 2880**, Creating an addiction treatment pilot program.

A message from the Clerk of the Senate announced the concurrence by that body in the reconsideration, amendment and passage as amended, by a vote of a majority of the members elected to the House of Delegates, as a result of the objections of the Governor, of

**Enr. H. B. 2664**, Creating “Andrea and Willy’s Law”; increasing certain penalties for driving under the influence of alcohol, controlled substances or drugs.

A message from the Senate, by

The Clerk of the Senate, announced the adoption of the report of the Committee of Conference on and the passage, as amended by said report, to take effect from passage, of

**Com. Sub. for H. B. 2016**, Budget Bill, making appropriations of public money out of the treasury in accordance with section fifty-one, article six of the Constitution.

#### **LEAVES OF ABSENCE**

At the request of Delegate Cowles, and by unanimous consent, leaves of absence for the day were granted Delegates Blair, Border, Deem, Ellington, Hicks, Householder, Ireland, Manchin, Marcum, Miller, Perdue, L. Phillips, Rohrbach, Skinner and Sponaugle.

#### **MISCELLANEOUS BUSINESS**

The Speaker recognized the Clerk of the House, who presented service pins to the following members:

##### **5 YEAR PINS**

Delegates Campbell, Gearheart, Howell, O'Neal, E. Nelson, Pasdon, R. Phillips, Rodighiero and Storch.

##### **15 YEAR PINS**

Delegates Canterbury, Perry and Romine.

##### **25 YEAR PIN**

Delegate A. Evans.

##### **30 YEAR PIN**

Delegate Overington.

On motion of Delegate Cowles, the Speaker was authorized to appoint a committee of three to notify the Senate that the House of Delegates had completed the business of this First Regular Session of the 82<sup>nd</sup> Legislature and was ready to adjourn *sine die*.

Whereupon,

The Speaker appointed as members of said committee the following:

Delegates Ashley, Pasdon and Lynch.

On motion of Delegate Cowles, the Speaker was authorized to appoint a committee of three on the part of the House of Delegates, to join with a similar committee of the Senate, to inform His Excellency, the Governor, that the legislature was ready to adjourn *sine die*.

The Speaker appointed as members of such committee the following:

Delegates Shott, Arvon and Moye.

### COMMITTEE REPORTS

In accordance with the prior unanimous consent request, Delegate McCuskey filed reports of the Joint Committee on Enrolled Bills as follows:

#### MARCH 16, 2015

**(Com. Sub. for H. B. 2098)**, Authorizing those health care professionals to provide services to patients or residents of state-run veterans' facilities without obtaining an authorization to practice,

**(Com. Sub. for H. B. 2128)**, Permitting those individuals who have been issued concealed weapons permits to keep loaded firearms in their motor vehicles on the State Capitol Complex grounds,

**(Com. Sub. for H. B. 2139)**, Relating to employment of retired teachers as substitutes in areas of critical need and shortage for substitutes,

**(H. B. 2140)**, Building governance and leadership capacity of county board during period of state intervention,

**(Com. Sub. for H. B. 2148)**, Conforming the motor vehicle law of this state to the requirements of section 1405(a) of the federal Transportation Equity Act for the Twenty-first Century,

**(Com. Sub. for H. B. 2160)**, WV Schools for the Deaf and Blind eligible for School Building Authority funding,

**(Com. Sub. for H. B. 2187)**, Encouraging public officials to display the national motto on all public property and public buildings,

**(H. B. 2213)**, Reducing the distributions to the West Virginia Infrastructure Fund,

**(H. B. 2224)**, Providing that historical reenactors are not violating the provision prohibiting unlawful military organizations,

**(Com. Sub. for H. B. 2266)**, Relating to the publication requirements of the administration of estates,

**(Com. Sub. for H. B. 2283)**, Authorizing the Department of Environmental Protection to promulgate legislative rules,

**(H. B. 2370)**, Increasing the powers of regional councils for governance of regional education service agencies,

**(Com. Sub. for H. B. 2377)**, Authorizing State Board of Education to approve certain alternatives with respect to instructional time,

**(Com. Sub. for H. B. 2381)**, Providing a teacher mentoring increment for classroom teachers with national board certification who teach and mentor at certain schools,

**(H. B. 2461)**, Relating to delinquency proceedings of insurers,

**(Com. Sub. for H. B. 2493)**, Relating to requirements for insurance policies and contracts providing accident and sickness insurance or direct health care services that cover anti-cancer medications,



(**Com. Sub. for H. B. 2496**), Adopting the Interstate Medical Licensure Compact,

(**Com. Sub for H. B. 2502**), Possessing deadly weapons on school buses or on the premises of educational facilities,

(**Com. Sub. for H. B. 2536**), Relating to travel insurance limited lines producers,

(**Com. Sub for H. B. 2550**), Increasing the number of unexcused absences of a student before action may be taken against the parent,

(**Com. Sub. for H. B. 2557**), Clarifying that an insured driver of a motor vehicle is covered by the driver's auto insurance policy when renting or leasing a vehicle,

(**Com. Sub. for H. B. 2571**), Creating a fund for pothole repair contributed to by private businesses or entities,

(**H. B. 2576**), Creating new code sections which separate the executive departments,

(**H. B. 2595**), Relating to certificates of need for the development of health facilities in this state,

(**H. B. 2598**), Ensuring that teachers of students with disabilities receive complete information about the school's plan for accommodating the child's disabilities,

(**H. B. 2606**), Clarifying the potential sentence for disorderly conduct,

(**H. B. 2607\***), Relating to the violation of interfering with emergency services communications and clarifying penalties,

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\* **NOTE:** The title of this Act was amended, but the amended language was inadvertently omitted during the enrollment process. Therefore, the Governor not having received and signed a true and correct copy of the Act as passed by both houses, H. B. 2607 did not become law.

**(H. B. 2608)**, Cleaning up redundant language in the statute relating to misdemeanor offenses for violation of protective orders,

**(H. B. 2625)**, Continuing the current hazardous waste management fee,

**(Com. Sub. for H. B. 2636)**, Exempting information contained in a concealed weapon permit application from the Freedom of Information Act,

**(Com. Sub. for H. B. 2652)**, Reducing the assessment paid by hospitals to the Health Care Authority,

**(H. B. 2658)**, Relating to the inspection and slaughter of nontraditional agriculture,

**(Com. Sub. for H. B. 2662)**, Eye Care Consumer Protection Law,

**(H. B. 2733)**, Removing certain combinations of drugs containing hydrocodone from Schedule III of the controlled substances law,

**(H. B. 2780)**, Enhancing the ability of campus police officers at public colleges to perform their duties,

**(Com. Sub. for H. B. 2790)**, Relating to minimum responsibility limits of car insurance,

**(H. B. 2797)**, Changing the term “mentally retarded” to “intellectually disabled”; and changing the term “handicapped” to “disabled”,

**(H. B. 2888)**, Allowing the use of rotary drum composters to destroy or dispose of the carcass of any animal to prevent the spread of disease,

(**H. B. 2892**), Authorizing certain legislative rules regarding higher education,

(**Com. Sub. for H. B. 2902**), West Virginia ABLE Act,

(**H. B. 2931**), Adding drugs to the classification of schedule I drugs,

(**Com. Sub for H. B. 2939**), Relating to requirements for mandatory reporting of sexual offenses on school premises involving students,

(**Com. Sub. for H. B. 2968**), Exempting from property tax certain properties in this state owned by nonprofit youth organizations,

And,

(**H. B. 2976**), Expanding the eligible master's and doctoral level programs for which a Nursing Scholarship may be awarded.

### MARCH 19, 2015

(**Com. Sub. for S. B. 273**), Relating to brewer, resident brewer and brewpub licensing and operations,

(**S. B. 370**), Reorganizing Governor's Committee on Crime, Delinquency and Correction and certain subcommittees,

(**Com. Sub. for S. B. 407**), Implementing state safety oversight program,

(**Com. Sub. for S. B. 423**), Amending Aboveground Storage Tank Act,

(**Com. Sub. for S. B. 430**), Permitting mutual protective orders enjoining certain contact between parties to domestic relations actions,

(**Com. Sub. for S. B. 486**), Authorizing special license plates for Civil Air Patrol vehicles,

(S. B. 510), Amending Uniform Interstate Family Support Act,

(S. B. 514), Relating to investments of local policemen's and firemen's pension and relief funds,

(S. B. 549), Establishing classifications and salary schedules for State Police forensic lab civilian employees,

And,

(S. B. 581), Relating to courtesy patrol program.

**MARCH 20, 2015**

(Com. Sub. for H. B. 2240), Providing that an act of domestic violence or sexual offense by strangling is an aggravated felony offense,

(Com. Sub. for H. B. 2395), Storm Scammer Consumer Protection Act,

(Com. Sub. for H. B. 2766), Expiring funds to the unappropriated balance in the State Fund, General Revenue from the Joint Expenses, and from the Department of Health and Human Resources,

(Com. Sub. for H. B. 2769), Expiring funds to the unappropriated surplus balance in the State Fund, General Revenue from various agencies,

(Com. Sub. for H. B. 2772), Expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, from the Auditor's Office - Purchasing Card Administration Fund,

(H. B. 2884), Modifying training and development requirement for certain members of certain higher education boards,

(H. B. 3020), Making a supplementary appropriation to the Department of Military Affairs and Public Safety, Division of Corrections,

(**H. B. 3021**), Making a supplementary appropriation to the Department of Health and Human Resources,

(**H. B. 3022**), Making a supplementary appropriation to the Treasurer's Office, to the State Board of Education, to Mountwest Community and Technical College, to the West Virginia School of Osteopathic Medicine, and to West Virginia State University,

(**Com. Sub. for S. B. 60**), Requiring food handler examinations and cards,

(**Com. Sub. for S. B. 170**), Authorizing Bureau of Commerce promulgate legislative rules,

(**Com. Sub. for S. B. 199**), Authorizing miscellaneous agencies and boards promulgate legislative rules,

(**Com. Sub. for S. B. 242**), Creating criminal penalties for certain automated telephone calls during state of emergency or preparedness,

(**Com. Sub. for S. B. 248**), Requiring certain insurance and owner information be provided following car accident,

(**S. B. 250**), Relating to Conservation Agency financial assistance applications from district supervisors,

(**Com. Sub. for S. B. 315**), Relating to civil actions filed under Consumer Protection Act,

And,

(**S. B. 318**), Relating to payment of wages by employers.

**MARCH 23, 2015**

(**Com. Sub. for H. B. 2016**), Budget Bill, making appropriations of public money out of the treasury in accordance with section fifty-one, article six of the Constitution,

(**Com. Sub. for S. B. 12**), Relating to payment of separated employee's outstanding wages,

(**Com. Sub. for S. B. 19**), Specifying minimum early childhood education program instruction days,

(**Com. Sub. for S. B. 30**), Permitting shared animal ownership agreement to consume raw milk,

(**Com. Sub. for S. B. 182**), Authorizing Department of Military Affairs and Public Safety promulgate legislative rules,

(**Com. Sub. for S. B. 243**), Relating to school nutrition standards during state of emergency or preparedness,

(**Com. Sub. for S. B. 352**), Expanding scope of cooperative associations to goods and services including recycling,

(**Com. Sub. for S. B. 390**), Authorizing PSC approve expedited cost recovery of natural gas utility infrastructure projects,

(**S. B. 415**), Relating to circuit judges,

(**S. B. 479**), Adding additional family court judges,

(**S. B. 481**), Relating to municipal policemen's and firemen's pension and relief funds' investment,

(**S. B. 483**), Relating to municipal policemen's and firemen's pension and relief funds, trustees,

(**Com. Sub. for S. B. 488**), Creating Broadband Enhancement Council,

(**S. B. 515**), Relating to Municipal Pensions Oversight Board fund investments,

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

And,

**(S. B. 583)**, Increasing tax rate on providers of certain nursing facility services.

**MARCH 27, 2015**

**(Com. Sub. for H. B. 2005)**, Relating to alternative programs for the education of teachers,

**(Com. Sub. for H. B. 2011)**, Relating to disbursements from the Workers' Compensation Fund where an injury is self inflicted or intentionally caused by the employer,

**(H. B. 2161)**, Adopting the Uniform Act on Prevention of and Remedies for Human Trafficking,

**(Com. Sub. for H. B. 2233)**, Requiring that legislative rules be reviewed five years after initial approval by the Legislative Rule-Making Review Committee and the Legislative Auditor's Office,

**(Com. Sub. for H. B. 2478)**, Relating to public school finance,

**(Com. Sub. for H. B. 2549)**, Relating to the preparation and publication of county financial statements,

**(H. B. 2663)**, Creating the Rehabilitation Services Vending Program Fund,

**(Com. Sub. for H. B. 2810)**, Implementing the West Virginia Property Rescue Initiative to reduce the number of properties posing a threat to public health and safety,

And,

**(Com. Sub. for H. B. 2878)**, Creating a one-stop electronic business portal in West Virginia.

**MARCH 27, 2015**

**(Com. Sub. for S. B. 37)**, Creating Revised Uniform Arbitration Act,

**(Com. Sub. for S. B. 88)**, Creating WV Clearance for Access: Registry and Employment Screening Act,

**(Com. Sub. for S. B. 140)**, Amending State Administrative Procedures Act,

**(Com. Sub. for S. B. 142)**, Authorizing Department of Administration promulgate legislative rules,

**(Com. Sub. for S. B. 192)**, Authorizing Department of Transportation promulgate legislative rules,

**(S. B. 195)**, Authorizing Conservation Committee promulgate legislative rule relating to financial assistance programs,

**(Com. Sub. for S. B. 234)**, Relating to operation and regulation of certain water and sewer utilities owned by political subdivisions,

**(Com. Sub. for S. B. 274)**, Relating to TANF program sanctions,

**(Com. Sub. for S. B. 286)**, Relating to compulsory immunizations of students; exemptions,

**(Com. Sub. for S. B. 287)**, Providing posthumous high school diplomas,

**(S. B. 295)**, Establishing appeal process for DHHR Board of Review and Bureau for Medical Services decisions,

**(S. B. 304)**, Relating to farmers markets,

**(S. B. 312)**, Relating to disqualification of general election nominees for failure to file campaign finance statements,



(**Com. Sub. for S. B. 316**), Exempting new veteran-owned business from certain fees paid to Secretary of State,

(**Com. Sub. for S. B. 323**), Relating to Municipal Home Rule Pilot Program,

(**S. B. 363**), Establishing maximum rates and service limitations for reimbursement of health care services by Court of Claims,

(**S. B. 389**), Relating to Board of Registration for Professional Engineers license renewals and reinstatements,

(**Com. Sub. for S. B. 393**), Reforming juvenile justice system,

(**S. B. 425**), Providing WVU, MU and WVSOM more authority to invest assets,

(**Com. Sub. for S. B. 435**), Creating WV Sheriffs' Bureau of Professional Standards,

(**Com. Sub. for S. B. 436**), Relating to State Athletic Commission,

(**Com. Sub. for S. B. 439**), Relating to higher education personnel,

(**S. B. 447**), Allowing issuance of diploma by public, private or home school administrator,

(**Com. Sub. for S. B. 453**), Relating to motor vehicle dealers, distributors, wholesalers and manufacturers,

(**S. B. 518**), Permitting county and municipal economic development authorities invest certain funds,

(**Com. Sub. for S. B. 523**), Creating Alcohol and Drug Overdose Prevention and Clemency Act,

(**Com. Sub. for S. B. 529**), Relating to PERS, SPRS and TRS benefits and costs,

**(Com. Sub. for S. B. 542)**, Clarifying provisions of Consumer Credit and Protection Act relating to debt collection,

**(S. B. 574)**, Relating to liquor sales by distilleries and mini-distilleries,

**(S. B. 577)**, Allowing higher education governing boards invest certain funds with nonprofit foundations,

**(S. B. 582)**, Relating to Herbert Henderson Office of Minority Affairs,

And,

**(S. B. 584)**, Transferring Cedar Lakes Camp and Conference Center to private, nonstock, not-for-profit corporation.

### MARCH 30, 2015

**(Com. Sub. for H. B. 2515)**, Relating to elk restoration,

**(Com. Sub for H. B. 2527)**, Creating a Task Force on Prevention of Sexual Abuse of Children; “Erin Merry’s Law”,

**(H. B. 2627)**, Providing protection against property crimes committed against coal mines, utilities and other industrial facilities,

**(Com. Sub. for H. B. 2648)**, Allowing authorized entities to maintain a stock of epinephrine auto-injectors to be used for emergency,

**(Com. Sub. for H. B. 2664)**, Creating “Andrea and Willy’s Law”; increasing certain penalties for driving under the influence of alcohol, controlled substances or drugs,

**(Com. Sub. for H. B. 2674)**, Making home schooled students eligible for a PROMISE scholarship without taking the GED test,

(**Com. Sub. for H. B. 2793**), Relating to exemptions from mandatory school attendance,

(**Com. Sub. for H. B. 2811**), Deleting obsolete provisions regarding the Physicians' Mutual Insurance Company,

(**Com. Sub. for H. B. 2840**), Providing an alternative plan to make up lost days of instruction,

(**Com. Sub. for H. B. 2867**), Requiring recommendations for higher education course credit transfer,

(**H. B. 2877**), Relating to electronic filing of tax returns and electronic funds transfers in payment of taxes,

(**H. B. 2880**), Creating an addiction treatment pilot program,

(**H. B. 2926**), Relating to deferral charges in connection with a consumer credit sale or consumer loan,

And,

(**H. B. 3006**), Relating to the determination of the adjusted rate established by the Tax Commissioner for the administration of tax deficiencies.

### **April 1, 2015**

(**H. B. 2492**), Repealing the requirement that an entity charging admission to view certain closed circuit telecast or subscription television events needs to obtain a permit from the State Athletic Commission,

And,

(**H. B. 2726**), Clarifying choice of laws issues in product's liability actions.

**MESSAGES FROM THE EXECUTIVE**

Action of His Excellency, the Governor, on other bills following adjournment of the session, is indicated in communications addressed to the Secretary of State, as follows:

STATE OF WEST VIRGINIA  
OFFICE OF THE GOVERNOR  
CHARLESTON

March 20, 2015

**Veto Message**

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

Dear Secretary of State Tennant:

Pursuant to the provisions of section fourteen, article VII of the Constitution of West Virginia, I hereby disapprove and return Enrolled Committee Substitute for Senate Bill No. 347. Law-enforcement officers throughout the state have voiced overwhelming opposition to this bill. In light of their concerns and in the interest of public safety, I believe a veto is appropriate.

Sincerely,

EARL RAY TOMBLIN,  
*Governor.*

STATE OF WEST VIRGINIA  
OFFICE OF THE GOVERNOR  
CHARLESTON

March 26, 2015

**Veto Message**

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

Dear Secretary of State Tennant:

Pursuant to the provisions of section fourteen, article VII of the Constitution of West Virginia, I hereby disapprove Enrolled Committee Substitute for House Bill No. 2187 for a technical reason. Specifically, the bill requires the State Building Commission to develop guidelines for display of the national motto and POW-MIA flag on state buildings and properties. The State Building Commission, however, ceased to exist as of July 1, 2000. *See* W. Va. Code §5-6-1.

Sincerely,

EARL RAY TOMBLIN,  
*Governor.*

STATE OF WEST VIRGINIA  
OFFICE OF THE GOVERNOR  
CHARLESTON

March 26, 2015

**Veto Message**

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

Dear Secretary of State Tennant:

Pursuant to the provisions of section fourteen, article VII of the Constitution of West Virginia, I hereby disapprove Enrolled Committee Substitute for House Bill No. 2571. It would allow private businesses and entities to designate minor road repair projects for the Commissioner of Highways to complete. This program is not a cost effective use of state resources. Further, it would be unduly burdensome for the Commissioner to administer. For these reasons, I disapprove this bill.

Sincerely,

EARL RAY TOMBLIN,  
*Governor.*

STATE OF WEST VIRGINIA  
OFFICE OF THE GOVERNOR  
CHARLESTON

March 31, 2015

**Veto Message**

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

Dear Secretary of State Tennant:

Pursuant to the provisions of section fourteen, article VII of the Constitution of West Virginia, I disapprove and return Enrolled Senate Bill No. 445 for the following reasons.

Signing this bill would expand the West Virginia Regional Jail and Correctional Facility Authority's (the "Authority") investment authority beyond that which is appropriate for the funds at issue.

Specifically, the bill expands the Authority's investment authority for excess funds to explicitly include investing with the West Virginia Investment Management Board.

The Investment Management Board is generally focused on the long-term investment of public funds, primarily those funds needed for public retirement and pension programs. Excess funds of the Authority are not characteristic of the types of funds invested with the Investment Management Board. Rather, the Authority's excess funds are better suited for more liquid, short-term investment options, such as with the Board of Treasury Investments. Section 31-20-10 of the West Virginia Code already authorizes the Authority to invest its excess funds with the Board of Treasury Investments. Thus, Enrolled Senate Bill No. 445 is unnecessary and would inappropriately expand the Authority's investment authority.

For the foregoing reasons, I disapprove and return the bill.

Sincerely,

EARL RAY TOMBLIN,  
*Governor.*

STATE OF WEST VIRGINIA  
OFFICE OF THE GOVERNOR  
CHARLESTON

March 31, 2015

**Veto Message**

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

Dear Secretary of State Tennant:

Pursuant to the provisions of section fourteen, article VII of the Constitution of West Virginia, I hereby disapprove Enrolled Senate Bill No. 582.

The Herbert Henderson Office of Minority Affairs (“HHOMA”) was created to fulfill a statewide mission; that is, to provide a forum to discuss the issues affecting West Virginia’s minorities and to recommend strategies to lawmakers and community leaders for addressing those issues. This bill would require HHOMA, which has limited financial resources and consists of one executive director and her assistant, to establish a four year, comprehensive community-based pilot project focusing on public health in one neighborhood of the state.

I cannot fault the Legislature for wanting HHOMA to guide efforts for reviving Charleston’s West Side neighborhood. It certainly has the energy and expertise. However, HHOMA lacks sufficient financial resources, human resources, and the time to devote itself to the considerable local undertaking outlined in this bill. Further, its focus on minority issues should not be local; it should be general and statewide. For these reasons, I disapprove Enrolled Senate Bill No. 582.

Sincerely,

EARL RAY TOMBLIN,  
*Governor.*



STATE OF WEST VIRGINIA  
OFFICE OF THE GOVERNOR  
CHARLESTON

April 1, 2015

**Veto Message**

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

Dear Secretary of State Tennant:

Pursuant to the provisions of section fourteen, article VII of the Constitution of West Virginia, I hereby disapprove Enrolled Committee Substitute for House Bill No. 2160.

This bill would permit the West Virginia Schools for the Deaf and Blind to be eligible for all sources of funding distributed by the School Building Authority of West Virginia (“SBA”). The SBA has limited resources for funding construction and improvement projects in the public schools throughout West Virginia’s fifty-five counties. I recognize the Schools for the Deaf and Blind have substantial improvement needs, and I appreciate the hard work and achievements of the Schools’ teachers, aides, and students. However, this bill is problematic because it has the great potential to redirect limited resources away from the fifty-five county boards of education that apply to the SBA for funding.

This bill is also problematic because we do not yet have a firm understanding of what the Schools for the Deaf and Blind’s needs are to become financially viable well into the future. Accordingly, I have asked the State Board of Education—which controls, supervises, and manages the Schools—to commission an independent, objective assessment of their needs, both facilities and curriculum-related. Outside experts should also analyze the Schools’ continuing viability.

Without such an assessment, there is the potential the state could spend limited resources unwisely.

I am committed to continuing to work with the Schools and the Legislature to find an appropriate solution upon completion of the outside assessment. Because this bill is premature and not the appropriate solution, I must disapprove it.

Sincerely,

Earl Ray Tomblin,  
*Governor.*

STATE OF WEST VIRGINIA  
OFFICE OF THE GOVERNOR  
CHARLESTON

**Veto Message**

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

Dear Secretary Tennant:

Pursuant to the provisions of section fourteen, article VII of the Constitution of West Virginia, I hereby disapprove and return Enrolled House Bill No. 2161.

The bill is technically flawed because its title is defective. *See State ex rel. Davis V. Oakley*, 156 W. Va. 154, 191 S.E.2d. 610 (1972) (requiring bill title to provide notice of bill's contents). The bill's title does not provide notice that wiretaps are permitted in suspected cases of human trafficking; that business entities are now subject to criminal penalties; and that there is a statute of limitations for claims; among other things. As a result, the title fails to provide adequate notice of the

bill's contents, including its criminal penalties. Moreover, this bill creates the Commission on the Prevention of Human Trafficking; however, the bill does not provide a method for paying the commission's expenses. I question why this bill does not have a fiscal note.

Human trafficking is a scourge in states and communities across the country. Legislation designed to raise consciousness about this epidemic and hold accountable those who exploit human trafficking victims in West Virginia is a step in the right direction. Therefore, I encourage the legislature to resolve the foregoing issues related to this bill and to present it for my signature during the 2016 Regular Session of the Legislature.

Sincerely,

EARL RAY TOMBLIN,  
*Governor.*

STATE OF WEST VIRGINIA  
OFFICE OF THE GOVERNOR  
CHARLESTON

April 1, 2015

**Veto Message**

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

Dear Secretary of State Tennant:

Pursuant to the provisions of section fourteen, article VII of the Constitution of West Virginia, I hereby disapprove Enrolled Committee Substitute for House Bill No. 2240. This bill seeks to establish that strangulation is a criminal offense. However, there are numerous criminal offenses in the West Virginia Code that already

prohibit and punish strangulation. *See, e.g.*, W. Va. Code §§61-2-9 (malicious or unlawful assault; assault; battery) and 61-2-28 (domestic violence). I disapprove this bill because it is duplicative of existing law.

Sincerely,

EARL RAY TOMBLIN,  
*Governor.*

STATE OF WEST VIRGINIA  
OFFICE OF THE GOVERNOR  
CHARLESTON

April 1, 2015

**Veto Message**

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

Dear Secretary Tennant:

Pursuant to the provisions of section fourteen, article VII of the Constitution of West Virginia, I hereby disapprove Enrolled House Bill No. 2576 because it is technically flawed. For example, the bill refers to boards and commissions that have been repealed; the bill incorrectly identifies several boards and commissions; and the bill contains several incorrect internal West Virginia Code citations. Moreover, page 8, lines 41-49 contain numbering issues, including two subdivisions numbered (8). For these technical reasons and others, I must disapprove the bill.

Sincerely,

Earl Ray Tomblin,  
*Governor.*

STATE OF WEST VIRGINIA  
OFFICE OF THE GOVERNOR  
CHARLESTON

April 1, 2015

**Veto Message**

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

Dear Secretary Tennant:

Pursuant to the provisions of section fourteen, article VII of the Constitution of West Virginia, I hereby disapprove House Bill No. 2627 because it is technically flawed.

The bill establishes, among other things, a new criminal offense for the damage or destruction of certain commercial or industrial property relating to the protection of health or safety. *See* page 3, lines 40-54. The bill designates this offense a felony. However, its punishment provision does not include a period of confinement in the penitentiary.

According to W. Va. Code §61-11-1, a felony offense is defined as being “punishable by confinement in the penitentiary.” *See also* Black’s Law Dictionary (9th ed. 2009) (defining felony as “[a] serious crime usually punishable by imprisonment for more than one year or by death”). Crimes that are not punished in this manner are considered misdemeanors. This bill is fundamentally flawed because the crime does not meet the definition of felony.

For this technical reason, I must disapprove the bill.

Sincerely,

EARL RAY TOMBLIN,  
*Governor.*

STATE OF WEST VIRGINIA  
OFFICE OF THE GOVERNOR  
CHARLESTON

April 1, 2015

**Veto Message**

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

Dear Secretary Tennant:

Pursuant to the provisions of section fourteen, article VII of the Constitution of West Virginia, I hereby disapprove House Bill No. 2674.

This bill modifies the eligibility requirements for home school students to receive the PROMISE scholarship. The PROMISE scholarship is a merit-based financial aid program for West Virginia residents who meet certain academic requirements, including graduating from high school with a cumulative grade point average of 3.0 or higher or earning a general equivalency degree (“GED”). This bill eliminates the GED requirement.

Eliminating the requirement that home school students show mastery of certain subjects, rather than simply complete a course of study, provides an unfair advantage for those students to receive a PROMISE scholarship. It could also create an incentive for some students to drop out of the public school system if their performance does not meet the required GPA standard to be eligible for the PROMISE scholarship. I believe this type of advantage was not

intended when the Legislature created this merit-based program. Therefore, I disapprove the bill.

Sincerely,

EARL RAY TOMBLIN,  
*Governor.*

STATE OF WEST VIRGINIA  
OFFICE OF THE GOVERNOR  
CHARLESTON

April 1, 2015

**Veto Message**

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

Dear Secretary Tennant:

Pursuant to the provisions of section fourteen, article VII of the Constitution of West Virginia, I disapprove Enrolled Committee Substitute for House Bill No. 2793 for the following reasons.

The bill eliminates several requirements associated with the provision of home instruction to children that are necessary and appropriate. First, the bill eliminates the requirement of two weeks' notice to remove a child from public school for the purpose of commencing home instruction. This is important to ensure there are no underlying issues associated with truancy or other attendance problems. Second, the bill removes the requirement that a plan of instruction be submitted annually. This requirement helps ensure that a home schooled child will receive adequate instruction each year to develop at a rate comparable to his or her peers, beyond an annual assessment to take place after the school year. Third, the bill

eliminates the prohibition on permitting a child's parent or legal guardian to administer a nationally normed standardized achievement test for purposes of the annual assessment. This prohibition protects a parent or legal guardian from any appearance of impropriety or conflict of interest in such a testing situation. Finally, the bill eliminates the provision requiring a parent or legal guardian to pay the cost of an academic assessment that takes place outside of a public school. This leaves §18-8-1 of the West Virginia Code unclear as to who or what entity is responsible for paying the costs of the annual assessment.

For the foregoing reasons, I disapprove Enrolled Committee Substitute for House Bill No. 2793.

Sincerely,

EARL RAY TOMBLIN,  
*Governor.*

STATE OF WEST VIRGINIA  
OFFICE OF THE GOVERNOR  
CHARLESTON

April 1, 2015

**Veto Message**

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

Dear Secretary Tennant:

Pursuant to the provisions of section fourteen, article VII of the Constitution of West Virginia, I hereby disapprove Enrolled Committee Substitute for House Bill No. 2840.



This bill would allow county boards of education to substitute up to four days of in-school instructional time with at-home instructional time in certain instances. As a result, students may only receive 176 days of in-school instructional time instead of 180 separate days as required under current law. One of my goals in Senate Bill No. 359, signed into law in 2013, was to ensure students receive 180 separate days of in-school instruction. This bill takes a step backward in meeting this goal and is directly at odds with my comprehensive education reform bill.

I encourage county boards of education to continue exploring options to meet the required 180 separate days of in-school instruction to ensure our state's students receive a thorough and efficient education.

Sincerely,

EARL RAY TOMBLIN,  
*Governor.*

STATE OF WEST VIRGINIA  
OFFICE OF THE GOVERNOR  
CHARLESTON

April 1, 2015

**Veto Message**

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

Dear Secretary Tennant:

Pursuant to the provisions of section fourteen, article VII of the Constitution of West Virginia, I hereby disapprove Enrolled Committee Substitute for Senate Bill No. 19.

This bill changes the requirement that all county boards of education offer early childhood education programs five days per week. Specifically, it relaxes this requirement and allows boards to offer four day programs. One of my goals through Senate Bill No. 359, signed into law in 2013, was to ensure parents had the option to send their child to a five day per week early childhood education program, except in certain limited instances where the five day requirement is waived. The changes made in Enrolled Committee Substitute for Senate Bill No. 19 diminish the educational requirements currently in place. It takes a step backward in meeting the goals of comprehensive education reform I championed.

I believe offering five day per week programs for early childhood education is critical to meet the developmental needs of our state's students. Consequently, I must disapprove this bill.

Sincerely,

EARL RAY TOMBLIN,  
*Governor.*

STATE OF WEST VIRGINIA  
OFFICE OF THE GOVERNOR  
CHARLESTON

April 1, 2015

**Veto Message**

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

Dear Secretary Tennant:

Pursuant to the provisions of section fourteen, article VII of the Constitution of West Virginia, I disapprove Enrolled Committee

Substitute for Committee Substitute for Senate Bill No. 30 for the following reasons.

Signing this bill into law would pose a serious risk to public health. First, the bill acknowledges that consuming raw milk has inherent dangers and that it may contain “bacteria that is particularly dangerous to children, pregnant women and those with compromised immunity.” A product with these types of health risks should be subject to more supervision than merely requiring a person to release the seller from liability for such risks. Second, the bill lacks provisions regarding oversight and regulatory authority with respect to sanitation or the handling and storage of raw milk. Given the health implications of the bill, the Bureau for Public Health should have been given oversight and regulatory authority in raw milk production.

For the foregoing reasons, I disapprove Enrolled Committee Substitute for Committee Substitute for Senate Bill No. 30.

Sincerely,

EARL RAY TOMBLIN,  
*Governor.*

STATE OF WEST VIRGINIA  
OFFICE OF THE GOVERNOR  
CHARLESTON

April 2, 2015

**Veto Message**

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

Dear Secretary Tennant:

Pursuant to the provisions of section fourteen, article VII of the Constitution of West Virginia, I hereby disapprove Enrolled House Bill No. 2776.

This bill allows physician assistants, advance practice registered nurses, and optometrists to prescribe “hydrocodone combination drugs to a patient for a duration of no more than three days per thirty day period.” The term “hydrocodone combination drug” is not defined in the West Virginia Code, nor is it defined in the bill. This creates ambiguity because it is not clear which drugs listed in the schedules contained in chapter sixty-a, article two of the Code may be prescribed. Further, the language added to the Code in this bill directly conflicts with other sections of the Code. For example, §§30-3E-3(a)(7), 30-7-15a(c), and 30-8-6 expressly prohibit these professionals from prescribing Schedule I and II drugs in contrast to the added language in the bill. Finally, and perhaps most importantly, this bill does not place any limit on the aggregate dosage that may be prescribed in a seventy-two hour period.

In an effort to continue combating the substance abuse problem in West Virginia, it is critical that the law is clear in identifying what drugs our state’s practitioners may prescribe and the amount thereof. Because this bill is ambiguous and in conflict with existing provisions of the code, I must disapprove it.

Sincerely,

EARL RAY TOMBLIN,  
*Governor.*

STATE OF WEST VIRGINIA  
OFFICE OF THE GOVERNOR  
CHARLESTON

April 2, 2015

**Veto Message**

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

Dear Secretary of State Tennant:

Pursuant to the provisions of section fourteen, article VII of the Constitution of West Virginia, I hereby disapprove Enrolled Senate Bill No. 549.

This bill increases the annual salaries of certain civilian employees within the West Virginia State Police Forensic Laboratory, including civilian evidence technicians, forensic analysts and forensic analyst supervisors. Just last year, these same employees received a twenty percent salary increase across-the-board. *See* Enrolled Committee Substitute for Committee Substitute for Senate Bill No. 486 (2014). Although I value the work performed by the State Police Forensic Laboratory, I am not comfortable with approving back-to-back pay raises during a year in which many other State employees are going without any pay increase.

For this reason, I disapprove Enrolled Senate Bill No. 549.

Sincerely,

EARL RAY TOMBLIN,  
*Governor.*

STATE OF WEST VIRGINIA  
OFFICE OF THE GOVERNOR  
CHARLESTON

April 3, 2015

**Veto Message**

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

Dear Secretary Tennant:

Pursuant to the provisions of section fourteen, article VII of the Constitution of West Virginia, I hereby disapprove Enrolled Senate Bill No. 584.

The Board of Education has made laudable efforts to determine the best course of future action related to the Cedar Lakes Camp and Conference Center and I support the transfer of the camp to a private, nonstock, not-for-profit corporation. However, §18-2L-8(d) of the bill provides for an unexpected increase in separation costs that will result in substantial taxpayer expense.

I encourage the Board of Education to work with the Legislature to remedy this issue in the future; however, as it was presented, I must disapprove the bill.

Sincerely,

EARL RAY TOMBLIN,  
*Governor.*

**MESSAGES**

Senators D. Hall, Ferns and Plymale, announced that the Senate had completed the business of this First Regular Session and was ready to adjourn *sine die*.

**MESSAGES FROM THE EXECUTIVE**

Subsequent to the adjournment of the session, Communications were received from His Excellency, the Governor, advising that on March 18, 2015, he approved **Com. Sub. for H. B. 2493, Com. Sub. for S. B. 6, S. B. 89, S. B. 283, S. B. 292, S. B. 322, S. B. 332, Com. Sub. for S. B. 366, Com. Sub. for S. B. 373, S. B. 411, Com. Sub. for S. B. 454, S. B. 455; and on March 20, 2015, he approved H. B. 3020 and H. B. 3021; on March 24, 2015, he approved S. B. 106, Com. Sub. for S. B. 242, Com. Sub. for S. B. 243, Com. Sub. for S. B. 248, S. B. 250, Com. Sub. for S. B. 261, S. B. 267, Com. Sub. for S. B. 273, Com. Sub. for S. B. 336, Com. Sub. for S. B. 342, Com. Sub. for S. B. 352, Com. Sub. for S. B. 390, S. B. 403, Com. Sub. for S. B. 407, S. B. 412, S. B. 415, S. B. 418, Com. Sub. for S. B. 430, S. B. 479, S. B. 489, S. B. 502, S. B. 514, S. B. 515, S. B. 532, S. B. 545, S. B. 559 and S. B. 578; on March 25, 2015, he approved Com. Sub. for H. B. 2053, Com. Sub. for H. B. 2098, H. B. 2213, H. B. 2224, Com. Sub. for H. B. 2462, Com. Sub. for H. B. 2505, Com. Sub. for H. B. 2507, Com. Sub. for H. B. 2550, Com. Sub. for H. B. 2557, Com. Sub. for H. B. 2562, H. B. 2598, H. B. 2606, H. B. 2626, H. B. 2632, H. B. 2645, H. B. 2657, H. B. 2658, Com. Sub. for H. B. 2702, Com. Sub. for H. B. 2755, Com. Sub. for H. B. 2778, Com. Sub. for H. B. 2780, H. B. 2797, H. B. 2876, H. B. 2888, H. B. 2892, Com. Sub. for H. B. 2939, and H. B. 3022; and on March 26, 2015, he approved S. B. 318, Com. Sub. for S. B. 344, S. B. 370, Com. Sub.**

for S. B. 409, Com. Sub. for S. B. 421, Com. Sub. for S. B. 488, S. B. 581, S. B. 583, Com. Sub. for H. B. 2139, H. B. 2140, H. B. 2370, Com. Sub. for H. B. 2381, Com. Sub. for H. B. 2432 and H. B. 2535; and on March 27, 2015, he approved H. B. 2100, H. B. 2272, Com. Sub. for H. B. 2377, Com. Sub. for H. B. 2502, Com. Sub. for H. B. 2586, H. B. 2608, H. B. 2625, Com. Sub. for H. B. 2652, H. B. 2884, Com. Sub. for H. B. 2968, H. B. 2976, Com. Sub. for S. B. 60, Com. Sub. for S. B. 277, S. B. 310, S. B. 360, Com. Sub. for S. B. 423 and Com. Sub. for S. B. 486; and on March 31, 2015, he approved Com. Sub. for H. B. 2011, Com. Sub. for H. B. 2128, Com. Sub. for H. B. 2233, Com. Sub. for H. B. 2266, Com. Sub. for H. B. 2283, Com. Sub. for H. B. 2478, Com. Sub. for H. B. 2496, Com. Sub. for H. B. 2549, Com. Sub. for H. B. 2867, Enr. H. B. 2880, Com. Sub. for H. B. 2902, Com. Sub. for S. B. 12. Com. Sub. for S. B. 37, Com. Sub. for S. B. 140, Com. Sub. for S. B. 192, S. B. 195, Com. Sub. for S. B. 234, Com. Sub. for S. B. 274, Com. Sub. for S. B. 286, Com. Sub. for S. B. 287, S. B. 304, S. B. 312, Com. Sub. for S. B. 316, Com. Sub. for S. B. 323, S. B. 363, S. B. 425, Com. Sub. for S. B. 435, S. B. 481, S. B. 483, S. B. 510, Com. Sub. for S. B. 542 and S. B. 574; on April 1, 2015, he approved Com. Sub. for H. B. 2395, H. B. 2461, Com. Sub. for H. B. 2527, Com. Sub. for H. B. 2536, H. B. 2595, Com. Sub. for H. B. 2636, Com. Sub. for H. B. 2662, H. B. 2663, Enr. H. B. 2664, H. B. 2733, Com. Sub. for H. B. 2790, Com. Sub. for H. B. 2810, Com. Sub. for H. B. 2811, H. B. 2877, Com. Sub. for H. B. 2878, S. B. 295, S. B. 389, Com. Sub. for S. B. 439; on April 2, 2015, he approved Com. Sub. for S. B. 88, Com. Sub. for S. B. 142, Com. Sub. for S. B. 170, Com. Sub. for S. B. 199, Com. Sub. for S. B. 315, Com. Sub. for S. B. 393, Com. Sub. for S. B. 436, S. B. 447, S. B. 518, Com. Sub. for S. B. 523, S. B. 576 and S. B. 577; H. B. 2492, H. B. 2515, Second Enr.



**Com. Sub. for H. B. 2648, H. B. 2726, H. B. 2926, H. B. 2931, Com. Sub. for H. B. 2999 and Com. Sub. for H. B. 3006.**

STATE OF WEST VIRGINIA  
OFFICE OF THE GOVERNOR  
CHARLESTON

March 23, 2015

**Veto Message**

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

Dear Secretary Tennant:

Due to a decline in projected revenues and a long-projected increase in the state match required for Medicaid expenses, this year's budget was one of the most challenging to deal with in years. I believe my recommended budget was solid and fundamentally sound.

I proposed a revised budget for FY 2016 relying on \$15,528,000 of revenue from the Rainy Day Fund. My proposal tapped the Rainy Day Fund to fill short-term budget gaps. With over \$862 million in cash, we have a sufficient amount in our Rainy Day Fund to deal with this shortfall. As one of the creators of the State's reserve fund, I understand it was established for limited-term shortfalls, like this one.

My budget proposal to use \$15.5 million for Medicaid expenses would have assured that the Rainy Day Fund would have remained above the 15 percent threshold recommended by Wall Street rating agencies and by bond experts to continue the State's favorable bond ratings.

House Bill 2016 built additional expenses into the budget that increase future fiscal year budgets. These increase the amount of

revenue needed to balance the budget and make future budget gaps deeper.

As stewards of taxpayer money, we must be committed to fiscal responsibility and not commit one-time surplus funds to increase on-going spending. Therefore, I have vetoed more than \$11 million from House Bill 2016. In doing so:

(1) Utilization of the Rainy Day Fund is limited to \$14.8 million in FY 2016.

(2) Our bond ratings will continue to be excellent.

(3) The State will continue to receive the best interest rate on debt transactions.

Some of these reductions curb grants and services and, while they are difficult, they are necessary to responsibly manage future year budgets without raising taxes.

Pursuant to the provisions of Section fifty-one, Article VI of the Constitution of West Virginia, I hereby return Enrolled Committee Substitute for House Bill No. 2016, passed March 18, 2015, approved with the following objections:

My first objection to the Bill is contained in Item 35, page 38, line 22, which states:

**“WV High Tech Consortium. . . . . 39100            300,000”**

At a time when we are facing ongoing budget challenges, it is imperative that a cautious and prudent approach be taken to avoid growth in the State’s base budget. Therefore, I am reducing the appropriation by the amount of \$101,094 to \$198,906.

My second objection to the Bill is contained in Item 35, page 38, lines 23 and 24, which state:

**“Regional Contracting Assistance  
Center..... 41800            225,000”**

At a time when we are facing ongoing budget challenges, it is imperative that a cautious and prudent approach be taken to avoid growth in the State’s base budget. Therefore, I am reducing the appropriation by the amount of \$16,785 to \$208,215.

My third objection to the Bill is contained in Item 46, page 45, line 3, which states:

**“Unclassified. .... 09900            500,000”**

At a time when we are facing ongoing budget challenges, it is imperative that a cautious and prudent approach be taken to avoid growth in the State’s base budget. Therefore, I am reducing the appropriation by the amount of \$500,000 to \$0, which maintains the FY 2015 funding level for this fund.

My fourth objection to the Bill is contained in Item 47, page 47, line 27, which states:

**“Hospitality Training. .... 60000            319,005”**

At a time when we are facing ongoing budget challenges, it is imperative that a cautious and prudent approach be taken to avoid growth in the State’s base budget. Therefore, I am reducing the appropriation by the amount of \$54,032 to \$264,973.

My fifth objection to the Bill is contained in Item 47, page 48, line 58, which states:

**“Educational Program Allowance..... 99600            535,000”**

At a time when we are facing ongoing budget challenges, it is imperative that a cautious and prudent approach be taken to avoid growth in the State’s base budget. Therefore, I am reducing the appropriation by the amount of \$18,750 to \$516,250.

My sixth objection to the Bill is contained in Item 47, page 49, line 95 through line 103, which states:

**“From the above appropriation for Educational Program Allowance (fund 0313, appropriation 99600), \$100,000 shall be expended for Webster County Board of Education for Hacker Valley; \$150,000 shall be for the Randolph County Board of Education for Pickens School; \$100,000 shall be for the Preston County Board of Education for the Aurora School; and \$100,000 shall be for the Fayette County Board of Education for Meadow Bridge; and \$85,000 is for Project Based Learning in STEM fields.”**

Having reduced the appropriation for Education Program Allowance in objection five above, I am reducing the amount in the language on page 49, line 102, from \$85,000 to \$66,250.

My seventh objection to the Bill is contained in Item 49, page 51, line 15, which states:

**“Adjustments..... 718,168”**

My budget recommendations and provisions I recommended in House Bill 2478 clarified that the adjustments to Local Share for Payment in Lieu of Taxes and for assessment errors were to be included in the School Aid Formula. Since those provisions did not pass, I believe we should maintain the established practice of not including the Adjustments line in the School Aid Formula. Therefore, I am reducing the appropriation by the amount of \$718,168 to \$0.

My eighth objection to the Bill is contained in Item 53, page 54, line 15, which states:

**“Educational Enhancements. .... 69500 575,000”**

This is a significant increase over the FY 2015 appropriation and my FY 2016 recommendation. At a time when we are facing ongoing

budget challenges, it is imperative that a cautious and prudent approach be taken to avoid growth in the State's base budget. Therefore, I am reducing the appropriation by the amount of \$375,000 to \$200,000.

My ninth objection to the Bill is contained in Item 53, page 55, line 29 through line 33, which states:

**“Included in the above appropriation for Educational Enhancements (fund 0294, appropriation 69500) is \$125,000 for Reconnecting McDowell - Save the Children, \$375,000 for Save the Children programs in Cabell, Roane, Calhoun and Mason counties, and \$75,000 for the Clay Center.”**

Having reduced the appropriation to Educational Enhancements in objection one above, I am deleting the language on page 55, line 31 through line 33, “, \$375,000 for Save the Children programs in Cabell, Roane, Calhoun and Mason counties,”.

My tenth objection to the Bill is contained in Item 53, page 55, line 34 through line 36, which states:

**“From the above appropriation for S.T.E.M. Education and Grant Program (fund 0294, appropriation 71900) \$125,000 is for The Challenger Learning Center at Wheeling Jesuit University.”**

This language redirects funds from the S.T.E.M Education and Grant Program that I recommended in my Budget Bill. Therefore, I am deleting the language in its entirety, page 55, line 34 through line 36.

My eleventh objection to the Bill is contained in Item 62, page 63, line 29, which states:

**“Primary Care Support. . . . . 62800      6,000,000”**

With the expansion of the Medicaid Program, more West Virginians are eligible for health coverage than previously. This, in turn, should reduce the reliance on free clinics and will reduce

uncompensated care. At a time when we are facing ongoing budget challenges, it is imperative that a cautious and prudent approach be taken to avoid growth in the State's base budget. Therefore, I am reducing the appropriation by the amount of \$729,572 to \$5,270,428.

My twelfth objection to the Bill is contained in Item 62, page 63, line 32, which states:

**“Health Right Free Clinics. . . . . 72700      3,000,000”**

With the expansion of the Medicaid Program, more West Virginians are eligible for health coverage than previously. This, in turn, should reduce the reliance on free clinics and will reduce uncompensated care. Cuts are never easy, but are necessary in our State's financial situation. Therefore, I am reducing the appropriation by the amount of \$250,000 to \$2,750,000.

My thirteenth objection to the Bill is contained in Item 66, page 71, lines 56 and 57, which state:

**“Children's Trust Fund - Transfer. . . . 95100      300,000”**

My recommended FY 2016 budget included an appropriation of \$220,000 for this line item. There is an existing balance available in the Children's Trust Fund that can be utilized to offset the effects of this reduction. At a time when we are facing ongoing budget challenges, it is imperative that a proactive approach be used to reduce base budget spending to better position the State to address anticipated budget gaps. Therefore, I am reducing the appropriation by the amount of \$80,000 to \$220,000.

My fourteenth objection to the Bill is contained in Item 66, pages 71 and 72, line 75 through line 80, which states:

**“Included in the above appropriation for Medical Services (fund 0403, appropriation 18900) is an additional \$1,000,000 to be**

**matched with federal dollars, the sums of which shall be applied toward the enhancement of reimbursement rates for nursing homes for services provided in accordance with the Medicaid State Plan.”**

Having reduced the appropriation for Medical Services in objection 45 below, I am deleting the language in its entirety, pages 71 and 72, line 75 through line 80.

My fifteenth objection to the Bill is contained in Item 74, page 81, lines 1 and 2, which state:

**“Personal Services and  
Employee Benefits. . . . . 00100 \$ 59,511,081”**

At a time when we are facing ongoing budget challenges, it is imperative that a cautious and prudent approach be taken to avoid building the State’s base budget. The State Police have historically been able to transfer extra funds from Personal Services to other lines within their budget. At a time when we are facing ongoing budget challenges, it is imperative that a cautious and prudent approach be used to reduce growth of the base budget. Therefore, I am reducing the appropriation by the amount of \$511,081 to \$59,000,000.

My sixteenth objection to the Bill is contained in Item 74, page 81, line 6, which states:

**“Vehicle Purchase. . . . . 45100 2,377,614”**

At a time when we are facing ongoing budget challenges, it is imperative that a cautious and prudent approach be taken to avoid building the State’s base budget. Therefore, I am reducing the appropriation by the amount of \$377,614 to \$2,000,000.

My seventeenth objection to the Bill is contained in Item 74, page 81, lines 13 and 14, which state:

**“Capital Outlay and  
Maintenance (R)..... 75500      2,250,000”**

At a time when we are facing ongoing budget challenges, it is imperative that a cautious and prudent approach be taken to evaluate facility needs and not over commit our resources. Therefore, I am reducing the appropriation by the amount of \$2,000,000 to \$250,000.

My eighteenth objection to the Bill is contained in Item 88, page 92, lines 1 and 2, which state:

**“Personal Services and  
Employee Benefits. .... 00100 \$ 1,876,828”**

At a time when we are facing ongoing budget challenges, it is imperative that a cautious and prudent approach be taken to avoid building the State’s base budget. Therefore, I am reducing the appropriation by the amount of \$75,000 to \$1,801,828.

My nineteenth objection to the Bill is contained in Item 88, page 92, line 3, which states:

**“Unclassified. .... 09900      200,000”**

At a time when we are facing ongoing budget challenges, it is imperative that a cautious and prudent approach be taken to avoid building the State’s base budget. Therefore, I am reducing the appropriation by the amount of \$180,000 to \$20,000.

My twentieth objection to the Bill is contained in Item 88, page 92, line 6, which states:

**“Veterans’ Field Offices. .... 22800      288,345”**

At a time when we are facing ongoing budget challenges, it is imperative that a cautious and prudent approach be taken to avoid



building the State's base budget. Therefore, I am reducing the appropriation by the amount of \$20,000 to \$268,345.

My twenty-first objection to the Bill is contained in Item 88, page 92, line 7, which states:

**“Veterans’ Nursing Home (R). . . . . 28600      6,004,913”**

At a time when we are facing ongoing budget challenges, it is imperative that a cautious and prudent approach be taken to avoid building the State's base budget. Therefore, I am reducing the appropriation by the amount of \$63,875 to \$5,941,038.

My twenty-second objection to the Bill is contained in Item 88, page 92, lines 10 and 11, which state:

**“Veterans’ Reeducation Assistance (R). 32900      39,502”**

At a time when we are facing ongoing budget challenges, it is imperative that a cautious and prudent approach be taken to avoid building the State's base budget. Therefore, I am reducing the appropriation by the amount of \$10,000 to \$29,502.

My twenty-third objection to the Bill is contained in Item 88, page 92, line 12, which states:

**“Veterans’ Grant Program (R). . . . . 34200      150,000”**

At a time when we are facing ongoing budget challenges, it is imperative that a cautious and prudent approach be taken to avoid building the State's base budget. Therefore, I am reducing the appropriation by the amount of \$50,000 to \$100,000.

My twenty-fourth objection to the Bill is contained in Item 88, page 92, line 18, which states:

**“Veterans Cemetery. . . . . 80800      583,263”**

At a time when we are facing ongoing budget challenges, it is imperative that a cautious and prudent approach be taken to avoid building the State’s base budget. Therefore, I am reducing the appropriation by the amount of \$210,000 to \$373,263.

My twenty-fifth objection to the Bill is contained in Item 93, page 95, lines 1 and 2, which state:

**“New River Community and  
Technical College. . . . . 35800 \$ 5,676,500”**

As good stewards of the taxpayer’s dollars, it is imperative that a cautious and prudent approach be taken to avoid building the State’s base budget. Therefore, I am reducing the appropriation by the amount of \$34,797 to \$5,641,703.

My twenty-sixth objection to the Bill is contained in Item 94, page 96, lines 1 and 2, which state:

**“Pierpont Community and  
Technical College. . . . . 93000 \$ 7,664,596”**

As good stewards of the taxpayer’s dollars, it is imperative that a cautious and prudent approach be taken to avoid building the State’s base budget. Therefore, I am reducing the appropriation by the amount of \$133,835 to \$7,530,761.

My twenty-seventh objection to the Bill is contained in Item 95, page 96, lines 1 and 2, which state:

**“Blue Ridge Community and  
Technical College. . . . . 88500 \$ 4,949,710”**

As good stewards of the taxpayer’s dollars, it is imperative that a cautious and prudent approach be taken to avoid building the State’s base budget. Therefore, I am reducing the appropriation by the amount of \$342,166 to \$4,607,544.

My twenty-eighth objection to the Bill is contained in Item 96, page 96, lines 1 and 2, which state:

**“West Virginia University - Parkersburg. .... 47100 \$ 10,094,237”**

As good stewards of the taxpayer’s dollars, it is imperative that a cautious and prudent approach be taken to avoid building the State’s base budget. Therefore, I am reducing the appropriation by the amount of \$305,243 to \$9,788,994.

My twenty-ninth objection to the Bill is contained in Item 98, page 97, line 1 through line 3, which states:

**“West Virginia Northern Community and Technical College..... 47100 \$ 7,099,616”**

As good stewards of the taxpayer’s dollars, it is imperative that a cautious and prudent approach be taken to avoid building the State’s base budget. Therefore, I am reducing the appropriation by the amount of \$24,583 to \$7,075,033.

My thirtieth objection to the Bill is contained in Item 99, page 97, line 1 through line 3, which states:

**“Eastern West Virginia Community and Technical College..... 41200 \$ 1,887,174”**

As good stewards of the taxpayer’s dollars, it is imperative that a cautious and prudent approach be taken to avoid building the State’s base budget. Therefore, I am reducing the appropriation by the amount of \$5,340 to \$1,881,834.

My thirty-first objection to the Bill is contained in Item 100, page 97, lines 1 and 2, which state:

**“BridgeValley Community and  
Technical College. . . . . 41700 \$ 7,739,898”**

As good stewards of the taxpayer’s dollars, it is imperative that a cautious and prudent approach be taken to avoid building the State’s base budget. Therefore, I am reducing the appropriation by the amount of \$19,987 to \$7,719,911.

My thirty-second objection to the Bill is contained in Item 103, page 99, lines 3 and 4, which state:

**“WVU - School of Health Sciences. . . . 17400 16,711,414”**

At a time when we are facing ongoing budget challenges, it is imperative that a cautious and prudent approach be taken to avoid building the State’s base budget. Therefore, I am reducing the appropriation by the amount of \$547,975 to \$16,163,439.

My thirty-third objection to the Bill is contained in Item 103, page 100, line 20 through line 35, which states:

**“Included in the appropriation for WVU - School of Health Sciences (fund 0343, appropriation 17400) is \$2,000,000 for the School of Public Health; Graduate Medical Education; programming or research for multiple sclerosis, alzheimers, and neurosciences (including the Blanchette Rockefeller Project); and \$82,000 for the West Virginia University National Center of Excellence in Women’s Health. Appropriations for WVU - School of Health Sciences (fund 0343, appropriation 17400) used for Graduate Medical Education may be transferred to the Department of Health and Human Resources Medical Service fund (fund 5084) for the purpose of matching federal or other funds used to support graduate medical education, subject to the approval of the vice-chancellor for health sciences and the Secretary of the Department of Health and Human Resources. If approval is denied, funds bay be utilized by the respective institutions for expenditure on graduate medical education.”**

Having reduced the appropriation for WVU - School for Health Sciences in objection thirty-two above, I am deleting the language in its entirety, page 100, line 20 through line 35.

My thirty-fourth objection to the Bill is contained in Item 104, page 101, line 2, which states:

**“Jackson’s Mill (R). . . . . 46100            307,713”**

At a time when we are facing ongoing budget challenges, it is imperative that a cautious and prudent approach be taken to avoid building the State’s base budget. Therefore, I am reducing the appropriation by the amount of \$60,164 to \$247,549.

My thirty-fifth objection to the Bill is contained in Item 104, page 102, line 17 through line 29, which states:

**“Included in the appropriation for West Virginia University (fund 0344, appropriation 45900) is \$360,000 for the WVU Law School - Skills Program; \$836,400 for the College of Engineering and Mineral Resources for the WVU Coal and Energy Research Bureau, the Mining Engineering Program, and the Petroleum Engineering Program; \$416,600 for farms in the Davis College of Forestry, Agriculture and Consumer Sciences; \$100,000 for the WVU Soil Testing Program; and \$25,000 for the West Virginia University Extension Service cyber-bullying prevention program.**

**Included in the above appropriation for Jackson’s Mill (fund 0344, appropriation 46100) is \$121,500 for the Jackson’s Mill Fire Academy.”**

My recommendations included eliminating the directive language in many of the higher education accounts to provide flexibility to the institutions. Therefore, I am deleting the language in its entirety, page 102, line 17 through line 29.

My thirty-sixth objection to the Bill is contained in Item 105, page 102, line 4, which states:

**“Forensic Lab. .... 37701 415,000”**

At a time when we are facing ongoing budget challenges, it is imperative that a cautious and prudent approach be taken to avoid building the State’s base budget. Therefore, I am reducing the appropriation by the amount of \$164,589 to \$250,411.

My thirty-seventh objection to the Bill is contained in Item 105, page 102, line 5, which states:

**“Center for Rural Health..... 37702 275,000”**

At a time when we are facing ongoing budget challenges, it is imperative that a cautious and prudent approach be taken to avoid building the State’s base budget. Therefore, I am reducing the appropriation by the amount of \$109,963 to \$165,037.

My thirty-eighth objection to the Bill is contained in Item 106, page 103, line 8 through line 10, which states:

**“Luke Lee Listening Language and Learning Lab. .... 175,000 175,000”**

At a time when we are facing ongoing budget challenges, it is imperative that a cautious and prudent approach be taken to avoid building the State’s base budget. Therefore, I am reducing the appropriation by the amount of \$70,000 to \$105,000.

My thirty-ninth objection to the Bill is contained in Item 107, page 104, lines 1 and 2, which state:

**“West Virginia School of Osteopathic Medicine..... 17200 \$ 7,458,334”**

At a time when we are facing ongoing budget challenges, it is imperative that a cautious and prudent approach be taken to avoid building the State’s base budget. Therefore, I am reducing the appropriation by the amount of \$450,058 to \$7,008,276.

My fortieth objection to the Bill is contained in Item 108, page 105, line 1, which states:

**“Bluefield State College. . . . . 40800 \$ 5,823,680”**

At a time when we are facing ongoing budget challenges, it is imperative that a cautious and prudent approach be taken to avoid building the State’s base budget. Therefore, I am reducing the appropriation by the amount of \$8,561 to \$5,815,119.

My forty-first objection to the Bill is contained in Item 112, page 106, line 1, which states:

**“Shepherd University. . . . . 43200 \$ 9,921,556”**

At a time when we are facing ongoing budget challenges, it is imperative that a cautious and prudent approach be taken to avoid building the State’s base budget. Therefore, I am reducing the appropriation by the amount of \$90,226 to \$9,831,330.

My forty-second objection to the Bill is contained in Item 113, page 106, line 1, which states:

**“West Liberty University. . . . . 43900 \$ 8,198,329”**

At a time when we are facing ongoing budget challenges, it is imperative that a cautious and prudent approach be taken to avoid building the State’s base budget. Therefore, I am reducing the appropriation by the amount of \$1,589 to \$8,196,740.

My forty-third objection to the Bill is contained in Item 114, page 106, line 1, which states:

**“West Virginia State University. . . . . 44100 \$ 10,733,691”**

At a time when we are facing ongoing budget challenges, it is imperative that a cautious and prudent approach be taken to avoid

building the State’s base budget. Therefore, I am reducing the appropriation by the amount of \$426,550 to \$10,307,141.

My forty-fourth objection to the Bill is contained in Item 235, page 165, lines 1 and 2, which state:

**“Medical Services Trust Fund -  
Transfer..... 51200 \$ 22,928,928”**

While we are forced to utilize a portion of our Revenue Shortfall Reserve Fund to fund rising state Medicaid appropriations, it is critical that appropriate actions be taken to minimize the usage of the fund, which, among others, is a factor in the state’s bond rating. Early projections for next year’s FY 2017 budget show a manageable budget gap that must be addressed next year and maintaining a healthy balance in the Revenue Shortfall Reserve Fund will serve West Virginians well.

Through the actions in this veto message, there will be additional funds available to appropriate to Medicaid at a later time. These vetoes allow the appropriation to Medicaid from the Revenue Shortfall Reserve Fund to be decreased. Therefore, I am reducing the appropriation by the amount of \$8,136,597 to \$14,792,331.

My forty-fifth objection to the Bill is contained in Item 315, page 218, line 1, which states:

**“Medical Services. .... 18900 \$ 16,422,140”**

At a time when we are facing ongoing budget challenges, it is imperative that a cautious and prudent approach be taken to avoid building the State’s base budget. Therefore, I am reducing the appropriation by the amount of \$2,000,000 to \$14,422,140.

My forty-sixth objection to the Bill is contained in Section 20, page 255, line 1 through line 10, which states:



**“Sec. 20. Special permissive, one-time appropriation from Revenue Shortfall Reserve Fund. -- There is hereby appropriated an amount not to exceed \$20,000,000 from the Revenue Shortfall Reserve Fund (fund 7005) for the renovation of State Capitol Complex Building 3 to provide for its use as state office space. In lieu of incurring additional state debt, bond issuance and interest expense, the Governor may at his discretion, direct the transfer of funds to the Capitol Dome and Capitol Improvements Fund (fund 2257) created under §5A-4-2, for expenditure.”**

This is a use of the Revenue Shortfall Reserve Fund that is not in line with the intention of the fund and potentially sets a precedent for use of the fund contrary to purpose for which the fund was created. Therefore, I am deleting the language on page 255, line 2 through line 10, which states, “ -- There is hereby appropriated an amount not to exceed \$20,000,000 from the Revenue Shortfall Reserve Fund (fund 7005) for the renovation of State Capitol Complex Building 3 to provide for its use as state office space. In lieu of incurring additional state debt, bond issuance and interest expense, the Governor may at his discretion, direct the transfer of funds to the Capitol Dome and Capitol Improvements Fund (fund 2257) created under §5A-4-2, for expenditure.”

For the reasons stated herein, I have approved, subject to the above objections, Enrolled Committee Substitute for House Bill No. 2016.

Sincerely,

EARL RAY TOMBLIN,  
*Governor.*

March 20, 2015

**VIA HAND DELIVERY**

The Honorable Natalie E. Tennant  
Secretary of State  
State of West Virginia  
Building 1, Suite 157-K  
State Capitol

Charleston, West Virginia 25305

RE: Enrolled Committee Substitute for House Bill No. 2766

Dear Secretary Tennant:

Pursuant to the provisions of Section fifty-one, Article VI of the Constitution of West Virginia, I hereby return Enrolled Committee Substitute for House Bill No. 2766, passed March 14, 2015, approved with the following objections:

My first objection to the Bill is contained in the title of the bill, on pages 1-2, which states:

**“AN ACT expiring funds to the unappropriated balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2015, in the amount of \$5,650,000 from the Joint Expenses, fund 0175, fiscal year 2008, organization 2300, appropriation 64200, and in the amount of \$1,850,000 from the Joint Expenses, fund 0175, fiscal year 2009, organization 2300, appropriation 64200, and in the amount of \$75,365.64 from the Governor's Office - Civil Contingent Fund, fund 0105, fiscal year 2002, organization 0100, appropriation 11400, and in the amount of \$67,553.27 from the Governor's Office - Civil Contingent Fund, fund 0105, fiscal year 2002, organization 0100, appropriation 23800, and in the amount of \$122,113 from the Governor's Office - Civil Contingent Fund, fund 0105, fiscal year 2003, organization 0100, appropriation**

**23800, and in the amount of \$212,500 from the Governor's Office - Civil Contingent Fund, fund 0105, fiscal year 2003, organization 0100, appropriation 61400, and in the amount of \$635,179.58 from the Governor's Office - Civil Contingent Fund, fund 0105, fiscal year 2004, organization 0100, appropriation 23800, and in the amount of \$346,521.90 from the Governor's Office - Civil Contingent Fund, fund 0105, fiscal year 2004, organization 0100, appropriation 26300, and in the amount of \$1,207,149.67 from the Governor's Office - Civil Contingent Fund, fund 0105, fiscal year 2004, organization 0100, appropriation 61400, and in the amount of \$34,378.53 from the Governor's Office - Civil Contingent Fund, fund 0105, fiscal year 2005, organization 0100, appropriation 11400, and in the amount of \$397,276.39 from the Governor's Office - Civil Contingent Fund, fund 0105, fiscal year 2005, organization 0100, appropriation 23800, and in the amount of \$1,272,323.47 from the Governor's Office - Civil Contingent Fund, fund 0105, fiscal year 2006, organization 0100, appropriation 61400, and in the amount of \$2,227,821.66 from the Governor's Office - Civil Contingent Fund, fund 0105, fiscal year 2008, organization 0100, appropriation 11400, and in the amount of \$901,816.89 from the Governor's Office - Civil Contingent Fund, fund 0105, fiscal year 2009, organization 0100, appropriation 11400, and in the amount of \$7,500,000 from the Treasurer's Office - Special Income Tax Refund Reserve Fund, fund 1313, fiscal year 2015, organization 1300.”**

The expirations in this bill are intended to help fill an anticipated budget gap in the current fiscal year, fiscal year 2015. Expiring these funds would reduce the amount of a planned mid-year appropriation reduction, but some of the funds expired from the Governor’s Office - Civil Contingent Fund in this bill have previously been committed and are not available for expiration.

Furthermore, the expiration from the Special Income Tax Refund Reserve Fund is not necessary and could potentially delay the payment of personal income tax refunds. The Tax Commissioner already has the

authority to draw from this fund to ensure the timely payment of tax refunds; something not guaranteed if the funds are expired into the General Revenue Fund.

Therefore, on pages 1-2, I am deleting the language, “, and in the amount of \$75,365.64 from the Governor's Office - Civil Contingent Fund, fund 0105, fiscal year 2002, organization 0100, appropriation 11400, and in the amount of \$67,553.27 from the Governor's Office - Civil Contingent Fund, fund 0105, fiscal year 2002, organization 0100, appropriation 23800, and in the amount of \$122,113 from the Governor's Office - Civil Contingent Fund, fund 0105, fiscal year 2003, organization 0100, appropriation 23800, and in the amount of \$212,500 from the Governor's Office - Civil Contingent Fund, fund 0105, fiscal year 2003, organization 0100, appropriation 61400, and in the amount of \$635,179.58 from the Governor's Office - Civil Contingent Fund, fund 0105, fiscal year 2004, organization 0100, appropriation 23800, and in the amount of \$346,521.90 from the Governor's Office - Civil Contingent Fund, fund 0105, fiscal year 2004, organization 0100, appropriation 26300, and in the amount of \$1,207,149.67 from the Governor's Office - Civil Contingent Fund, fund 0105, fiscal year 2004, organization 0100, appropriation 61400, and in the amount of \$34,378.53 from the Governor's Office - Civil Contingent Fund, fund 0105, fiscal year 2005, organization 0100, appropriation 11400, and in the amount of \$397,276.39 from the Governor's Office - Civil Contingent Fund, fund 0105, fiscal year 2005, organization 0100, appropriation 23800, and in the amount of \$1,272,323.47 from the Governor's Office - Civil Contingent Fund, fund 0105, fiscal year 2006, organization 0100, appropriation 61400, and in the amount of \$2,227,821.66 from the Governor's Office - Civil Contingent Fund, fund 0105, fiscal year 2008, organization 0100, appropriation 11400, and in the amount of \$901,816.89 from the Governor's Office - Civil Contingent Fund, fund 0105, fiscal year 2009, organization 0100, appropriation 11400, and in the amount of \$7,500,000 from the Treasurer's Office - Special Income Tax Refund Reserve Fund, fund 1313, fiscal year 2015, organization 1300”.

My second objection to the Bill is contained on page ##, lines # - #, which states:

**“That the balance of the funds available for expenditure in the fiscal year ending June 30, 2015, in the Joint Expenses, fund 0175, fiscal year 2008, organization 2300, appropriation 64200, be decreased by expiring the amount of \$5,650,000, and in the Joint Expenses, fund 0175, fiscal year 2009, organization 2300, appropriation 64200, be decreased by expiring the amount of \$1,850,000, and in the Governor’s Office - Civil Contingent Fund, fund 0105, fiscal year 2002, organization 0100, appropriation 11400, be decreased by expiring the amount of \$75,365.64, and in the Governor’s Office - Civil Contingent Fund, fund 0105, fiscal year 2002, organization 0100, appropriation 23800, be decreased by expiring the amount of \$67,553.27, and in the Governor’s Office - Civil Contingent Fund, fund 0105, fiscal year 2003, organization 0100, appropriation 23800, be decreased by expiring the amount of \$122,113, and in the Governor’s Office - Civil Contingent Fund, fund 0105, fiscal year 2003, organization 0100, appropriation 61400, be decreased by expiring the amount of \$212,500, and in the Governor’s Office - Civil Contingent Fund, fund 0105, fiscal year 2004, organization 0100, appropriation 23800, be decreased by expiring the amount of \$635,179.58, and in the Governor’s Office - Civil Contingent Fund, fund 0105, fiscal year 2004, organization 0100, appropriation 26300, be decreased by expiring the amount of \$346,521.90, and in the Governor’s Office - Civil Contingent Fund, fund 0105, fiscal year 2004, organization 0100, appropriation 61400, be decreased by expiring the amount of \$1,207,149.67, and in the Governor’s Office - Civil Contingent Fund, fund 0105, fiscal year 2005, organization 0100, appropriation 11400, be decreased by expiring the amount of \$34,378.53, and in the Governor’s Office - Civil Contingent Fund, fund 0105, fiscal year 2005, organization 0100, appropriation 23800, be decreased by expiring the amount of \$397,276.39, and in the Governor’s Office - Civil Contingent Fund, fund 0105, fiscal year 2006, organization 0100, appropriation 61400, be decreased**

**by expiring the amount of \$1,272,323.47, and in the Governor's Office - Civil Contingent Fund, fund 0105, fiscal year 2008, organization 0100, appropriation 11400, be decreased by expiring the amount of \$2,227,821.66, and in the Governor's Office - Civil Contingent Fund, fund 0105, fiscal year 2009, organization 0100, appropriation 11400, be decreased by expiring the amount of \$901,816.89, and in the Treasurer's Office - Special Income Tax Refund Reserve Fund, fund 1313, fiscal year 2015, organization 1300, be decreased by expiring the amount of \$7,500,000, all to the unappropriated balance of the State Fund, General Revenue, to be available during the fiscal year ending June 30, 2015."**

Having deleted the language in the title of the bill in objection one above, I am deleting the language, "and in the Governor's Office - Civil Contingent Fund, fund 0105, fiscal year 2002, organization 0100, appropriation 11400, be decreased by expiring the amount of \$75,365.64, and in the Governor's Office - Civil Contingent Fund, fund 0105, fiscal year 2002, organization 0100, appropriation 23800, be decreased by expiring the amount of \$67,553.27, and in the Governor's Office - Civil Contingent Fund, fund 0105, fiscal year 2003, organization 0100, appropriation 23800, be decreased by expiring the amount of \$122,113, and in the Governor's Office - Civil Contingent Fund, fund 0105, fiscal year 2003, organization 0100, appropriation 61400, be decreased by expiring the amount of \$212,500, and in the Governor's Office - Civil Contingent Fund, fund 0105, fiscal year 2004, organization 0100, appropriation 23800, be decreased by expiring the amount of \$635,179.58, and in the Governor's Office - Civil Contingent Fund, fund 0105, fiscal year 2004, organization 0100, appropriation 26300, be decreased by expiring the amount of \$346,521.90, and in the Governor's Office - Civil Contingent Fund, fund 0105, fiscal year 2004, organization 0100, appropriation 61400, be decreased by expiring the amount of \$1,207,149.67, and in the Governor's Office - Civil Contingent Fund, fund 0105, fiscal year 2005, organization 0100, appropriation 11400, be decreased by expiring the amount of \$34,378.53, and in the Governor's Office - Civil Contingent Fund, fund 0105, fiscal year 2005, organization 0100,

appropriation 23800, be decreased by expiring the amount of \$397,276.39, and in the Governor's Office - Civil Contingent Fund, fund 0105, fiscal year 2006, organization 0100, appropriation 61400, be decreased by expiring the amount of \$1,272,323.47, and in the Governor's Office - Civil Contingent Fund, fund 0105, fiscal year 2008, organization 0100, appropriation 11400, be decreased by expiring the amount of \$2,227,821.66, and in the Governor's Office - Civil Contingent Fund, fund 0105, fiscal year 2009, organization 0100, appropriation 11400, be decreased by expiring the amount of \$901,816.89, and in the Treasurer's Office - Special Income Tax Refund Reserve Fund, fund 1313, fiscal year 2015, organization 1300, be decreased by expiring the amount of \$7,500,000,"

For the reasons stated herein, I have approved, subject to the above objections, Enrolled Committee Substitute for House Bill No. 2766.

Sincerely,

EARL RAY TOMBLIN,  
*Governor.*

cc: The Hon. William P. Cole, III  
*President of the Senate*

The Hon. Tim Armstead  
*Speaker, West Virginia House of Delegates*

March 20, 2015

**VIA HAND DELIVERY**

The Honorable Natalie E. Tennant  
Secretary of State  
State of West Virginia  
Building 1, Suite 157-K  
State Capitol  
Charleston, West Virginia 25305

RE: Enrolled Committee Substitute for House Bill No. 2769

Dear Secretary Tennant:

Pursuant to the provisions of Section fifty-one, Article VI of the Constitution of West Virginia, I hereby return Enrolled Committee Substitute for House Bill No. 2769, passed March 14, 2015, approved with the following objections:

My first objection to the Bill is contained in the title of the bill, on pages 1-3, which states:

**“AN ACT expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2015 in the amount of \$1,500,000 from the Department of Military Affairs and Public Safety, Division of Corrections - Correctional Units, fund 0450, fiscal year 2012, organization 0608, appropriation 59200, and in the amount of \$400,103.30 from the Department of Transportation, Division of Public Transit, fund 0510, fiscal year 2013, organization 0805, appropriation 25800, and in the amount of \$3,861,297 from the Department of Administration, Risk and Insurance Management Board - Premium Tax Savings Fund, fund 2367, fiscal year 2015, organization 0218, and in the amount of \$1,329.28 from the Department of Health and Human Resources, Division of Health, Uniform Health Professional Data Collection Systems Fund, fund**



5109, fiscal year 2015, organization 0506, and in the amount of \$478.81 from the Department of Health and Human Resources, Division of Health, Commonly Based Fetal and Infant Mortality Review Fund, fund 5131, fiscal year 2015, organization 0506, and in the amount of \$18,609.27 from the Department of Health and Human Resources, Division of Health, Claude Worthington Benedum Foundation Fund, fund 5132, fiscal year 2015, organization 0506, and in the amount of \$2,500 from the Department of Health and Human Resources, Division of Health, Behavioral Health Clearing Fund, fund 5151, fiscal year 2015, organization 0506, and in the amount of \$13,193.90 from the Department of Health and Human Resources, Division of Health, Special Education Title I Fund, fund 5161, fiscal year 2015, organization 0506, and in the amount of \$45 from the Department of Health and Human Resources, Division of Health, Rural Health Networking Project Fund, fund 5184, fiscal year 2015, organization 0506, and in the amount of \$1,400,000 from the Department of Health and Human Resources, Division of Health, Vital Statistics Improvement Fund, fund 5225, fiscal year 2015, organization 0506, and in the amount of \$6,000,000 from the Department of Health and Human Resources, West Virginia Health Care Authority - Health Care Cost Review Fund, fund 5375, fiscal year 2015, organization 0507, and in the amount of \$4,000,000 from the Department of Health and Human Resources, West Virginia Health Care Authority - West Virginia Health Information Network Account, fund 5380, fiscal year 2015, organization 0507, and in the amount of \$2,000,000 from the Department of Health and Human Resources, West Virginia Health Care Authority - West Virginia Health Care Authority Revolving Loan Fund, fund 5382, fiscal year 2015, organization 0507, and in the amount of \$4,976.37 from the Department of Health and Human Resources, Division of Human Services, Special County General Relief Fund, fund 5054, fiscal year 2015, organization 0511, and in the amount of \$18,118.01 from the Department of Health and Human Resources, Division of Human Services, Individual and Family

**Grant Program, fund 5055, fiscal year 2015, organization 0511, and in the amount of \$251,657.05 from the Department of Health and Human Resources, Division of Human Services, TRIP Fund, fund 5070, fiscal year 2015, organization 0511, and in the amount of \$4,000,000 from the Department of Health and Human Resources, Division of Human Services, Medicaid Fraud Control Fund, fund 5141, fiscal year 2015, organization 0511, and in the amount of \$223,310.69 from the Department of Health and Human Resources, Division of Human Services - Marriage Education Fund, fund 5490, fiscal year 2015, organization 0511, and in the amount of \$16,700,000 from the Department of Revenue, Insurance Commissioner, fund 7152, fiscal year 2015, organization 0704, and all subject to the condition that bonds authorized in section sixteen-b, article fifteen, chapter thirty-one of the Code of West Virginia for improvements to Cacapon State Park and Beach Fork State Park have been sold.”**

The requirement that the expirations contained in this bill are contingent on the sale of lottery revenue bonds is problematic for several reasons. First, while directing the issuance of the bonds, the Legislature did not include an appropriation from the Cacapon and Beech Fork State Parks Lottery Revenue Debt Service Fund for the servicing of the debt evidenced by the issuance of said bonds in either a supplemental appropriations bill or the Budget Bill. Second, there are questions regarding the constitutionality of the directive language included in the appropriations bill, attempting to direct the issuance of said bonds. And finally, the issuance of the bonds directed in the language presents the possibility that the bonds issued will not attain the historical high and favorable bond rating which prior lottery revenue bonds have enjoyed, and further presents the possibility that previously issued and already outstanding lottery bonds could be downgraded from their current ratings.

Therefore, on page 3, I am deleting the language, “, and all subject to the condition that bonds authorized in section sixteen-b, article fifteen, chapter thirty-one of the Code of West Virginia for

improvements to Cacapon State Park and Beach Fork State Park have been sold”.

My second objection to the Bill is contained on pages 5-7, which states:

**“That the balance of the funds available for expenditure in the fiscal year ending June 30, 2015, in the Department of Military Affairs and Public Safety, Division of Corrections - Correctional Units, fund 0450, fiscal year 2012, organization 0608, appropriation 59200 be decreased by expiring the amount of \$1,500,000, and in the Department of Transportation, Division of Public Transit, fund 0510, fiscal year 2013, organization 0805, appropriation 25800, be decreased by expiring the amount of \$400,103.30, and in the Department of Administration, Risk and Insurance Management Board - Premium Tax Savings Fund, fund 2367, fiscal year 2015, organization 0218, be decreased by expiring the amount of \$3,861,297, and in the Department of Health and Human Resources, Division of Health, Uniform Health Professional Data Collection Systems Fund, fund 5109, fiscal year 2015, organization 0506, be decreased by expiring the amount of \$1,329.28, and in the Department of Health and Human Resources, Division of Health, Commonly Based Fetal and Infant Mortality Review Fund, fund 5131, fiscal year, 2015, organization 0506, be decreased by expiring the amount of \$478.81, and in the Department of Health and Human Resources, Division of Health, Claude Worthington Benedum Foundation Fund, fund 5132, fiscal year 2015, organization 0506, be decreased by expiring the amount of \$18,609.27, Department of Health and Human Resources, Division of Health, Behavioral Health Clearing Fund, fund 5151, fiscal year 2015, organization 0506, be decreased by expiring the amount of \$2,500, and in the Department of Health and Human Resources, Division of Health, Special Education Title I Fund, fund 5161, fiscal year 2015, organization 0506, be decreased by expiring the amount of \$13,193.90, and in the Department of Health and Human Resources, Division of Health, Rural Health Networking**

**Project Fund, fund 5184, fiscal year 2015, organization 0506, be decreased by expiring the amount of \$45, and in the Department of Health and Human Resources, Division of Health, Vital Statistics Improvement Fund, fund 5225, fiscal year 2015, organization 0506, be decreased by expiring the amount of \$1,400,000, and in the Department of Health and Human Resources, West Virginia Health Care Authority - Health Care Cost Review Fund, fund 5375, fiscal year 2015, organization 0507, be decreased by expiring the amount of \$6,000,000, and in the Department of Health and Human Resources, West Virginia Health Care Authority - West Virginia Health Information Network Account, fund 5380, fiscal year 2015, organization 0507, be decreased by expiring the amount of \$4,000,000, and in the Department of Health and Human Resources, West Virginia Health Care Authority - West Virginia Health Care Authority Revolving Loan Fund, fund 5382, fiscal year 2015, organization 0507, be decreased by expiring the amount of \$2,000,000, and in the Department of Health and Human Resources, Division of Human Services, Special County General Relief Fund, fund 5054, fiscal year 2015, organization 0511, be decreased by expiring the amount of \$4,976.37, and in the Department of Health and Human Resources, Division of Human Services, Individual and Family Grant Program, fund 5055, fiscal year 2015, organization 0511, be decreased by expiring the amount of \$18,118.01, and in the Department of Health and Human Resources, Division of Human Services, TRIP Fund, fund 5070, fiscal year 2015, organization 0511, be decreased by expiring the amount of \$251,657.05, and in the Department of Health and Human Resources, Division of Human Services, Medicaid Fraud Control Fund, fund 5141, fiscal year 2015, organization 0511, be decreased by expiring the amount of \$4,000,000, and in the Department of Health and Human Resources, Division of Human Services - Marriage Education Fund, fund 5490, fiscal year 2015, organization 0511, be decreased by expiring the amount of \$223,310.69, and in the Department of Revenue, Insurance Commissioner, fund 7152, fiscal year 2015,**

**organization 0704, be decreased by expiring the amount of \$16,700,000, all to the unappropriated surplus balance of the State Fund, General Revenue, to be available for appropriation during the fiscal year ending June 30, 2015: *Provided*, That the expiration of funds provided herein shall not occur until such time as the bonds authorized by the provisions of section sixteen-b, article fifteen, chapter thirty-one of the Code of West Virginia for improvements to Cacapon State Park and Beech Fork State Park have been sold.”**

Having deleted the language relating to the sale of lottery revenue bonds in objection two above, on page 7, I am deleting the language, “: *Provided*, That the expiration of funds provided herein shall not occur until such time as the bonds authorized by the provisions of section sixteen-b, article fifteen, chapter thirty-one of the Code of West Virginia for improvements to Cacapon State Park and Beech Fork State Park have been sold”.

For the reasons stated herein, I have approved, subject to the above objections, Enrolled Committee Substitute for House Bill No. 2769.

Sincerely,

EARL RAY TOMBLIN,  
*Governor.*

cc: The Hon. William P. Cole, III  
*President of the Senate*

The Hon. Tim Armstead  
*Speaker, West Virginia House of Delegates*

There being no further business to come before the House, at 5:23 P.M., on motion of Delegate Cowles, the House of Delegates adjourned *sine die*.



*We hereby certify that the forgoing record of the proceedings of the House of Delegates, First Regular Session, 2015, is the Official Journal of the House of Delegates for said session.*

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TIM ARMSTEAD

*Speaker of the House of Delegates*

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STEPHEN J. HARRISON

*Clerk of the House of Delegates*

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EVANS, ALLEN V., the Delegate from the Fifty-fourth Delegate District:

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EVANS, DAVID A., a Delegate from the Fourth Delegate District:

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FAIRCLOTH, LARRY W., the Delegate from the Sixtieth Delegate District:

Added as cosponsor. . . . . 791, 989, 1161

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Appointed on Conference Committee as to Com. Sub. for S. B. 192. . . . . 2925

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Excused from voting, requested. . . . .	809, 1239, 2239
Petitions presented by. . . . .	1460
Remarks by, ordered printed. . . . .	1161, 1240
Removed as cosponsor. . . . .	565
Resolutions offered by. . . . .	439, 452, 550, 608, 747, 810, 838, 1000, 1168, 1170, 1228, 1229, 1390, 1392, 2185, 2341, 2591

## FERRO, MICHAEL T., a Delegate from the Fourth Delegate District:

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Bills introduced by. . . . .	163, 168, 169, 179, 199, 202, 216, 265, 268, 269, 284, 372, 378, 380, 382, 383, 384, 385, 386, 408, 409, 412, 417, 419, 452, 453, 472, 479, 502, 589, 677, 679, 758, 761, 774, 783, 785, 820, 924, 925, 927, 1007, 1014, 1017, 1067, 1109, 1116, 1129, 1133, 1137, 1141, 1143
Excused from voting, requested. . . . .	2239, 3537
Resolutions offered by. . . . .	366, 403, 439, 463, 577, 747, 838, 845, 1000, 1065, 1106, 1167, 1875-1881, 1883, 1884, 1950, 2026, 2027, 2185, 2341, 2343, 2345, 2591, 2907

## FLEISCHAUER, BARBARA EVANS, a Delegate from the Fifty-first Delegate District:

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Bills introduced by. . . . .	136, 137, 181, 205, 207, 222, 284, 409, 416, 453, 471, 472, 553, 558, 618, 641, 678, 720, 758, 760, 772, 846, 847, 849, 923, 969, 970, 973, 1008, 1017, 1067, 1068, 1109, 1112, 1124, 1127, 1134, 1141, 1142, 1143, 1144
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Resolutions offered by. . . . .	182, 281, 439, 747, 845, 1000, 1105, 1168, 1171, 1643, 1737, 1950, 2036, 2037, 2039, 2041, 2043, 2185, 2341, 2343, 2591, 2907, 3060

## FLUHARTY, SHAWN, a Delegate from the Third Delegate District:

Bills introduced by. . . . .	181, 211, 261, 269, 291, 378, 408, 409, 412, 452, 453, 455, 471, 558, 677, 680, 759, 760, 762, 1009, 1017, 1109, 1110, 1113, 1117, 1118, 1129, 1133, 1135, 1144
Remarks by, ordered printed. . . . .	689
Removed as cosponsor. . . . .	765
Resolutions offered by. . . . .	439, 577, 668, 838, 842, 845, 1000, 1065, 1105, 1106, 1167, 1643, 1950, 2185, 2341, 2343, 2591, 2907, 3060

## FOLK, MICHAEL "MIKE", the Delegate from the Sixty-third Delegate District:

Added as cosponsor. . . . .	1161
Bills introduced by. . . . .	123, 181, 187, 188, 191, 196, 198, 200, 201, 202, 203, 204, 212, 216, 217, 218, 261, 263, 264, 292, 336, 338, 383, 407, 410, 414, 415, 418, 430, 431, 453, 454, 455, 471, 473, 474, 478, 479, 481, 484, 557, 559, 587, 612, 613, 619, 641, 758, 783, 785, 787, 790, 812, 924, 925, 969, 971, 972, 1003, 1008, 1012, 1013, 1017, 1062, 1067, 1068, 1111, 1126, 1129, 1131, 1140, 1144
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Remarks by, ordered printed. . . . .	273, 595, 2182
Resolutions offered by. . . . .	366, 439, 550, 577, 605,

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FOSTER, GEOFF, the Delegate from the Fifteenth Delegate District:  
 Bills introduced by. . . . . 124, 128, 191, 197, 217,  
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 1068, 1109, 1129, 1132, 1423  
 Remarks by, ordered printed. . . . . 1685  
 Resolutions offered by. . . . . 185, 210, 439, 608, 747,  
 777, 812, 838, 1000, 1106, 1229, 1390, 2185, 2341, 2343, 2591

FRICH, CINDY, a Delegate from the Fifty-first Delegate District:  
 Added as cosponsor. . . . . 436, 564, 595, 907, 953,  
 989, 1058, 1305  
 Bills introduced by. . . . . 123, 126, 191, 195, 197,  
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 Removed as cosponsor. . . . . 630  
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 Resolutions offered by. . . . . 185, 210, 281, 369, 439,  
 608, 747, 838, 845, 965, 1000, 1106, 1228, 1229, 1390, 1643, 1737, 2185, 2188, 2190, 2191, 2193, 2195,  
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GEARHEART, MARTY, the Delegate from the Twenty-seventy Delegate District:  
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 Bills introduced by. . . . . 123, 124, 125, 134, 138,  
 191, 195, 196, 200, 201, 203, 204, 210, 212, 218, 219, 220, 261, 263, 264, 266, 269, 290, 382, 420, 427,  
 429, 432, 434, 469, 474, 482, 500, 554, 588, 615, 679, 762, 783, 786, 787, 790, 819, 820, 925, 971, 1003,  
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 703, 831, 832, 833, 1156, 1492, 1493, 1858, 1859, 1935, 1936, 1937, 2196, 2197  
 Resolutions offered by. . . . . 162, 185, 210, 364, 439,  
 546, 577, 605, 608, 652, 653, 666, 747, 808, 836, 838, 1000, 1167, 1173, 1225, 2185, 2188, 2190, 2191,  
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HAMILTON, BILL, the Delegate from the Forty-fifth Delegate District:

Announcement concerning vote.....	1076, 1639
Bills introduced by.....	123, 125, 128, 140, 167, 168, 169, 187, 188, 192, 195, 197, 199, 202, 203, 204, 205, 206, 207, 216, 221, 263, 265, 269, 270, 284, 290, 292, 379, 381, 382, 383, 388, 411, 418, 430, 431, 454, 455, 479, 501, 584, 611, 619, 620, 621, 641, 677, 678, 679, 757, 761, 782, 925, 1006, 1017, 1062, 1079, 1109, 1122, 1128, 1131, 1134, 1721, 1722
Excused from voting, requested.....	809, 1467
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Resolutions offered by.....	283, 314, 400, 403, 439, 608, 747, 748, 810, 812, 838, 841, 843, 845, 965, 1000, 1043, 1106, 1228, 1229, 1390, 1952, 2021, 2023, 2026, 2027, 2185, 2188, 2190, 2191, 2193, 2195, 2341, 2343, 2591

HAMRICK, DANNY, a Delegates from the Forty-eighth Delegate District:

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Leave of absence granted to.....	827, 986
Removed as cosponsor.....	1218
Resolutions offered by.....	281, 364, 370, 439, 577, 608, 747, 836, 838, 965, 1000, 1229, 1297, 1390, 1643, 1713, 1866, 1868, 1869, 1875-1881, 1883, 1884, 2102, 2185, 2341, 2343, 2591

HANSHAW, ROGER, the Delegate from the Thirty-third Delegate District:

Appointed on Conference Committee as to:	
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## HANSHAW, ROGER, the Delegate from the Thirty-third Delegate District - (Continued):

Leave of absence granted to. . . . .	1489, 1638
Resolutions offered by. . . . .	364, 369, 439, 466, 747, 812, 838, 1000, 1064, 1228, 1229, 1390, 2185, 2203, 2243, 2341, 2343, 2591

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To wait upon the Governor. . . . .	111
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Removed as cosponsor. . . . .	394
Resolutions offered by. . . . .	232, 282, 314, 366, 403, 439, 466, 544, 577, 747, 838, 842, 845, 965, 1000, 1106, 1229, 1390, 1950, 2185, 2341, 2343, 2591, 2907, 3060

## HICKS, KENNETH P., a Delegate from the Nineteenth Delegate District:

Added as cosponsor. . . . .	1305
Announcement concerning vote. . . . .	2032
Appointed on Conference Committee as to Com. Sub. for H. B. 2939. . . . .	2926
Bills introduced by. . . . .	193, 196, 214, 284, 291, 336, 373, 374, 375, 411, 430, 431, 454, 476, 479, 553, 620, 638, 642, 643, 758, 850, 851, 925, 970, 1007, 1123, 1130, 1142, 1143, 1423
Leave of absence granted to. . . . .	296, 3226, 3542
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## HILL, JORDAN, the Delegate from the Forty-first Delegate District:

Announcement concerning vote. . . . .	1683
Appointed on Conference Committee as to H. B. 2576. . . . .	1675
Bills introduced by. . . . .	123, 191, 199, 201, 202, 212, 216, 218, 260, 263, 264, 265, 266, 268, 383, 406, 407, 418, 434, 473, 481, 484, 552, 554, 555, 556, 589, 618, 619, 680, 719, 721, 722, 774, 788, 812, 850, 925, 972, 987, 1012, 1068, 1109, 1117, 1126, 1134, 1137, 1142, 1188
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## HORNBUCKLE, SEAN, a Delegate from the Sixteenth Delegate District:

Added as cosponsor. . . . .	487, 1305
Announcement concerning vote. . . . .	1639

**HORNBUCKLE, SEAN, a Delegate from the Sixteenth Delegate District - (Continued):**

Bills introduced by. . . . . 169, 266, 267, 269, 408,  
 409, 414, 419, 453, 470, 471, 477, 558, 678, 722, 758, 783, 987, 1007, 1008, 1107, 1109, 1110, 1118,  
 1127, 1129  
 Leave of absence granted to. . . . . 3222  
 Remarks by, ordered printed. . . . . 766  
 Resolutions offered by. . . . . 403, 439, 550, 575, 744,  
 747, 838, 842, 845, 910, 1000, 1165, 1167, 1866, 1868, 1869, 1950, 2185, 2341, 2343, 2591, 2907

**HOUSEHOLDER, ERIC L., the Delegate from the Sixty-fourth Delegate District:**

Bills introduced by. . . . . 123, 125, 128, 187, 189,  
 190, 191, 192, 194, 195, 197, 198, 200, 201, 202, 203, 204, 210, 212, 216, 217, 218, 219, 220, 261, 263,  
 264, 265, 268, 269, 270, 284, 288, 290, 291, 336, 338, 378, 382, 385, 387, 407, 408, 409, 410, 413, 414,  
 418, 419, 420, 428, 432, 453, 455, 471, 473, 474, 475, 477, 478, 481, 484, 552, 554, 556, 557, 559, 586,  
 589, 612, 615, 618, 619, 639, 640, 641, 642, 677, 760, 761, 762, 772, 783, 784, 785, 786, 787, 788, 789,  
 790, 812, 813, 850, 923, 926, 927, 973, 993, 1003, 1004, 1007, 1010, 1013, 1015, 1016, 1068, 1134,  
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**HOWELL, GARY G., the Delegate from the Fifty-sixth Delegate District:**

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 Excused from voting, requested. . . . . 1620, 1664, 2263, 2359,  
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 1755, 1772, 1874  
 Resolutions offered by. . . . . 364, 366, 439, 608, 810,  
 1000, 1170, 1228, 1229, 1390, 1643, 1755, 1875, 1876, 1877, 1878, 1879, 1880, 1881, 1883, 1884, 2185,  
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**IHLE, MICHAEL, a Delegate from the Thirteenth Delegate District:**

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 1110, 1113, 1119, 1126, 1128, 1140, 1142  
 Excused from voting, requested. . . . . 880  
 Paired . . . . . 3538  
 Resolutions offered by. . . . . 364, 366, 403, 439, 452,  
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 1875-1881, 1883, 1884, 2098, 2185, 2341, 2342, 2591

**IRELAND, LYNWOOD "WOODY", the Delegate from the Seventh Delegate District:**

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Excused from voting, requested. . . . .	1646
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Bills introduced by. . . . . 136, 137, 193, 196, 211, 212, 214, 266, 268, 291, 292, 337, 375, 411, 416, 420, 453, 470, 471, 476, 477, 553, 558, 584, 586, 591, 611, 612, 641, 678, 680, 758, 785, 926, 969, 970, 971, 972, 972, 1007, 1008, 1009, 1014, 1017, 1113, 1118, 1122, 1124, 1131, 1132, 1138, 1142, 1144, 1373

Excused from voting, requested. . . . . 880, 1646, 2087, 2233, 2239, 3537

Leave of absence granted to. . . . . 3222, 3226, 3542

Remarks by, ordered printed. . . . . 531, 689, 877, 1183, 2033

Resolutions offered by. . . . . 184, 232, 282, 314, 366, 369, 439, 664, 666, 744, 747, 752, 753, 838, 842, 910, 964, 966, 1000, 1065, 1103, 1105, 1106, 1167, 1174, 1643, 1866, 1868, 1869, 1949, 1950, 2185, 2002, 2005, 2341, 2343, 2591, 2907

PERRY, DAVID G., a Delegate from the Thirty-second Delegate District:

Added as cosponsor. . . . . 1058

Bills introduced by. . . . . 168, 199, 200, 201, 204, 205, 206, 211, 221, 260, 268, 284, 335, 337, 338, 379, 383, 384, 385, 386, 408, 411, 412, 417, 419, 432, 433, 434, 452, 453, 455, 470, 474, 475, 477, 479, 501, 550, 556, 612, 680, 757, 761, 785, 813, 820, 846, 850, 923, 926, 970, 1003, 1006, 1009, 1014, 1015, 1017, 1067, 1109, 1111, 1115, 1116, 1127, 1130, 1131, 1133, 1373

Excused from voting, requested. . . . . 1646, 3537

Petitions presented by. . . . . 1460

Resolutions offered by. . . . . 366, 403, 439, 608, 779, 841, 845, 910, 965, 1000, 1065, 1103, 1167, 1229, 1392, 1643, 1716, 1866, 1868, 1869, 1950, 2026, 2027, 2185, 2341, 2343, 2591

Removed as cosponsor. . . . . 1517

Service pin presented to. . . . . 3542

PETHTEL, DAVE, the Delegate from the Fifth Delegate District:

Announcement concerning vote. . . . . 2032

Bills introduced by. . . . . 169, 200, 204, 205, 211, 221, 260, 267, 268, 284, 372, 379, 382, 385, 387, 409, 412, 416, 419, 430, 431, 433, 453, 454, 470, 471, 479, 758, 813, 820, 1014, 1017, 1067, 1116, 1135, 1136, 1141, 1143

Excused from voting, requested. . . . . 1646

Nominated Tim Miley for Speaker. . . . . 14

Resolutions offered by. . . . . 281, 403, 439, 603, 747, 838, 845, 967, 1000, 1043, 1065, 1106, 1167, 1737, 1950, 2026, 2027, 2185, 2188, 2190, 2191, 2193, 2195, 2341, 2343, 2591

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Kessinger . . . . . 1460

Marcum . . . . . 2208

Perry . . . . . 1460

Sobonya . . . . . 2348

PHILLIPS, LINDA GOODE, a Delegate from the Twenty-fifth Delegate District:

Added as cosponsor. . . . . 792

Announcement concerning vote. . . . . 908, 1154, 1304, 1424, 1489, 1684, 2032, 2579

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Excused from voting, requested. . . . .	880, 1646, 2233
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Resolutions offered by. . . . .	185, 239, 258, 364, 366, 439, 451, 546, 550, 747, 838, 842, 845, 910, 1000, 1106, 1167, 2021, 2023, 2185, 2341, 2343, 2345, 2591

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## PUSHKIN, MIKE, the Delegate from the Thirty-seventh District:

Added as cosponsor. . . . .	436, 630, 1305
Bills introduced by. . . . .	169, 211, 212, 221, 261, 269, 433, 470, 471, 476, 477, 479, 550, 552, 557, 558, 584, 589, 590, 591, 640, 641, 678, 758, 760, 849, 924, 927, 970, 1007, 1017, 1068, 1113, 1117, 1118, 1127, 1134, 1141, 1142, 1143, 1144
Excused from voting, requested. . . . .	1654
Paired . . . . .	1669
Resolutions offered by. . . . .	281, 366, 439, 575, 747, 842, 845, 965, 1000, 1105, 1106, 1170, 1643, 1866, 1868, 1869, 1950, 2036, 2037, 2039, 2041, 2043, 2102, 2185, 2341, 2343, 2591, 2907, 3060

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REYNOLDS, DOUG, a Delegate from the Seventeenth Delegate District:

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RODIGHIERO, RALPH, a Delegate from the Twenty-fourth Delegate District:

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 639, 680, 757, 783, 785, 846, 847, 924, 926, 969, 972, 993, 1008, 1015, 1016, 1109, 1111, 1121, 1132,  
 1133, 1141, 1188, 1373  
 Excused from voting, requested. . . . . 809  
 Leave of absence granted to. . . . . 3222, 3226, 3542  
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ROMINE, WILLIAM ROGER, the Delegate from the Sixth Delegate District:

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 Excused from voting, requested. . . . . 809, 1646, 3537  
 Resolutions offered by. . . . . 162, 364, 439, 544, 577,  
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SKINNER, STEPHEN, the Delegate from the Sixty-seventh Delegate District:

Announcement concerning vote..... 907  
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     384, 385, 411, 427, 471, 472, 477, 557, 558, 590, 620, 641, 758, 759, 760, 762, 788, 819, 847, 925, 926,  
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SMITH, PEGGY DONALDSON, the Delegate from the Forty-sixth Delegate District:

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Announcement concerning vote. . . . .	2032, 2318

## SPONAUGLE, ISAAC, the Delegate from the Fifty-fifth Delegate District - (Continued):

Bills introduced by. . . . .	200, 202, 211, 221, 261, 268, 284, 290, 337, 382, 409, 427, 452, 453, 470, 471, 477, 552, 558, 591, 620, 640, 642, 679, 680, 758, 759, 760, 783, 785, 786, 813, 847, 848, 1007, 1017, 1109, 1113, 1115, 1116, 1117, 1118, 1122, 1128, 1129, 1137
Excused from voting, requested. . . . .	1995
Leave of absence granted to. . . . .	3222, 3226, 3542
Motions by . . . . .	1397
Remarks by, ordered printed. . . . .	595
Resolutions offered by. . . . .	232, 282, 283, 314, 366, 370, 403, 439, 463, 466, 544, 577, 747, 838, 842, 845, 1000, 1065, 1104, 1106, 1167, 1390, 1875-1881, 1883, 1884, 1950, 2185, 2341, 2343, 2591, 2907, 3060

## STANSBURY, CHRIS, a Delegate from the Thirty-fifth Delegate District:

Added as cosponsor. . . . .	765
Announcement concerning vote. . . . .	1154
Bills introduced by. . . . .	124, 125, 198, 199, 260, 261, 266, 288, 290, 291, 371, 378, 379, 385, 387, 388, 407, 410, 452, 469, 475, 476, 478, 480, 554, 555, 557, 590, 618, 640, 641, 760, 772, 774, 785, 788, 926, 927, 969, 972, 987, 993, 1008, 1113, 1137, 1188
Excused from voting, requested. . . . .	809, 1147
Resolutions offered by . . . . .	364, 366, 403, 439, 605, 747, 810, 909, 965, 1000, 1106, 1167, 1170, 1222, 1229, 1390, 1644, 1875-1881, 1883, 1884, 2035, 2037, 2041, 2042, 2185, 2243, 2341, 2343, 2591

## STATLER, JOE, a Delegate from the Fifty-first Delegate District:

Bills introduced by. . . . .	124, 125, 127, 131, 187, 189, 192, 194, 195, 197, 198, 204, 221, 260, 264, 265, 284, 337, 372, 374, 381, 387, 388, 416, 479, 480, 587, 589, 611, 618, 677, 757, 784, 786, 813, 846, 847, 849, 851, 969, 1003, 1008, 1067, 1121, 1132, 1373
Excused from voting, requested. . . . .	809
Remarks by, ordered printed. . . . .	1374
Resolutions offered by. . . . .	281, 364, 439, 608, 747, 810, 962, 965, 1000, 1065, 1106, 1167, 1168, 1170, 1173, 1228, 1229, 1390, 1644, 1737, 1866, 1868, 1869, 2100, 2185, 2341, 2343, 2591

## STORCH, ERIKKA L., a Delegate from the Third Delegate District:

Announcement concerning vote. . . . .	2590
Appointed on special committee to notify the Senate that the House had assembled. . . . .	113
Bills introduced by. . . . .	125, 127, 128, 169, 192, 200, 207, 210, 212, 218, 219, 220, 260, 266, 268, 269, 270, 290, 333, 336, 372, 374, 378, 379, 409, 412, 418, 452, 453, 476, 478, 479, 501, 554, 586, 615, 618, 619, 677, 720, 785, 790, 819, 820, 927, 972, 973, 1003, 1005, 1009, 1012, 1068, 1107, 1108, 1109, 1110, 1113, 1116, 1120, 1122, 1124, 1131, 1133, 1135, 1136, 1137, 1142
Leave of absence granted to. . . . .	421, 629
Remarks by, ordered printed. . . . .	273, 436, 980, 3201
Reports by, as Chair of the Committee on Political Subdivisions. . . . .	537, 941, 1688, 1731, 1732
Resolutions offered by. . . . .	439, 605, 608, 668, 747, 843, 1000, 1105, 1106, 1229, 1390, 2185, 2188, 2190, 2191, 2193, 2195, 2341, 2343, 2591, 2907

## SUMMERS, AMY, the Delegate from the Forty-ninth Delegate District:

Added as cosponsor. . . . .	595, 792
Appointed on Conference Committee as to:	
H. B. 2664. . . . .	3016
Com. Sub. for H. B. 2939. . . . .	2926
Bills introduced by. . . . .	125, 128, 181, 263, 269,

SUMMERS, AMY, the Delegate from the Forty-ninth Delegate District - (Continued):  
 270, 284, 288, 291, 334, 374, 406, 429, 480, 482, 499, 553, 554, 639, 677, 721, 772, 783, 784, 786, 847,  
 926, 972, 973, 1112  
 Excused from voting, requested. . . . . 1414, 1954, 3537  
 Removed as cosponsor. . . . . 907  
 Resolutions offered by. . . . . 281, 402, 439, 608, 838,  
 1000, 1167, 1229, 1390, 1643, 1737, 2185, 2341, 2343, 2591

TRECOST, II, PATSY, a Delegate from the Forty-eighth Delegate District:  
 Announcement concerning vote. . . . . 564  
 Bills introduced by. . . . . 187, 261, 269, 270, 378,  
 380, 381, 382, 383, 385, 386, 408, 409, 412, 419, 430, 433, 452, 453, 470, 474, 479, 680, 758, 813, 850,  
 926, 972, 1009, 1012, 1015, 1111, 1117, 1129  
 Excused from voting, requested. . . . . 1995  
 Removed as cosponsor. . . . . 730  
 Resolutions offered by. . . . . 439, 577, 719, 747, 836,  
 838, 841, 842, 845, 1000, 1106, 1167, 1297, 1866, 1868, 1869, 1950, 2098, 2100, 2185, 2341, 2343,  
 2591, 2907

UPSON, JILL, the Delegate from the Sixty-fifth Delegate District:  
 Added as cosponsor. . . . . 1096  
 Announcement concerning vote. . . . . 3202, 3527  
 Bills introduced by. . . . . 128, 197, 216, 217, 218,  
 264, 265, 267, 268, 284, 335, 338, 374, 382, 406, 413, 414, 420, 429, 469, 471, 474, 478, 584, 611, 641,  
 789, 819, 849, 925, 971, 973, 1006, 1007, 1119, 1128, 1133, 1139, 1373  
 Resolutions offered by. . . . . 210, 369, 439, 575, 747,  
 1000, 1065, 1106, 1229, 1390, 1716, 1866, 1868, 1869, 2100, 2185, 2341, 2343, 2591

WAGNER, DANNY, the Delegate from the Forty-seventh Delegate District:  
 Bills introduced by. . . . . 123, 190, 196, 216, 221,  
 260, 266, 290, 335, 337, 374, 387, 413, 434, 477, 482, 550, 556, 557, 587, 589, 783, 971, 972, 1003,  
 1005, 1007  
 Leave of absence granted to. . . . . 629, 648, 702  
 Resolutions offered by. . . . . 366, 439, 608, 838, 845,  
 962, 1000, 1065, 1167, 1229, 1716, 1866, 1868, 1869, 2021, 2023, 2185, 2341, 2343, 2591

WALTERS, RON, the Delegate from the Thirty-ninth Delegate District:  
 Announcement concerning vote. . . . . 765, 2318  
 Appointed on Conference Committee as to S.B. 518. . . . . 2926  
 Bills introduced by. . . . . 124, 125, 128, 173, 187,  
 189, 192, 194, 195, 197, 198, 200, 201, 203, 204, 260, 261, 264, 265, 267, 268, 269, 284, 290, 291, 337,  
 371, 379, 383, 387, 388, 409, 410, 411, 420, 430, 431, 433, 434, 452, 453, 454, 473, 474, 476, 479, 500,  
 503, 557, 588, 589, 615, 617, 620, 639, 676, 759, 790, 927, 969, 970, 971, 972, 988, 1006, 1008, 1010,  
 1013, 1015, 1107, 1108, 1116, 1117, 1118, 1124, 1128, 1141  
 Excused from voting, requested. . . . . 392, 1467, 1996  
 Leave of absence granted to. . . . . 421, 702, 730, 1738, 3222, 3226  
 Paired. . . . . 688  
 Remarks by, ordered printed. . . . . 1183  
 Reports by, as Chair of the Committee on Banking and Insurance. . . . . 768, 987, 1294  
 Resolutions offered by. . . . . 162, 210, 364, 366, 367,  
 439, 447, 608, 747, 838, 965, 1000, 1043, 1064, 1228, 1229, 1295, 1390, 2185, 2206, 2341, 2343, 2591  
 Seconded nomination of Stephen J. Harrison for Clerk. . . . . 26

WAXMAN, TERRY, a Delegate from the Forty-eighth Delegate District:  
 Bills introduced by. . . . . 123, 125, 128, 187, 263,  
 270, 334, 387, 406, 420, 429, 480, 499, 550, 553, 639, 641, 677, 721, 783, 847, 850, 926, 988, 1016,  
 1120, 1129

## WAXMAN, TERRY, a Delegate from the Forty-eighth Delegate District - (Continued):

Excused from voting, requested. . . . .	3537
Resolutions offered by. . . . .	439, 608, 747, 836, 838, 1000, 1106, 1170, 1229, 1297, 1390, 1644, 1713, 2035, 2037, 2039, 2041, 2042, 2185, 2341, 2343, 2591

## WELD, RYAN, a Delegate from the Second Delegate District:

Added as cosponsor. . . . .	765
Announcement concerning vote. . . . .	2590
Appointed on Conference Committee as to Com. Sub. for H. B. 2025. . . . .	775
Bills introduced by. . . . .	123, 125, 127, 131, 189, 203, 204, 338, 378, 412, 427, 554, 588, 619, 640, 719, 721, 790, 812, 1003, 1005, 1110, 1112, 1126, 1129, 1130, 1133, 1143
Excused from voting, requested. . . . .	1959, 2233
Resolutions offered by. . . . .	439, 747, 812, 965, 991, 1000, 1106, 1168, 1170, 1229, 1390, 2185, 2341, 2343, 2591

## WESTFALL, STEVE, the Delegate from the Twelfth Delegate District:

Added as cosponsor. . . . .	791, 828, 1292
Announcement concerning vote. . . . .	1683, 3211
Bills introduced by. . . . .	124, 126, 127, 189, 198, 201, 203, 267, 292, 375, 383, 387, 388, 411, 419, 420, 433, 434, 473, 474, 476, 477, 479, 484, 501, 554, 588, 611, 613, 615, 620, 639, 641, 757, 762, 783, 788, 789, 820, 850, 852, 925, 926, 927, 969, 987, 1003, 1010, 1079, 1111, 1115, 1119, 1125, 1128, 1133, 1135, 1137, 1188, 1722
Excused from voting, requested. . . . .	1467
Reports by, as Vice Chair of the Joint Committee on Enrolled Bills. . . . .	983, 992
Resolutions offered by. . . . .	336, 402, 403, 439, 466, 605, 608, 666, 674, 747, 779, 845, 965, 1000, 1065, 1106, 1167, 1229, 1390, 2036, 2037, 2039, 2041, 2043, 2185, 2188, 2190, 2191, 2193, 2195, 2233, 2243, 2341, 2343, 2345, 2591, 2906

## WHITE, BRAD, a Delegate from the Thirty-sixth Delegate District:

Announcement concerning vote. . . . .	1240, 2589
Bills introduced by. . . . .	123, 124, 127, 198, 261, 267, 371, 375, 473, 474, 476, 482, 557, 590, 613, 618, 640, 677, 721, 722, 852, 927, 988, 1112, 1123, 1124, 1129, 1130
Excused from voting, requested. . . . .	1467
Leave of absence granted to. . . . .	1424
Remarks by, ordered printed. . . . .	273
Resolutions offered by. . . . .	239, 258, 366, 439, 575, 577, 608, 747, 910, 1000, 1106, 1170, 1222, 1229, 1390, 1644, 1949, 2026, 2027, 2185, 2341, 2343, 2591

## WHITE, HARRY KEITH, the Delegate from the Twenty-first Delegate District:

Announcement concerning vote. . . . .	487, 907, 1304
Appointed on Conference Committee as to	
Com. Sub. for H. B. 2016. . . . .	3059
S.B. 518. . . . .	2926
Bills introduced by. . . . .	168, 180, 200, 205, 211, 212, 214, 221, 266, 267, 268, 269, 291, 292, 337, 374, 379, 383, 433, 434, 455, 469, 470, 477, 478, 479, 584, 589, 590, 591, 612, 617, 680, 759, 760, 761, 788, 790, 926, 927, 971, 972, 1009, 1013, 1107, 1113, 1116, 1117, 1120, 1122, 1129, 1131, 1142
Excused from voting, requested. . . . .	1646, 1993, 2493, 3537
Leave of absence granted to. . . . .	272, 457, 827
Motions by. . . . .	1397
Paired . . . . .	271
Previous question demanded by. . . . .	1397
Remarks by, ordered printed. . . . .	1639



WHITE, HARRY KEITH, the Delegate from the Twenty-first Delegate District - (Continued):

Removed as cosponsor. . . . . 1183

Resolutions offered by. . . . . 232, 239, 244, 258, 282,  
314, 366, 403, 439, 451, 463, 546, 548, 550, 577, 608, 664, 666, 747, 777, 838, 841, 845, 910, 962, 964,  
1000, 1065, 1106, 1167, 1390, 1949, 1950, 2185, 2188, 2190, 2191, 2193, 2195, 2907

WILLIAMS, LARRY A., the Delegate from the Fifty-second Delegate District:

Announcement concerning vote. . . . . 487

Appointed on Conference Committee as to Com. Sub. for H. B. 2016. . . . . 3059

Bills introduced by. . . . . 133, 134, 168, 188, 190,  
200, 201, 202, 204, 205, 206, 290, 379, 380, 381, 382, 383, 384, 385, 386, 412, 417, 433, 434, 471, 501,  
589, 680, 761, 785, 788, 813, 847, 850, 926, 972, 987, 1012, 1014, 1017, 1062, 1079, 1116, 1118, 1120,  
1122, 1127, 1129, 1130, 1142, 1721, 1722

Excused from voting, requested. . . . . 1466, 1646

Leave of absence granted to. . . . . 629

Resolutions offered by. . . . . 234, 439, 608, 668, 838,  
842, 845, 965, 1000, 1065, 1106, 1167, 1229, 1390, 1737, 1950, 2026, 2027, 2185, 2188, 2190, 2191,  
2193, 2195, 2341, 2343, 2591

ZATEZALO, MARK, a Delegate from the First Delegate District:

Announcement concerning vote. . . . . 953, 2579, 3202

Bills introduced by . . . . . 124, 125, 127, 131, 189,  
191, 192, 194, 195, 196, 197, 198, 260, 261, 266, 288, 378, 383, 412, 429, 482, 501, 502, 553, 554, 557,  
584, 587, 619, 774, 786, 790, 972, 1003, 1006, 1009, 1108, 1128, 1131, 1132, 1133, 1135

Excused from voting, requested. . . . . 1646, 2233

Paired . . . . . 1412

Remarks by, ordered printed. . . . . 1161

Removed as cosponsor. . . . . 458

Resolutions offered by. . . . . 364, 439, 577, 608, 747,  
838, 1000, 1065, 1106, 1229, 1390, 1875-1881, 1883, 1884, 2021, 2023, 2026, 2027, 2185, 2341, 2343,  
2591



**REGULAR SESSION, 2015**

\*Denotes Committee Substitute

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
*2001	By Delegates Gearheart, J. Nelson, Arvon, Ellington, Folk, B. White, Frich, Hill, Householder, Moffatt and Shott: Repealing portions of the Alternative and Renewable Energy Portfolio Act. (Chapter 55, Regular Session, Act, 2015)	123	171, 178	271	271	399	123, 171, 207, 222, 270, 272, 399, 400, 459, 543
*2002	By Delegates Wagner, Overington, A. Evans, Anderson, Waxman, Shott, Kelly, E. Nelson, Folk, Espinosa and Mr. Speaker (Mr. Armstead): Predicating actions for damages upon principles of comparative fault. (Chapter 59, Regular Session, Act, 2015)	123	228	393, 1084	393, 1086	654, 1158	123, 338, 339, 388, 392, 394, 655, 661, 740, 981, 1084, 1086, 1496, 1736
2003	By Delegates Ambler, Anderson, Canterbury, O'Neal, Border, Sobonya, Weld, Hamilton, Ashley, Ireland and A. Evans: Relating to the liability of a possessor of real property for harm to a trespasser.	123					123
*2004	By Delegates J. Nelson, Howell, Statler, Walters, Foster, Zatezalo, B. White, Moffatt, Stansbury, Gearheart and Butler: Providing a procedure for the development of a state plan under section 111(d) of the Clean Air Act. (Chapter 109, Acts, Regular Session, 2015)	124	275, 491	961	621, 962	960	124, 275, 563, 593, 622, 962, 1192, 1689
*2005	By Delegates Pasdon, Hamrick, Zatezalo, Romine, McCuskey, Walters, Westfall, Arvon, Overington, Espinosa and Moffatt: Relating to alternative programs for the education of teachers. (Chapter 237, Acts, Regular Session, 2015)	124	342, 570	681, 682, 684, 685, 2616	684, 2618	2615	124, 343, 629, 643, 647, 648, 680, 684, 686, 2015, 2618, 3551
2006	By Delegates Weld, Rohrbach, Zatezalo, Arvon, Espinosa, Waxman, Howell, Cowles, Ellington, Pasdon and Householder: Relating to medical professional liability.	125					125

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2007	By Delegates Stansbury, Westfall, Pasdon, Rohrbach, Hamilton, Statler, Walters, Ellington, Fast, McCuskey and Border: Requiring CPR to be taught in the public school system.	125					125
*2008	By Delegates Summers, Evans, D., Hamrick, Ashley, Ireland, Stansbury, Gearheart, E. Nelson, Howell, Blair and Kurcaba: Auditing the Division of Highways. (Chapter 86, Acts, Regular Session, 2015)	125	177, 494	622	622	1050	125, 177, 563, 593, 622, 623, 738, 1192, 1295
2009	By Delegates Fast, Duke, Summers, Rohrbach, Border, Hamilton, McGeehan, Storch, Arvon, Romine and Cowles: Allowing State Police, police, sheriffs and fire and emergency service personnel to possess naloxone or other approved opioid antagonist.	125	276				126, 276
*2010	By Delegates Kessinger, McCuskey, Border, Shott, Rowan, Frich, Westfall, Lane, Anderson, Sobonya and Faircloth: Requiring the elections of justices of the West Virginia Supreme Court of Appeals, circuit court judges, family court judges and magistrates be nonpartisan and by division. (Chapter 103, Acts, Regular Session, 2015)	126	444	1062, 1898, 1932	560, 1064, 1932	1062, 2047	127, 487, 505, 560, 1062, 1063, 1064, 1496, 1896, 1898, 1931, 1933, 3220
*2011	By Delegates Hanshaw, Shott, E. Nelson, Rohrbach, Sobonya, Weld, Espinosa, Statler and Miller: Relating to disbursements from the Workers' Compensation Fund where an injury is self inflicted or intentionally caused by the employer. (Chapter 243, Acts, Regular Session, 2015)	127	533	625, 627, 688, 2932, 2943	688, 2943	2932	127, 564, 624, 643, 687, 688, 689, 2942, 2945, 3551, 3576
2012	By Delegates B. White, E. Nelson, Storch, Zatezalo, Pasdon, Ashley, Duke, Westfall, McCuskey and Cowles: Relating to the payment of wages by employers and when final wages are required to be paid.	127					128

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2013	By Delegates Waxman, O'Neal, Hamilton, Butler, Anderson, Cowles, Storch, Ireland, Householder, Evans, D. and R. Smith: Relating to the liability of a possessor of real property for injuries caused by open and obvious hazards.	128					128
2014	By Delegates Upson, Pasdon, Cowles, McCuskey, Hamrick, Ihle, Walters, Overington, Faircloth, Azinger and Espinosa: West Virginia Public Charter Schools Act of 2015.	128					128
*2015	By Delegates Foster, Espinosa, Summers, Miller, Lane, Duke, Ellington, McGeehan, Storch, Howell and Ihle: Requiring the Legislative Auditor to conduct performance reviews and audits for every government spending unit, including all members of the Board of Public Works and the Legislature.	128	228, 1366		1523		129, 228, 1417, 1473, 1523
*2016	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Budget Bill, making appropriations of public money out of the treasury in accordance with section fifty-one, article six of the Constitution. (Chapter 15, Acts, Regular Session, 2015)	159	1874	3282, 3283	2240, 3538	2651, 3542	159, 1999, 2091, 2239, 2240, 2651, 2905, 3059, 3227, 3281, 3537, 3538, 3549, 3577
2017	By Delegate Shott: Providing for the posting of unenclosed lands to prohibit hunting, trapping or fishing.	129					129
2018	By Delegate Cooper: Providing a fee discount for certain nonresident hunting, fishing and trapping licenses for native nonresidents.	129					129
2019	By Delegate Caputo: Requiring the mine foreman examiner to review the employment history and certify that the applicant.	129					130
2020	By Delegate Lane: Relating to requirements for PROMISE scholarships.	130					130

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
*2021	By Delegates Lane, Faircloth, Kurcaba, Westfall, Moffatt, Ihle, Frich and R. Phillips: Implementing drug testing for recipients of federal-state and state assistance.	130	993, 1388				130, 994, 1486, 1553, 1558
2022	By Delegate Lane: Prohibiting certain political fund-raising activities for members of the Legislature during certain periods of time.	130					130
2023	By Delegate Lane: Requiring the reporting and publication of all compensation, including the source of that compensation, paid to lobbyists.	130					130
2024	By Delegate Guthrie: Requiring preplanning, preparing and provisioning of public facilities for use as shelters for elderly and disabled during emergency situations	131					131
*2025	By Delegates Howell, Shott, Hamrick, 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. (Chapter 80, Acts, Regular Session, 2015)	131	182	272, 1087	292, 1096	707, 1194	131, 225, 272, 292, 293, 707, 709, 775, 1022, 1086, 1096, 1194, 1496, 1689
2026	By Delegates Howell, Canterbury, Hamrick, Ambler, Zatezalo, McCuskey, Espinosa, Cadle, D. Evans, Rowan and Hartman: Allowing terminally ill patients to have access to investigational products that have not been approved by the federal food and drug administration.	131					131
2027	By Delegates Howell, Weld, Kurcaba, Hamrick, Canterbury, Zatezalo, Ambler, McCuskey, Espinosa, D. Evans and Rowan: Requiring circuit courts to review foreign court judgments for jurisdiction before such orders may be enforced.	131					131
2028	By Delegate Shott: Relating generally to purchasing.	131	227				132, 227

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2029	By Delegate Shott: Allowing counties and municipalities to levy a sales tax on food and beverages sold at restaurants.	132					132
2030	By Delegate Romine: Relating to the issuance of driver's licenses and disposition.	132					132
2031	By Delegate Romine: Prohibiting the performance of any abortion when the woman seeking it is doing so solely on account of the gender of the fetus.	132					132
2032	By Delegate Romine: Increasing salary increments paid to principals and assistant principals.	133					133
2033	By Delegate Williams: Captive Cervid Farming Act.	133					133
2034	By Delegate Williams: Providing immunity from civil liability hospital volunteers who in good faith render emergency care at a hospital.	133					133
2035	By Delegate Williams: Reducing the wholesale tax on heating fuel, off road fuels, kerosene and propane used for home heating purposes or off road use.	133					134
2036	By Delegate Williams: Providing that when a person from another state writes a worthless check in this state which results in a summons to appear in magistrate court but then fails to appear shall have his or her privilege to drive in this state revoked.	134					134
2037	By Delegates Williams and Moye: Taxing of utility terrain vehicles.	134					134
2038	By Delegate R. Smith: Relating to excuses from jury service.	134					134
2039	By Delegates Shott, E. Nelson and Gearheart: Raising the maximum personal income tax exemption for persons over the age of sixty-five and for persons who are totally disabled.	133					135
2040	By Delegates Guthrie and Hamilton: Adding domestic violence and fraud to the list of crimes for which conviction would bar a person from holding public office.	135					135

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2041	By Delegates Guthrie, Skinner and P. Smith: Establishing requirements for prior review of all privatization proposals.	135					135
2042	By Delegate Guthrie: West Virginia Renewable Energy Act.	135					135
2043	By Delegate Guthrie: Granting all public employees a \$1,000 per year permanent pay increase.	136					136
2044	By Delegates Perdue, Fleischauer, Eldridge, Cowles, Miller, Border, Rowan and Ellington: Relating generally to administration of an opioid antagonist.	136					136
2045	By Delegates Perdue, Fleischauer, Cowles, Miller, Rowan, Border, Pushkin and Hornbuckle: Overdose Prevention Act.	136	276				137, 276
2046	By Delegates Perdue, Fleischauer, Miller, Rowan, Border and Ellington: Relating to treatment for sexually transmitted diseases.	137	209				137, 209
2047	By Delegate Shott: Continuing the fraud control unit in the Medicaid Fraud Control Unit.	138	957				138, 957
*2048	By Delegate Shott: Relating to juvenile proceedings.	138	796, 1287		1462		138, 797, 1352, 1415, 1462
2049	By Delegates Shott, Cooper, Gearheart and Ambler: Requiring the Parkways Authority to provide free daily toll passes for veterans under certain circumstances.	138					138
2050	By Delegate Guthrie: Relating generally to the accountability of a corporation's political activities.	138					139
2051	By Delegate Shott: Limiting the use of credit information in connection with the declination and termination of property insurance.	139					139
2052	By Delegate Shott: Relating to the labor-management relations act for the private sector.	139					139



Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
*2053	By Delegate Shott: Relating to the form of trust deeds. (Chapter 84, Acts, Regular Session, 2015)	139	341	435, 1938	457, 1940	1938	139, 421, 435, 456, 457, 1938, 1940, 3220, 3575
2054	By Delegate Shott: Relating to the right of the landlord of commercial premises to terminate the lease under certain circumstances.	139	945	1027	1028		140, 979, 1027, 1028
2055	By Delegate Shott: Exempting from excise taxation the transfer of real property from an individual to a wholly-owned subsidiary.	140					140
2056	By Delegates Faircloth and Hamilton: Making clear that the Pledge of Allegiance said each instructional day in West Virginia public schools shall include the phrase "one nation under God."	140					140
2057	By Delegates Caputo, Ferro, Longstreth and Moye: Requiring that State Police officers be compensated for time when they are required to be on standby and providing a stipend for housing cost for certain officers.	163					163
2058	By Delegate Caputo: Providing for the use of neck braces by football players.	163					164
2059	By Delegate Caputo: Increasing benefits of retired state personnel and retired teachers.	164					164
2060	By Delegate Caputo: Creating a crime for theft of a traffic sign or traffic signal.	164					164
2061	By Delegate Caputo: Establishing seniority rights for public employees.	164					164
2062	By Delegates Caputo and Manchin: Establishing the Legislative Oversight Commission on Energy Workers Safety.	164					165
2063	By Delegate Caputo: Prohibiting the use of a credit score in casualty insurance rate filings.	165					165

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2064	By Delegate Caputo: Providing a ten percent discount to residents at state parks and forests.	165					165
2065	By Delegate Caputo: Increasing compensation of membership of the West Virginia State Police.	165					165
2066	By Delegate Caputo: Increasing the amount of annual and incremental salary increases for eligible state employees.	165					165
2067	By Delegate Caputo: Relating to pension benefits exempt from state income taxation.	165					166
2068	By Delegate Caputo: Allowing state employees to take paid leave to attend parent-teacher conference for their children.	166					166
2069	By Delegate Caputo: Providing for career development and establishing a pay scale for Alcohol Beverage Commission inspectors, enforcement agents and supervisors.	166					166
2070	By Delegate Caputo: Providing meetings and conference rights for members of municipal fire departments.	166					166
2071	By Delegates Caputo and Ferro: Providing an increase in compensation for natural resources police officers.	167					167
2072	By Delegate Caputo: Increasing compensation for conservation officers.	167					167
2073	By Delegates Caputo (By Request) and Longstreth: Requiring retail establishments offering gasoline or other motor fuel to provide refueling assistance and refueling access to persons with a disability.	167					167
2074	By Delegates Caputo and Hamilton: Requiring the Superintendent of the State Police to implement a plan to increase the number of troopers.	167					167

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2075	By Delegates Caputo and Hamilton: Establishing a minimum number of troopers to provide basic law enforcement services, and providing members of the West Virginia State Police a \$580 salary increase at the end of two years of service.	167					167
2076	By Delegates Caputo, Manchin and Longstreth: Allowing quarterly payment of real and personal property taxes.	168					168
2077	By Delegates Caputo and Manchin: Requiring county boards of education to provide released time for professional educators and service personnel when serving in an elected municipal or county office.	168					168
2078	By Delegates Caputo and Longstreth: Giving local authorities the authority to decrease the speed limit on streets and highways where school buses travel in its jurisdiction.	168					168
2079	By Delegates Williams, Ferro, Rowan, Miley, H. White, Boggs, Hamilton, Ellington, Campbell, Perry and Lynch: Creating the Seniors Helping Seniors Fund.	168					169
2080	By Delegates Ferro, Caputo, Pethel, Storch, Hamilton, A. Evans, Boggs, Miley, Longstreth and Romine: Reallocating and dedicating up to \$30 million to the natural gas and oil severance tax revenues annually to the natural gas and oil-producing counties of origin.	169					169
2081	By Delegate Guthrie, Rowe, Pushkin, Byrd and Hornbuckle: Including journalists as a protected profession within the definition of crimes of violence against certain categories of workers.	169					169
2082	By Delegates Caputo and Rowan: Requiring county boards of education to employ a certified library media specialist in each county school.	169					170
2083	By Delegates Faircloth and Evans, D.: Relating to Class XS senior resident lifetime licenses.	172					172

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2084	By Delegate Manchin: Prohibiting healthcare providers from discriminating against or refusing treatment of a patient regardless of how that person was injured or became ill.	172					172
2085	By Delegates Manchin and Caputo: Relating to the solicitation of public employees by a candidate for an elective office.	172					172
2086	By Delegates Manchin, Skinner and Caputo: Relating to the accountability of a corporation's political activities.	172					173
2087	By Delegates Manchin, Walters and Caputo: Permitting surface owners to purchase the mineral interests that lay below the property in certain circumstances.	173	397				173, 397
2088	By Delegates Manchin and Walters: Relating to limitations of actions and suits.	173					174
2089	By Delegates Manchin, Longstreth and Caputo: All relating to the disclosure of information on campaign contributions and spending.	174					174
2090	By Delegates Manchin and Longstreth: Relating to the accountability of a corporation's political activities.	174					175
2091	By Delegate Manchin: False Claims Act.	175					175
2092	By Delegate Manchin: Relating to voter photo identification.	178					179
2093	By Delegates Manchin, Skinner and Ferro: Creating the Valued Employee Retention program.	179					179
2094	By Delegate Manchin: Creating an environmental awareness program in the West Virginia School system.	179					179
2095	By Delegate Caputo: Requiring that permanent and temporary battery charging stations in mines be ventilated directly to the return on a separate split of air.	180					180
2096	By Delegate Caputo: Giving the Insurance Commissioner the power to regulate and penalize self-insured employers.	180					180

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2097	By Mr. Speaker (Mr. Armstead), Delegates Miley, H. White, J. Nelson and Rodighiero: Creating the Hatfield-McCoy Regional Recreation Authority Fund.	180					180
*2098	By Delegates Hamrick, Householder, Cooper, Arvon, J. Nelson, 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. (Chapter 187, Acts, Regular Session, 2015)	187	567, 794	2586	974, 2587	2586	187, 567, 906, 931, 974, 2587, 3543, 3575
*2099	By Delegates Howell, Householder, J. Nelson, Statler, Walters, Arvon, Border, Folk, Hamilton, A. Evans and McGeehan: Extending the time of meetings of local levying bodies when meetings are delayed. (Chapter 164, Acts, Regular Session, 2015)	187	537, 798	932	974	1427	187, 537, 906, 931, 974, 975, 1864, 2200
2100	By Delegates Williams, Campbell, Ellington, Hamilton, Rowan and Fleischauer: Caregiver Advise, Record and Enable Act. (Chapter 124, Acts, Regular Session, 2015)	188	795	933, 975, 1941	975, 1942	1941	188, 795, 906, 932, 975, 1941, 1942, 3221, 3576
2101	By Delegates Morgan, Caputo, Faircloth, Folk, Howell and R. Smith: Eliminating obsolete government entities.	188					188
2102	By Delegates Kelly, Rowan, Pasdon, Westfall, Border, Statler, Azinger, Romine, A. Evans, Zatezalo and Sobonya: Prohibiting the sale of United States flags or West Virginia flags unless manufactured in the United States.	189					189
*2103	By Delegates Howell, Hamrick, Householder, Statler, Walters, Arvon, Blair, Kessinger, Border, Zatezalo and Weld: Relating generally to boards of examination and registration.	189	228, 1080		1234		190, 228, 1153, 1180, 1233, 1234
2104	By Delegates Arvon, Kessinger, Cooper, Householder, Sobonya, Rowan, Border, Ellington, Campbell and Miller: Terminating the Tax Commissioner's authority to issue business licenses to sell paraphernalia for use with controlled substances.	190	773				190, 774

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2105	By Delegates Anderson, Miller, Border, Kelly, R. Smith, Wagner, Williams, A. Evans, R. Phillips, Canterbury and Ireland: Creating the Captive Cervid Farming Act.	190	396				191, 396
2106	By Delegates Gearheart, J. Nelson, Cowles, Ellington, Folk, Frich, Hamrick, Hill, Householder, Moffatt and Shott: Relating to the Alternative and Renewable Energy Portfolio Act.	191					191
2107	By Delegates Overington, Foster, Householder, Moffatt and Butler: Relating to required courses of school instruction generally.	191					191
2108	By Delegates Howell, A. Evans, Cowles, Blair and Rowan: Adding one family court judge to the twenty-third family court circuit.	191					191
2109	By Delegates Howell, Rowan, Hamilton, Storch, Moffatt, Hamrick, Householder, Walters, Blair, Zatezalo and McGeehan: West Virginia Firearms Freedom Act.	192					192
2110	By Delegates Howell, Moye, Storch, Moffatt, Hamrick, Householder, Statler, Walters, Arvon, Blair and Kessinger: Relating generally to the tax treatment of manufacturing entities.	192					192
2111	By Delegates Howell, Rowan, Moffatt, Hamrick, Householder, J. Nelson, Statler, Walters, Arvon, Kessinger and A. Evans: Providing a special method for valuation of certain wireless technology property for property taxes.	192					192
2112	By Delegates Rodighiero, Hicks, Perdue, Marcum, Reynolds, Eldridge and Moye: Providing that school nutrition plans include take home meals for low income students.	193					193
2113	By Delegates Rodighiero, Hicks, Perdue, Marcum, Reynolds, Eldridge and Moye: Increasing the amount of retirement income to be excluded from the gross income of individuals receiving retirement benefits under the West Virginia Public Employees Retirement System.	193					193

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2114	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Updating the meaning of federal adjusted gross income and certain other terms used in the West Virginia Personal Income Tax Act. (Chapter 233, Acts, Regular Session, 2015)	193	449		561	917	193, 487, 530, 560, 561, 1192, 1295
2115	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Updating the meaning of the term "federal taxable income" and certain other terms used in the West Virginia Corporation Net Income Tax Act. (Chapter 234, Acts, Regular Session, 2015)	193	449		561	918	193, 487, 531, 561, 562, 1192, 1295
2116	By Delegates Lane, Moffatt and Ihle: Eliminating straight ticket voting; and updating language on write-in candidates.	194					194
2117	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Providing criminal penalties for using automated telephone calls to disseminate false, misleading or deceptive information during a proclaimed state of emergency.	194	449				194
2118	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Relating to school nutrition standards during a state of emergency or state of preparedness.	194	943				194, 943
2119	By Delegates Howell, Moffatt, Hamrick, Householder, J. Nelson, Statler, Walters, Arvon, Blair, Kessinger and Zatezalo: Intrastate Coal and Use Act.	194					195
2120	By Delegates Howell, Householder, Hamrick, Statler, Moffatt, Walters, Blair, Kessinger, Zatezalo, Frich and Hamilton: Permitting certain holders of concealed weapons permits to carry weapons of the grounds and buildings on the State Capitol Complex.	195					195
2121	By Delegates Howell, Householder, J. Nelson, Hamrick, Statler, Walters, Border, Frich, Hamilton, A. Evans and McGeehan: Establishing a policy for formal recognition of Indian tribes.	195	298				195, 298

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2122	By Delegates Ambler, Cooper, Howell, Householder, Walters, R. Smith, Canterbury and Gearheart: Making it illegal for anyone to photograph a corpse except for certain legitimate purposes.	195					196
2123	By Delegates Rodighiero, Hicks, Perdue, Reynolds and Eldridge: Requiring students to attend school until the age of eighteen.	196					196
2124	By Delegates R. Smith, R. Phillips, Moffatt, Gearheart, Border, D. Evans, Kessinger, Zatezalo and J. Nelson: Relating to underground coal mines.	196					196
2125	By Delegates R. Smith, Cadle, J. Nelson, Faircloth, Folk, Moffatt, Gearheart, Wagner and Ambler: Requiring that mining equipment being transported or trammed underground be done by qualified personnel under supervision of a certified foreman.	196					196
2126	By Delegates R. Smith, Faircloth, Folk, Moffatt, Gearheart, Wagner, Border, D. Evans, Ambler and Kessinger: Relating to substance abuse screening of persons certified to perform a duty in the operation of a mine.	196					197
2127	By Delegates Howell, Householder, Border, Canterbury, Sobonya, R. Smith, Blair, Kessinger, Arvon, Zatezalo and Frich: Relating to corporation net income tax for manufacturers of medical devices.	197					197
*2128	By Delegates Howell, Hamrick, Householder, Statler, Moffatt, Walters, Arvon, Blair, Kessinger, Border and Frich: Permitting those individuals who have been issued concealed weapons permits to keep loaded firearms in their motor vehicles on the State Capitol Complex grounds. (Chapter 60, Acts, Regular Session, 2015)	197	459	2275	592, 2276	2275	197, 531, 563, 592, 2276, 3543, 3576



Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2129	By Delegates Overington, Foster, Frich, Householder, Moffatt, Faircloth, Hamilton, Rowan, Espinosa, Upson and Butler: Providing for the redistricting office of the Joint Committee on Government and Finance to propose redistricting plans during census years.	197					198
2130	By Delegates Westfall, Pasdon, Espinosa, Hamrick, McCuskey, Stansbury, B. White, Ihle and L. Phillips: Including law-enforcement officers among those professionals the assault or battery of which leads to enhanced criminal penalties.	198					198
2131	By Delegates Howell, J. Nelson, Statler, Moffatt, Walters, Arvon, Blair, Kessinger, Border, Zatezalo and McGeehan: Relating to shampoo assistants and persons practicing hair braiding.	198					198
2132	By Delegates Howell, Householder, Statler, Moffatt, Arvon, Morgan, Blair, Kessinger, Border, Zatezalo and Folk: Relating to barbers, cosmetologists and shampoo assistants.	198					199
2133	By Delegates Howell, Arvon, Hill, Stansbury, Cadle, Ihle, Blair, Kessinger, Hamrick, McGeehan and R. Phillips: Continuing education requirements for barbers and cosmetologists.	199					199
2134	By Delegates Hamilton, Perry, Cadle and Rowan: Permitting family court judges and magistrates to carry concealed handguns without a permit.	199					199
2135	By Delegates Hamilton, Ferro, Longstreth and Rowan: Extending the expiration of driver's licenses for active military members' spouses.	199					200
2136	By Delegates R. Phillips, H. White, Walters, Eldridge, Byrd, R. Smith, Reynolds, Storch, Moffatt and E. Nelson: Increasing criminal penalties for the transportation of controlled substances.	200					200

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2137	By Delegates R. Phillips, H. White, Walters, Eldridge, Marcum, R. Smith, Reynolds, Storch, Moffatt, Sponaugle and Ashley: Changing the way counties pay for regional jail inmates.	200					200
2138	By Delegates Folk, Gearheart, Householder, Howell, J. Nelson, Ireland, Faircloth, Williams, Lynch, Shott and McGeehan: Adding aircraft operations on private airstrips and farms to the definition of recreational purpose. (Chapter 37, Acts, Regular Session, 2015)	200	297		435	741	200, 394, 421, 435, 914, 960
*2139	By Delegates Perry, Pasdon, L. Phillips, Hamrick, Rowan, Ambler, Cooper, Espinosa, Pethel, Romine and Longstreth: Relating to employment of retired teachers as substitutes in areas of critical need and shortage for substitutes. (Chapter 218, Acts, Regular Session, 2015)	200	706, 946		1029	2329	200, 707, 979, 1028, 1029, 1030, 3543, 3576
2140	By Delegates Perry, Pasdon, Hamrick, Rowan, Ambler, Cooper, Romine, Moye, Hartman and Williams: Building governance and leadership capacity of county board during period of state intervention. (Chapter 95, Acts, Regular Session, 2015)	201	905		1030	2618	201, 950, 979, 1030, 1031, 3543, 3576
2141	By Delegates J. Nelson, Householder, Moffatt, Walters, R. Smith, McGeehan, Folk, Faircloth, Gearheart, Hill and D. Evans: Relating to air pollution control.	201					201
2142	By Delegates J. Nelson, Householder, Moffatt, Howell, Walters, Westfall, R. Smith, Folk, McGeehan, Frich and A. Evans: Exempting recreational vehicles from taxable personal property.	201					202
2143	By Delegates Faircloth, Folk, R. Smith, Hamilton, Householder, Frich, A. Evans and Ireland: Creating a hunting license permitting crossbow hunting.	202					202
2144	By Delegates Hamilton, A. Evans, Rowan, Romine, Folk, Faircloth, Canterbury, Ferro, Lynch, Williams and Sponaugle: Permitting crossbow hunting.	202	704				202, 704

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2145	By Delegates J. Nelson, Moffatt, Folk, McGeehan, Faircloth, Hill and Frich: Relating to exceptions to prohibitions against carrying one or more concealed deadly weapons and reciprocity agreements.	202					202
2146	By Delegates J. Nelson, Miller, Hamrick, Householder, Walters, Westfall, R. Smith, McGeehan, Arvon, Gearheart and Pasdon: Allowing a public school's recognition of, and education, regarding traditional winter celebrations.	203					203
2147	By Delegates Folk, Hamilton, Frich, Shott, Householder, Ireland, Weld, Gearheart, Hanshaw and Azinger: Requiring the circuit court , when appointing counsel for alleged protected persons, to make appointments from a listing of all interested and qualified attorneys in the circuit.	203					203
*2148	By Delegates Gearheart, Hamrick, R. Smith, E. Nelson, Howell, Arvon, Butler, Azinger, Espinosa, Frich and Kessinger: Conforming the motor vehicle law of this state to the requirements of section 1405(a) of the federal Transportation Equity Act for the Twenty-first Century. (Chapter 174, Acts, Regular Session, 2015)	203	489, 1387		1648	2329	203, 490, 1487, 1558, 1648, 3544
2149	By Delegates Folk, J. Nelson, McGeehan, Frich, Faircloth, Hamilton, A. Evans, Gearheart, Householder, Shott and Butler: Exempting records of concealed weapon license applications and issuance from disclosure under the West Virginia Freedom of Information Act.	204					204
2150	By Delegates Howell, Hamrick, J. Nelson, Statler, Walters, Arvon, Blair, Kessinger, Weld, McGeehan and Kurcaba: Prohibiting the modification of mufflers resulting in excessive noise levels.	204					204
*2151	By Delegates Perry, Pasdon, L. Phillips, Rowan, Ambler, Cooper, Espinosa, Pethtel, Romine, Longstreth and Moyer: Making the West Virginia state teacher of the year an ex officio, nonvoting member of the West Virginia Board of Education.	204	494	593	623		204, 563, 593, 623, 624

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2152	By Delegates Perry, Pasdon, L. Phillips, Hamrick, Rowan, Ambler, Espinosa, Hartman, Moye and Williams: Prohibiting the publication of the identities of persons who have been issued licenses to carry a concealed deadly weapon.	204					204
2153	By Delegates Perry, Pasdon, Hamrick, Rowan, Ambler, Romine, A. Evans, Hamilton, Canterbury and Moye: The Pain-Capable Unborn Child Protection Act.	204					205
2154	By Delegates Perry, Hamilton, L. Phillips, Romine, Rowan, Moye, Longstreth, Hartman and Williams: Providing a one-time bonus payable in July of every year for retired public school teachers and state retirees.	205					205
2155	By Delegates Perry, Longstreth, L. Phillips, Pethel, Rowan, Moye, Hartman, Williams and Fleischauer: Increasing pay to teachers and service personnel.	205					205
2156	By Delegates Eldridge, R. Phillips, Marcum, Rodighiero, Moffatt, O'Neal, Campbell, H. White and Howell: Relating to the State Board of Education.	205					205
*2157	By Delegate Lane: Relating to absentee ballot fraud. (Chapter 107, Acts, Regular Session, 2015)	206	739		878	1674	206, 791, 825, 878, 1864, 2200
2158	By Delegate Lane: Creating the Jobs Impact Statement Act.	206					206
2159	By Delegate Lane: Relating to the nonpartisan election of justices to the Supreme Court of Appeals.	206					206
*2160	By Delegates Rowan, Cowles, Perry, Williams, Hamilton, Anderson, Pasdon, Duke, Espinosa, Miley and E. Nelson: WV Schools for the Deaf and Blind eligible for School Building Authority funding.	206	343, 735		879	3018	207, 343, 791, 825, 878, 879, 3544, 3561

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2161	By Delegates Fleischauer, Pasdon, Storch, Guthrie, Border, L. Phillips, Moore, Hamilton, Sobonya, Miller and Manchin: Adopting the Uniform Act on Prevention of and Remedies for Human Trafficking.	207	1155	1269, 1270, 1306, 3025	1306, 3039	3025	207, 1155, 1182, 1269, 1305, 1306, 1307, 3039, 3551, 3562
2162	By Delegates Storch, E. Nelson, Howell, Pasdon, Gearheart, Ellington, Householder, Lane, Shott, Cowles and Anderson: Relating to payment of employees separated from payroll before paydays.	210					210
2163	By Delegates Marcum, H. White, R. Phillips, Campbell, Lynch, Fluharty, Pushkin, Sponaule, Pethel, Hartman and Perdue: Increasing salaries for school service personnel.	211					211
2164	By Delegates Marcum, H. White, R. Phillips, Campbell, Pethel, Perry, Pushkin, Lynch, Moye, Sponaule and Perdue: Providing pay increases for teachers and counselors.	211					211
2165	By Delegates Marcum, H. White, J. Nelson, R. Phillips, Lynch, Campbell, Byrd, Moye, Butler, Faircloth and Hartman: Creating a tax credit for certain businesses with more than twenty-five employees that relocate to reclaimed mountaintop removal land.	211					211
2166	By Delegates Marcum, H. White, R. Phillips, Campbell, Fluharty, Faircloth, Lynch, Arvon, Sponaule, J. Nelson and R. Smith: West Virginia Coal Employment Enhancement Act.	211					211
2167	By Delegates Marcum, H. White, R. Phillips, Campbell, Hartman, J. Nelson, Pushkin, Lynch, Moye, Faircloth and Perdue: Providing a \$500 tax credit to volunteer firefighters.	212					212
2168	By Delegates McGeehan, Faircloth, Hamrick, Folk, Hill, Perdue, Householder, Gearheart, Storch, Ihle and Shott: Requiring an official declaration of war or an action to call forth the West Virginia National Guard by the United States Congress.	212					212

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2169	By Delegate Rodighiero: Providing cost-of-living adjustments for certain current and former public employees.	212					213
2170	By Delegate Rodighiero: Including volunteer firefighters within the Public Employees Insurance Act.	213					213
2171	By Delegate Rodighiero: Relating to rules governing the operation of motorboats on lakes.	213					213
2172	By Delegate Rodighiero: Requiring facilities providing abortions to obtain parental notification or consent in writing.	213					213
2173	By Delegate Rodighiero: Authorizing insurance to married workers without children at reduced rates under the West Virginia Public Employees Insurance Act.	213					213
2174	By Delegates Marcum, H. White, R. Phillips, Hicks, Lynch, Moye, Butler, Faircloth, J. Nelson, Reynolds and Eldridge: Increasing criminal incarceration penalties for the transportation of controlled substances into the state.	214					214
2175	By Delegate Rodighiero: Increasing criminal penalties for the illegal killing, taking, or possessing of certain wildlife.	214					214
2176	By Delegates Marcum, H. White, R. Phillips, Campbell, Arvon, Hartman, J. Nelson, Reynolds, Eldridge, Moffatt and Perdue: Creating a tax credit for certain businesses that locate within a twenty-mile radius of a Hatfield-McCoy recreation area trail head.	214					214
2177	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Eliminating unnecessary, inactive, or redundant boards, councils, committees, panels, task forces and commissions.	214					215
2178	By Delegates Overington, Cadle, Butler, Householder, Faircloth, Moffatt, Kelly, Frich, R. Phillips, Rohrbach and Howell: Clarifying circumstances under which a person may possess certain firearms while afield hunting.	216					216

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2179	By Delegates Householder, Cooper, Folk, Cadle, Upson, Moffatt, Howell, Frich, Arvon, Ihle and Hill: Providing a discount on state campground rentals for veterans.	216	943				216, 943
2180	By Delegates Hamilton, Ferro, Ambler, Guthrie, Moye, Longstreth, L. Phillips, Sobonya, Wagner, A. Evans and Romine: Relating to licenses to sell paraphernalia for use with controlled substances.	216					216
2181	By Delegates Householder, Cooper, Cadle, Upson, Moffatt, Howell, Folk, Frich, Arvon, Espinosa and Foster: Relating to provide special outdoor recreational opportunities for eligible veterans.	217					217
2182	By Delegate Shott: Relating to examination of Potomac Highlands Airport Authority accounts by Chief Inspector and Tax Commissioner.	217	424				217, 424
2183	By Delegate Rodighiero: Relating to salary increase for school personnel.	217					217
2184	By Delegates McGeehan, Folk, J. Nelson, Householder, Ihle, Azinger and Kelly: Discontinuing the use of common core standards and assessments in the state.	217					217
2185	By Delegates Householder, Cooper, Cadle, Upson, Moffatt, Folk, Frich, Arvon, Ihle, Hill and Fast: Issuing of special veterans vanity registration plates for motorcycles.	218					218
2186	By Delegates Gearheart, Ambler, Canterbury, Cooper, Householder, Hamrick, R. Smith, Faircloth, Espinosa and Storch: Auditing the Division of Highways.	218					218
*2187	By Delegates Overington, Hanshaw, Gearheart, Frich, Sobonya, Householder, Moffatt, Kelly, Rowan, Butler and Cadle: Encouraging public officials to display the national motto on all public property and public buildings.	218	298, 946		1031	2329	218, 298, 979, 1032, 3544, 3557
2188	By Delegates Gearheart, Householder, R. Smith and Storch: Relating to compulsory school attendance.	218					218

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2189	By Delegates Gearheart, Householder and R. Smith: Permitting counties to adopt certain ordinances relating to dogs and cats.	218	941				219, 941
2190	By Delegates Gearheart, Householder, R. Smith, Faircloth and Storch: Removing limitations on advertising and promotional activities by limited video lottery retailers.	219					219
2191	By Delegates Gearheart, Householder, R. Smith, Faircloth and Storch: Work/Incarceration Prison pilot program.	219					219
2192	By Delegates Gearheart, Cooper, Ambler, Householder, R. Smith, Faircloth, Espinosa and Storch: Exempting heating oil for residential use from the Motor Fuel Excise Tax.	220					220
2193	By Delegates Gearheart, Householder, R. Smith, Faircloth and Espinosa: Providing the Parkways Authority with the power to issue \$500 million worth of bonds.	220					220
2194	By Delegates Gearheart, R. Smith and Storch: Relating to the School Building Authority.	220					220
2195	By Delegates Gearheart, Cooper, Householder, R. Smith, Faircloth and Espinosa: Making changes to the definition of electrical contractor.	220					221
2196	By Delegate Marcum, H. White, J. Nelson, R. Phillips, Lynch, Campbell, Pushkin, Byrd, Moye, Arvon and Hartman: Authorizing the Division of Motor Vehicles to issue special Hatfield-McCoy Trail license plates.	221					221
2197	By Delegates Sponaugle and Campbell: Removing the compensation caps entirely for secretary-clerks and case coordinators.	221					221
2198	By Delegates Sponaugle, Perry, Pethel and Longstreth: Permitting teachers under the State Teachers Retirement System to teach college level courses without loss of benefits.	221					221



Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2199	By Delegates Hamilton, Ferro, Lynch, L. Phillips, Guthrie, Longstreth, A. Evans, Wagner, Statler, Kurcaba and Romine: Relating to the surcharge on fire and casualty insurance policies.	221					221
2200	By Delegates Shott, Lane, McCuskey, Manchin and Fleischauer: Revising, rearranging, consolidating and recodifying the laws of the State of West Virginia relating to child welfare. (Chapter 46, Acts, Regular Session, 2015)	222	424	485, 798	584, 799	798	222, 424, 457, 484, 504, 798, 799, 800, 992, 997
2201	By Delegates Ireland, Folk, Manchin, Lynch, Rowe, Fleischauer, Skinner, Fast, Fluharty, Byrd and Summers (Originating in House Judiciary): Requiring the Public Service Commission to adopt certain net metering and interconnection rules and standards. (Chapter 180, Acts, Regular Session, 2015)	181	181	293, 294, 800, 1274	295, 803, 1277	800, 1428	181, 225, 272, 293, 295, 800, 803, 946, 1273, 1274, 1277, 1278, 1864
*2202	By Delegates Rowan, Romine, Pasdon, Duke, Perry, Moye, Ambler, Butler, Pethtel, Cooper and Evans, D.: Relating to more equitable disbursement of funds to county boards.	260	654, 1080	1234	1234		260, 296, 654, 1153, 1180, 1234
2203	By Delegates Rowan, L. Phillips, Miller, Sobonya, P. Smith, Border, Arvon and Storch: Redefining the parameters for the offense of human trafficking.	260					260
2204	By Delegates Howell, Walters, Storch, Hill, J. Nelson, Kelly, Wagner, Canterbury, Stansbury, Zatezalo and Butler: Eliminating the motor fuels tax on heating oil for residential use by eligible seniors.	260					260
2205	By Delegates Howell, Stansbury, Ambler, Cooper, Miller, Faircloth, Zatezalo, Blair, Statler, Wagner and McGeehan: Creating the crime of prohibited sexual contact by a psychotherapist.	260	396				260, 396

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2206	By Delegates Overington, Householder, McCuskey, Cowles, Espinosa, Gearheart, Walters, Folk, Foster, Azinger and Blair: Repealing the requirement of paying prevailing hourly rate of wages for construction of public improvements.	261					261
2207	By Delegate Byrd, Trecost,s Rowe, Pushkin, Fluharty, Guthrie, McCuskey, B. White, Sponaule, Reynolds and Stansbury: Establishing the list of priorities for the construction, reconstruction, repair and maintenance of state roads and highways.	261					261
2208	By Delegates McGeehan, Hamrick, Faircloth, Cowles, Folk, Zatezalo, J. Nelson and Householder: Relating to local smoking restrictions.	261	737				261, 738
2209	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Repealing of article creating the Governor's Office of Health Enhancement and Lifestyle Planning.	262					262
2210	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Transferring the Children's Health Insurance Program and Children's Health Insurance Agency.	262	732				262, 732
2211	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Eliminating the consumers sales and service tax exemption on purchases of certain materials by a second party in construction or maintenance of a highways project.	262					262
2212	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Changing the amount of severance tax revenue annually dedicated to the West Virginia Infrastructure General Obligation Debt Service Fund. (Chapter 140, Acts, Regular Session, 2015)	262	735		880	1195	263, 791, 825, 879, 880, 1496, 1689

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2213	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Reducing the distributions to the West Virginia Infrastructure Fund. (Chapter 139, Acts, Regular Session, 2015)	263	736	826, 881	881, 1946	1674, 2200	263, 791, 825, 826, 880, 881, 882, 1674, 1675, 1737, 1769, 1946, 1947, 3544, 3575
2214	By Delegates Hamrick, Howell, Gearheart, R. Phillips, Waxman, Cadle, McGeehan, Faircloth, Folk, J. Nelson and Hamilton: Permitting the resident lineal descendants of landowners to hunt, trap or fish on that resident landowner's property without a license.	263					263
2215	By Delegates Householder, Ellington, Butler, Cooper, Espinosa, Frich, Hill, Ihle, Sobonya, Summers and Waxman: Establishing certain protections for individuals seeking health care coverage through the WV Health Benefit Exchange.	263					263
2216	By Delegates Ellington, Householder, Arvon, Cooper, Faircloth, Hill, Kurcaba, Overington, Sobonya, Summers and Waxman: West Virginia Health Benefit Exchange Act.	263	396				264, 397
*2217	By Delegates Overington, Walters, Cowles, Upson, Blair, Espinosa, Deem, R. Phillips, Shott, R. Smith and Sobonya: Relating to qualifications of the Commissioner of Labor. (Chapter 151, Acts, Regular Session, 2015)	264	395	662	562, 663	661	264, 395, 487, 531, 562, 661, 663, 793, 960
2218	By Delegates Householder, Cadle, Moffatt, Folk, Ihle, Hill, Statler, Butler, Gearheart, Kurcaba and Foster: Creating the Budget Reform Act.	264					264
2219	By Delegates Householder, Moffatt, Folk, Frich, Ihle, Hill, Statler, Butler, Gearheart, McGeehan and Sobonya: Providing that West Virginia will not participate in the REAL ID Act of 2005.	264					264
2220	By Delegates Householder, Cooper, Gearheart, Cadle, Howell, Folk, Frich, Fast, Ihle, Hill and Statler: Providing a limit on consulting fees.	264	450, 830				265, 451, 830

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2221	By Delegates Householder, Cooper, Cadle, Upson, Moffatt, Howell, Frich, Ihle, Hill, Fast and Statler: Clarifying that a valid West Virginia identification card is an acceptable form of ID to prove age and residency for purposes of obtaining a senior citizen campground rental discount.	265	450				265, 451
2222	By Delegates Hamilton, Ferro, Frich, Guthrie, Moye, Longstreth, Lynch, A. Evans, Kurcaba and Sobonya: Relating to certain members of the Legislature and certain service by members of the Legislature.	265	450, 770				265, 451, 770
*2223	By Delegates Walters and Frich: Including consumer credit sales that are secured by a mortgage, deed of trust or other equivalent consensual security interest on a dwelling or residential real estate in the definitions of "primary mortgage loan" and "subordinate mortgage loan".	265	447, 450, 571		690		265, 447, 451, 629, 644, 689, 690
2224	By Delegates 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. (Chapter 170, Acts, Regular Session, 2015)	266	423, 450	569, 644, 2588	690, 2588	2587	266, 423, 451, 629, 644, 690, 2589, 3544, 3575
2225	By Delegates Gearheart, Hill, J. Nelson, Kelly, Wagner, Stansbury, Canterbury, Zatezalo, Butler, D. Evans and Howell: Relating to roof-mounted off-road light bar lighting devices.	266	832				266, 832
2226	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Eliminating dedication of corporation net income tax revenues to and deposits of such revenues into the Special Railroad Intermodal Enhancement Fund.	266	1362	1473, 1649, 1650	1649		266, 1418, 1473, 1523, 1648, 1649, 1650

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
*2227	By Delegates L. Phillips, Eldridge, Gearheart, Moffatt, J. Nelson, H. White, Guthrie, Rowe, Marcum, Perdue and Hornbuckle: Relating to the National Coal Heritage Area Authority. (Chapter 179, Acts, Regular Session, 2015)	266	342		457	741	267, 421, 426, 457, 915, 960
2228	By Delegates L. Phillips, Eldridge, Pethel, Guthrie, Moye, Moore, Hornbuckle and P. Smith: Modifying the funding ratio of school students to counselors.	267					267
2229	By Delegates L. Phillips, Guthrie and Moore: Relating to elections for vacancies in county offices.	267					267
2230	By Delegates Walters, Westfall, B. White, Ambler, Cooper, Upson, Espinosa, Eldridge, Marcum, R. Phillips and H. White: Relating to calculation of West Virginia adjusted gross income for personal income tax purposes.	268					268
2231	By Delegates Hill, J. Nelson, Border, Kessinger, Foster, Householder, Cadle and Espinosa: Permitting grandchildren of resident landowners to hunt, trap or fish on that landowner's property without a license.	268					268
2232	By Delegates Perry, Fast, Moore, Sponaugle, Miley, Perdue, Rowe, Kessinger, Boggs, Pethel and Ferro: Relating to consumer credit and protection.	268					268
*2233	By Delegates Walters, Sobonya, Rohrbach, Ambler, Mr. Speaker (Mr. Armstead), Storch, H. White, R. Phillips, Ireland, Hanshaw and E. Nelson: Requiring that legislative rules be reviewed five years after initial approval by the Legislative Rule-Making Review Committee and the Legislative Auditor's Office. (Chapter 154, Acts, Regular Session, 2015)	268	1286, 1386	1558, 1651, 3168	1650, 3170	3168	268, 1267, 1487, 1558, 1650, 1651, 3168, 3170, 3551, 3576

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
*2234	By Delegates Ashley, Shott, Lane, E. Nelson, Upson, Hanshaw, Mr. Speaker (Mr. Armstead), McCuskey, Manchin, Campbell and Rowe: Requiring a court to permit a party in a divorce proceeding to resume using the name he or she used prior to the marriage. (Chapter 87, Acts, Regular Session, 2015)	268	460		592	1101, 1195	268, 531, 563, 592, 1101, 1102, 1496, 1689
2235	By Delegate Fluharty, Ferro, Byrd, Hornbuckle, Trecoast, H. White, Storch, Miley, Hamilton, Lynch and Pushkin: Prohibiting chairmen of state political parties during or up to one year after the termination of their employment as chairmen of those political parties from registering as lobbyists.	269					269
2236	By Delegates R. Smith, J. Nelson, R. Phillips, Summers, Butler, Gearheart, Walters, D. Evans, Cooper and Kessinger: Abolishing the West Virginia Diesel Equipment Commission.	269					269
2237	By Delegates Foster, Cadle, Butler, Ihle, Faircloth, Kessinger, Overington, Moffatt, Cowles, Shott and Householder: Prohibiting project labor agreements on state-funded construction contracts.	269	1078				270, 1078
2238	By Delegates Hamilton, Frich, Moye, L. Phillips, Guthrie, Longstreth, Sobonya and Romine: Relating to appointment of Public Service Commissioners.	270					270
*2239	By Delegates Howell, Ellington, Arvon, Householder, R. Phillips, Miller, Storch, Waxman, Summers and Rohrbach: Creating a logistical advisory committee.	270	1291, 1371		1524		270, 1292, 1418, 1479, 1524
*2240	By Delegate 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.	284	958, 997	2945	1176, 2946	2945	284, 959, 1075, 1149, 1175, 2945, 2946, 3548, 3563
2241	By Delegates Walters and Frich: Relating to licenses for the business of currency exchange, transportation or transmission.	284					284

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2242	By Delegates Longstreth, Pethtel, Ferro, Manchin, Hamilton, Perry, Sponaugle and Summers: Requiring health insurers to reimburse ambulance service providers directly for ambulance services covered under a person's health insurance policy.	284					284
2243	By Delegate Rodighiero: Relating to minimum wage and maximum hours standards for employers.	285					285
2244	By Delegate Rodighiero: Providing state health care services for all active and inactive duty military personnel.	285					285
2245	By Delegate Rodighiero: Relating to salary increase for Regional Jail Authority employees.	285					285
2246	By Delegate Rodighiero: Establishing seniority rights for public employees.	285					285
2247	By Delegate Cowles: Prohibiting a chief deputy sheriff from engaging in certain political activities.	285					286
2248	By Delegate Rodighiero: Ensuring Patient Safety Act.	286					286
2249	By Delegate Rodighiero: Requiring the assessor of each county to, within three months of a deed filing in the county clerk's office of each county, prepare a new property tax ticket.	286					286
2250	By Delegate Rodighiero: Allowing parents or the school to serve sweets during the holidays if the school receives parental or guardian consent.	286					286
2251	By Delegate Rodighiero: Making it a criminal offense to disturb the peace.	286					287
2252	By Delegate Rodighiero: Relating to replacing the present crime of burglary with the crime of home invasion.	287					287
2253	By Delegate Rodighiero: Reducing state income taxes for state and federal retirees by increasing the exemption on retirement income.	287					287

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2254	By Delegate Rodighiero: Allowing the Executive Director of the West Virginia Regional Jail and Correctional Facility Authority to establish a work program.	287					287
2255	By Delegate Rodighiero: Increasing the felony criminal penalties for exposing children to methamphetamine manufacturing.	287					287
2256	By Delegate Rodighiero: Prohibiting state funding of abortions.	288					288
2257	By Delegate Cowles: Establishing a bill of rights for children in foster care.	288					288
2258	By Delegates Cowles and Kurcaba: "Parents' Bill of Rights".	288	1164				288, 1165
2259	By Delegates Hamrick, Howell, Arvon, Ihle, Faircloth, Zatezalo, Cadle, Border, McGeehan, R. Smith and Moffatt: Relating to the Governor filling vacancies on professional boards.	288					288
2260	By Delegates Ellington, Householder, Arvon, Kurcaba, Stansbury, Sobonya and Summers: Prohibiting the Department of Health and Human Resources from expanding the managed care population without authorization from the Legislature.	288					288
2261	By Delegate Cowles: Requiring automated external defibrillators in public schools.	289					289
2262	By Delegates Shott and Ellington: Allowing counties and municipalities to levy a sales tax on food and beverages sold at restaurants.	289					289
*2263	By Delegate Cowles: Providing guidance for prosecuting attorneys in cases involving abused and neglected children.	289	1419		1651		289, 1487, 1559, 1651
2264	By Delegate Cowles: Establishing a bill of rights for foster parents.	289					289
2265	By Delegate Cowles: Increasing the minimum number of magisterial districts in a county.	289					290



Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
*2266	By Delegates Shott, Ellington and Gearheart: Relating to the publication requirements of the administration of estates. (Chapter 113, Acts, Regular Session, 2015)	290	599	3039	725, 3046	3039	290, 599, 648, 694, 725, 3046, 3544, 3576
2267	By Delegates Walters, Householder, Butler, Canterbury, Stansbury, R. Phillips, Hamrick and Cowles: Authorizing a county school board to adopt a policy that allows an inspirational message.	290					290
*2268	By Delegates Hamilton, A. Evans, Lynch, Wagner, J. Nelson, Campbell, Hartman, Sponaugle, Canterbury, Williams and Ashley: Removing the severance tax on timber.	290	1081		1235		290, 1153, 1180, 1234, 1235
2269	By Delegates Walters, R. Phillips, Storch, Ihle and Foster: Requiring rules of the Department of Environmental Protection, Department of Health and Human Resources, Division of Natural Resources and Department of Commerce be no more stringent than corresponding federal laws.	291					291
2270	By Delegates Overington, Walters, Rowan, Frich, Kelly, Butler, Rohrbach, R. Phillips, Sobonya, Foster and Ellington: Protecting academic freedom in higher education.	291					291
2271	By Delegates H. White, Hicks, R. Phillips, Byrd, Hartman, Fluharty, Lynch, Moye, Campbell and Perdue: Relating to state control of county schools.	291					291
2272	By Delegates Ellington, Householder, Arvon, Howell, Kurcaba, Stansbury, Sobonya and Summers: Relating to the authority of the Board of Pharmacy. (Chapter 188, Acts, Regular Session, 2015)	291	732, 942	1885	1032, 1886	1885	292, 732, 979, 1032, 1033, 1885, 1886, 3221, 3576
2273	By Delegate Deem: Relating to prevailing wages.	292					292

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2274	By Delegates Hanshaw, Hamilton, A. Evans and Azinger: Authorizing the Commissioner of Corrections to enter into mutual aid agreements. (Chapter 178, Acts, Regular Session, 2015)	292	636	729, 1050	765, 1051	1050	292, 636, 701, 729, 764, 765, 1051, 1192, 1295
2275	By Delegates R. Phillips, H. White, Perdue, Hartman, Marcum, Moffatt, Folk, R. Smith, J. Nelson, Sobonya and Westfall: Increasing criminal penalties for littering.	292					292
2276	By Delegate Sobonya: Legislative rule relating to the inspection of meat and poultry.	315	536				315, 537
2277	By Delegates Sobonya and Frich: Consolidated Public Retirement Board, rule relating to the Deputy Sheriff Retirement System.	315	446				315, 446
2278	By Delegates Sobonya and Frich: Consolidated Public Retirement Board, rule relating to refund, reinstatement, retroactive service, loan and employer error interest factors.	315	446				315, 446
2279	By Delegates Sobonya and Frich: Consolidated Public Retirement Board to promulgate a rule relating to service credit for accrued and unused sick and annual leave.	315	446				315, 446
2280	By Delegates Sobonya and Frich: Board of Dental Examiners, formation and approval of professional limited liability companies.	315	490				316, 490
2281	By Delegates Sobonya and Frich: Dental Examiners, formation and approval of dental corporations and dental practice ownership.	316	490				316, 490
2282	By Delegate Sobonya: Department of Environmental Protection, permits for construction and major modification of major stationary sources for the prevention of significant deterioration of air quality.	316	534, 1048				316, 535
*2283	By Delegate Sobonya: Authorizing the Department of Environmental Protection to promulgate legislative rules. (Chapter 156, Acts, Regular Session, 2015)	316	534, 1048	2276	1176, 2277	2276	316, 535, 1075, 1149, 1176, 1177, 2286, 3544, 3576

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2284	By Delegate Sobonya: Department of Environmental Protection, control of air pollution from hazardous waste treatment, storage and disposal facilities.	316	534, 1048				316, 535
2285	By Delegate Sobonya: Department of Environmental Protection, requirements for operating permits.	317	767, 1048				317, 768
2286	By Delegate Sobonya: Department of Environmental Protection, emission standards for hazardous air pollutants.	317	535, 1048				317, 535
2287	By Delegates Sobonya and Frich: Department of Environmental Protection, awarding of WV Stream Partners Program Grants.	317	796, 1048				317, 796
2288	By Delegate Sobonya: Department of Environmental Protection, hazardous waste management system.	317	535, 1048				317, 535
2289	By Delegate Sobonya: Department of Environmental Protection, requirements governing water quality standards.	317	705, 1048				317, 706
2290	By Delegates Sobonya and Frich: Department of Environmental Protection to promulgate a legislative rule relating to the WV/NPDES rule for coal mining facilities.	318	537, 1048				318, 538
2291	By Delegate Sobonya: Enterprise Resource Planning Board to promulgate a legislative rule relating to the enterprise resource planning system user fee.	318	949				318, 950
2292	By Delegate Sobonya: State Fire Commission to promulgate a legislative rule relating to volunteer firefighters' training, equipment and operating standards.	318	634				318, 634
2293	By Delegate Sobonya: Department of Health and Human Resources, chronic pain management clinic licensure.	318	448				318, 449
2294	By Delegates Sobonya and Frich: Insurance Commissioner, recognizing annuity mortality tables for use in determining reserve liabilities for annuities.	318	445				318, 445
2295	By Delegate Sobonya: Division of Natural Resources, relating to special boating.	319	568				319, 568

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2296	By Delegate Sobonya: Division of Natural Resources, defining the terms used in all hunting and trapping rules.	319	536				319, 536
2297	By Delegate Sobonya: Division of Natural Resources, lifetime hunting, trapping and fishing licenses.	319	568				319, 569
2298	By Delegate Sobonya: Division of Natural Resources, hunting, trapping and fishing license and stamp fees.	319	568				319, 569
2299	By Delegate Sobonya: Board of Osteopathy, fees for services rendered by the board.	319	794				319, 794
2300	By Delegates Sobonya and Frich: Board of Physical Therapy, fees for physical therapists and physical therapist assistants.	320	794				320, 794
2301	By Delegate Sobonya: Racing Commission, relating to thoroughbred racing.	320	796				320, 796
2302	By Delegates Sobonya and Frich: Department of Administration, Purchasing Division.	320	651				320, 652
2303	By Delegates Sobonya and Frich: Department of Administration, state owned vehicles.	320	490				320, 491
2304	By Delegates Sobonya and Frich: Department of Administration, state plan for the operation of the West Virginia State Agency for Surplus Property.	320	652				320, 652
2305	By Delegate Sobonya: Office of Administrative Hearings, appeal procedures.	321	634				321, 634
2306	By Delegate Sobonya: Commissioner of Agriculture, animal disease control.	321	536				321, 537
2307	By Delegate Sobonya: Commissioner of Agriculture, relating to auctioneers.	321	536				321, 537
2308	By Delegate Sobonya: Commissioner of Agriculture, fee structure for the Pesticide Control Act of 1990.	321	794				321, 794

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2309	By Delegate Sobonya: Commissioner of Agriculture, West Virginia Plant Pest Act.	321	536				321, 537
2310	By Delegate Sobonya: Commissioner of Agriculture, West Virginia Spay Neuter Assistance Program.	322	536				322, 537
2311	By Delegate Sobonya: Commissioner of Agriculture, industrial hemp.	322	536				322, 537
2312	By Delegate Sobonya: Commissioner of Agriculture, livestock care standards.	322	535				322, 535
2313	By Delegate Sobonya: Commissioner of Agriculture, equine rescue facilities.	322	536				322, 537
2314	By Delegate Sobonya: Commissioner of Agriculture, aquaculture importation.	322	536				322, 537
2315	By Delegate Sobonya: Commissioner of Agriculture, frozen deserts and imitation frozen deserts.	323	704				323, 705
2316	By Delegate Sobonya: Alcohol Beverage Control Commission, private club licensing.	323	566				323, 566
2317	By Delegate Sobonya: Alcohol Beverage Control Commission, nonintoxicating beer licensing and operations procedures.	323	566				323, 566
2318	By Delegates Sobonya and Frich Board of Dental Examiners to promulgate a legislative rule relating to the board.	323	491				323, 491
2319	By Delegates Sobonya and Frich: Board of Dental Examiners, dental recovery networks.	323	634				323, 635
2320	By Delegate Sobonya: Family Protection Services Board, operation of the board.	324					324
2321	By Delegate Sobonya: Family Protection Services Board, domestic violence program licensure standards.	324					324
2322	By Delegate Sobonya: Family Protection Services Board, perpetrator intervention programs licensure.	324					324

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2323	By Delegate Sobonya: Family Protection Services Board, Monitored Parenting and Exchange Program Certification.	324					324
2324	By Delegate Sobonya: Family Protection Services Board, perpetrator intervention programs licensure for correctional institutions.	324					324
2325	By Delegate Sobonya: State Fire Marshal, legislative rule relating to supervision of fire protection work.	325	634				325, 634
2326	By Delegate Sobonya: Division of Forestry, relating to ginseng.	325	567				325, 567
2327	By Delegates Sobonya and Frich: Governor's Committee on Crime, Delinquency and Correction, relating to law enforcement training and certification standards.	325	634				325, 634
2328	By Delegates Sobonya and Frich: Department of Health and Human Resources, relating to nursing home licensure.	325	448				325, 448
2329	By Delegates Sobonya and Frich: Department of Health and Human Resources, medication administration and performance of health maintenance tasks by approved medication assistive personnel.	325	538				325, 538
2330	By Delegate Sobonya: Department of Health and Human Resource, relating to the nurse aid abuse and neglect registry.	326	448				326, 448
2331	By Delegates Sobonya and Frich: Department of Health and Human Resources, relating to the state-wide trauma/emergency care system.	326	448				326, 448
2332	By Delegate Sobonya: Department of Health and Human Resources, Fatality and Mortality Review Team.	326	538				326, 538
2333	By Delegates Sobonya and Frich: Department of Health and Human Resources to promulgate a legislative rule relating to public water systems.	326	538				326, 538
2334	By Delegates Sobonya and Frich: Insurance Commissioner, annuity disclosure.	326	446				326, 446

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2335	By Delegate Sobonya: Division of Labor, Amusement Rides and Amusement Attractions Safety Act.	327	706				327, 706
2336	By Delegate Sobonya: Division of Labor, relating to weights and measures calibration fees.	327	705				327, 706
2337	By Delegate Sobonya: Division of Labor, verifying the legal employment status of workers.	327	706				327, 706
2338	By Delegates Sobonya and Frich: Division of Labor, supervision of plumbing work.	327	705				327, 706
2339	By Delegate Sobonya: Division of Labor, heating, venting and cooling work.	327	706				327, 706
2340	By Delegates Sobonya and Frich: Division of Labor, relating to child labor.	328	767				328, 768
2341	By Delegates Sobonya and Frich: Board of Medicine, relating to licensure, disciplinary and complaint procedures; continuing education; and physician assistants.	328	538				328, 538
2342	By Delegate Sobonya: Office of Miners' Health, Safety and Training, safety of those employed in and around quarries in West Virginia.	328	767				328, 768
2343	By Delegates Sobonya and Frich: Division of Motor Vehicles, examination and issuance of driver's licenses.	328	652				328, 652
2344	By Delegate Sobonya: Division of Natural Resources, commercial whitewater outfitters.	328	568				328, 568
2345	By Delegate Sobonya: Division of Natural Resources, wildlife damage control agents.	329	568				329, 568
2346	By Delegate Sobonya: Division of Natural Resources, general hunting.	329	568				329, 568
2347	By Delegate Sobonya: Office of Technology to promulgate a legislative rule relating to the procedures for sanitization, retirement and disposition of information technology equipment.	329	491				329, 491

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2348	By Delegates Sobonya and Frich: Board of Osteopathic Medicine to promulgate a legislative rule relating to osteopathic physician assistants.	329	601				329, 602
2349	By Delegates Sobonya and Frich: Board of Pharmacy to promulgate a legislative rule relating to licensure and the practice of pharmacy.	329	448				329, 449
2350	By Delegates Sobonya and Frich: Board of Pharmacy to promulgate a legislative rule relating to immunizations administered by pharmacists.	330	448				330, 449
2351	By Delegates Sobonya and Frich: Board of Pharmacy to promulgate a legislative rule relating to the registration of pharmacy technicians.	330	448				330, 448
2352	By Delegate Sobonya: Board of Pharmacy to promulgate a legislative rule relating to controlled substances monitoring.	330	447				330, 449
2353	By Delegates Sobonya and Frich: Real Estate Appraiser Licensing and Certification Board, requirements for registration and renewal of appraisal management companies.	330	634				330, 635
2354	By Delegate Sobonya: Secretary of State, procedures for recount of election results.	330	651				330, 652
2355	By Delegate Sobonya: Secretary of State, standards and guidelines for electronic notarization.	331	634				331, 635
2356	By Delegates Sobonya and Frich: Secretary of State, relating to notaries public.	331	635				331, 635
2357	By Delegates Sobonya and Frich: Secretary of State, relating to a schedule of fees for notaries public.	331	949				331, 950
2358	By Delegate Sobonya: Conservation Committee, financial assistance programs.	331	536				331, 537
2359	By Delegate Sobonya: State Police, regulations and procedures pertaining to the West Virginia DNA databank.	331	569				331, 569



Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2360	By Delegate Sobonya: State Tax Department, appointment of special assessors by the State Tax Commissioner.	332	796				332, 796
2361	By Delegate Sobonya: Commissioner of Agriculture, dangerous wild animals.	332	704				332, 704
2362	By Delegate Sobonya: Commissioner of Agriculture, Rural Rehabilitation Loan Program.	332	537				332, 537
2363	By Delegates Sobonya and Frich: Department of Environmental Protection, waste management.	332	705, 1048				332, 706
2364	By Delegate Sobonya: Board of Registration for Professional Engineers, examination, licensure and practice for professional engineers.	332	734				332, 734
2365	By Delegate Lane: Relating to voting procedures.	333					333
*2366	By Delegates Rowan, L. Phillips, Miller, Sobonya, P. Smith, Border, Arvon and Storch: Relating generally to the solicitation of minors.	333	1422		1652		334, 1487, 1559, 1651, 1652
2367	By Delegate Rodighiero: Permitting members of volunteer fire departments to participate in the state's public employees insurance plan.	334					334
*2368	By Delegates Faircloth, Evans, D., Kessinger, Border, Ellington, Sobonya, Kurcaba, Waxman, Rohrbach and Summers: Relating to child welfare.	334	1290		1463	2278	334, 1352, 1415, 1462, 1463, 2278, 2285
2369	By Delegates Caputo, Longstreth, Manchin and Miley: Creating an additional magistrate court deputy clerk position for Marion County.	334					334
2370	By Delegates Pasdon, Duke, Rowan, Wagner, Upson, Ambler and Espinosa: Increasing the powers of regional councils for governance of regional education service agencies. (Chapter 93, Acts, Regular Session, 2015)	335	600	694	725	2329	335, 648, 694, 725, 726, 3544, 3576

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2371	By Delegates P. Smith, Perry, Hartman, Moye, Rodighiero, Frich, Cowles, Sobonya, J. Nelson, Hamrick and Shott: Relating to abortions performed on unemancipated minors.	335					335
2372	By Delegate Rodighiero: Relating to school calendars.	335					335
2373	By Delegate Rodighiero: Prohibiting the establishment of new methadone treatment programs and clinics; providing exceptions.	335					336
2374	By Delegates Rodighiero and Hicks: Providing benefits for those who have served in the military service.	336					336
2375	By Delegate Rodighiero: Providing civil service status for certain employees of the Regional Jail and Correctional Facility Authority.	336					336
2376	By Delegates McGeehan, Faircloth, Hamrick, Folk, J. Nelson, Canterbury, Storch, Householder and Ihle: Creating the Save the Hospitals Act.	336					337
*2377	By Delegates Pasdon, Statler, Duke, Wagner, Romine, Ambler, Espinosa and Campbell: Authorizing State Board of Education to approve certain alternatives with respect to instructional time. (Chapter 92, Acts, Regular Session, 2015)	337	600, 1293		1524	2329	337, 600, 1418, 1479, 1524, 1525, 3544, 3576
2378	By Delegates Sponaule, Hartman, Marcum, H. White, Reynolds, Perdue, Guthrie, Perry, Rowe, R. Phillips and L. Phillips: Prohibiting chairmen of state political parties during or up to one year after the termination of their employment as chairmen of those political parties from registering as lobbyists.	337					337
2379	By Delegates Walters and Frich: Simplifying the process by which a bank may adjust the hours of operation for branch offices.	337					338

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2380	By Delegates Folk, McGeehan, Ihle, Faircloth, Frich, Householder, Shott, Kurcaba, Weld, Sobonya and J. Nelson: Requiring the issuance of a search warrant before a driver of a motor vehicle can be made to submit to a secondary blood test.	338					338
*2381	By Delegates 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. (Chapter 102, Acts, Regular Session, 2015)	338	996, 1193	1346	1403	2200	338, 996, 1271, 1346, 1403, 3544, 3576
2382	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Relating to the temporary assistance to needy families program.	338	733				338, 733
2383	By Delegate Rodighiero: Freezing PEIA employee premiums for three years.	371					371
2384	By Delegates Walters, Canterbury, R. Phillips, Overington, Byrd, Rowe, Stansbury, Guthrie, B. White, Mr. Speaker (Mr. Armstead) and Delegate E. Nelson: Removing prohibition of municipalities that are participating in the Municipal Home Rule Pilot Program to pass ordinances, acts, rules or regulations pertaining to municipal pension plans.	371					372
2385	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Relating to brewer, resident brewer and brewpub licensing and operations.	372	769				372, 769
2386	By Delegates Pethtel, Ferro, Statler, Kurcaba, Howell, McGeehan, Faircloth, Hartman, Morgan and Storch: Exempting cosmetologists who have been licensed for twenty years or more from continuing education requirements.	372					372

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2387	By Delegates Pasdon, Statler, Rowan, Romine, Ambler and Espinosa: Relating to a framework for initiating comprehensive transformation of school leadership.	372	738		882		373, 791, 826, 882
2388	By Delegates Rodighiero and Hicks: Requiring the State Board of Education to cause school buses to be equipped with safety belts.	373					373
2389	By Delegates Rodighiero and Hicks: Granting all public employees, all teachers, all service employees, all public employee retirees, all teacher retirees and all service employee retirees a \$1,000 per year permanent pay increase.	373					373
2390	By Delegate Rodighiero: Relating to public health.	373					373
*2391	By Delegates Pasdon, Duke, Statler, Kurcaba, Upson, Rohrbach, D. Evans, Cooper, Romine, Wagner and Rowan: Reducing early childhood education program requirements from five days per week to four days per week and imposing minimum instructional hours per week and minimum instructional days per year.	374	774		929		374, 827, 883, 928, 929
2392	By Delegates Pasdon, Duke, Statler, Rowan, Cooper, D. Evans, Kurcaba, Ambler and Espinosa: Adding flexibility for use of certain public school support plan amounts.	374					374
2393	By Delegates Rodighiero and Hicks: Requiring recipients of Supplemental Nutrition Assistance Program be issued a photo identification card.	374					374
2394	By Delegates R. Smith, R. Phillips, J. Nelson, Wagner, Summers, Marcum, H. White, Arvon, L. Phillips, Kessinger and Storch: Repealing the additional tax on the privilege of severing coal.	374					374

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
*2395	By Delegates Westfall, Pasdon, B. White, Frich, O'Neal and Ashley: Storm Scammer Consumer Protection Act. (Chapter 65, Acts, Regular Session, 2015)	375	768, 1219	3074	1463, 3052	3046	375, 769, 1352, 1415, 1463, 3047, 3052, 3548, 3576
2396	By Delegates Rodighiero and Perdue: Changing the way that the costs of incarcerating inmates in regional jails is collected.	375					375
2397	By Delegates Rodighiero and Perdue: Prohibiting the establishment of methadone treatment programs and clinics in this state; providing exceptions.	375					375
2398	By Delegates Rodighiero, Hicks and Perdue: Prohibiting the number of inquiries reflected in a credit report, credit score report or CLUE report from adversely affecting an application for insurance.	375					376
2399	By Delegates Rodighiero and Marcum: Exempting all veterans of the Armed Forces or any reserve component thereof from having to obtain a hunting, trapping fishing license.	376					376
2400	By Delegates Rodighiero and Marcum: Relating to quarterly payment of real and personal property taxes.	376					376
2401	By Delegates Rodighiero and Marcum: Authorizing the issuance of special "In God We Trust" motor vehicle registration plates.	376					376
2402	By Delegate Rodighiero: Creating a criminal felony offense of aggravated assault or battery of a child or a person who is mentally incapacitated.	376					376
2403	By Delegate Rodighiero: Relating to qualifying children of state employees, receiving income of \$25,000 per year or less, for the West Virginia Children's Health Insurance Program.	377					377
2404	By Delegate Rodighiero: Providing one-time supplements to all annuitants when they reach the age of seventy.	377					377

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2405	By Delegate Rodighiero: Providing a maximum repair cost for insured owners of motor vehicles if a collision with a deer caused the damage.	377					377
2406	By Delegate Rodighiero: Changing the way the cost of incarcerating inmates in regional jails is collected.	377					377
2407	By Delegates Storch, Zatezalo, Weld, Fluharty, Trecost, Ferro and Evans, D.: Reallocating and dedicating three percent of oil and gas severance tax revenues up to \$20 million annually to the oil and gas producing counties of origin.	378					378
2408	By Delegates Ellington, Householder, Sobonya, Arvon, Stansbury, Pasdon and Rohrbach: Relating to collaborative practice.	378					378
2409	By Delegate Rodighiero: Repealing all of the Alternative and Renewable Energy Portfolio Act.	378					379
2410	By Delegates Walters, Canterbury, Ambler, Cooper, H. White, R. Smith, J. Nelson, Stansbury, R. Phillips, McGeehan and Byrd: Improving state emergency preparedness.	379					379
2411	By Delegates Hamilton, Skinner, Storch, Guthrie, Moye, L. Phillips, Longstreth, Romine, Azinger, Lynch and Canterbury: Authorizing the Secretary of State to prosecute election violations.	379					379
2412	By Delegates P. Smith, Perry, Hartman, Eldridge, Campbell, Lynch, Williams, Longstreth, Frich, Rowe and Pethtel: Relating to disclosure of sex offender registration to public and private elementary and secondary schools and institutions of higher education.	379					379
2413	By Delegates P. Smith, Rodighiero, Trecost, Eldridge, Lynch, Williams, Rowe and Ferro: Providing pay rates for teachers and other personnel employed by county boards of education and institutions of higher education for work assignments outside of regular school days.	380					380

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2414	By Delegates P. Smith, Moye, Rodighiero, Trecost, Eldridge, Campbell, Lynch, Williams, Longstreth, L. Phillips and Rowe: Permitting a salary increase for certain kindergarten aides and early childhood classroom assistant teachers.	380					380
2415	By Delegates P. Smith, Rodighiero, Trecost, Eldridge, Campbell, Lynch, Williams and Longstreth: Removing the armed conflict requirement before state employees may receive credit for time served in the Armed Forces.	380					380
2416	By Delegates P. Smith and Lynch: Relating to competency and criminal responsibility of persons charged or convicted of a crime.	380					380
2417	By Delegates P. Smith, Hartman, Moye, Rodighiero, Trecost, Eldridge, Lynch and Williams: Relating to the State Teachers Retirement System.	381					381
2418	By Delegates P. Smith, Rodighiero and Lynch: Requiring the Department of Health and Human Resources to reimburse the circuit clerk of the county where involuntary commitment hearings are held for certain expenses.	381					381
2419	By Delegates P. Smith, Trecost, Eldridge, Lynch and Longstreth: Adding fifty new positions to the staff at the William R. Sharpe, Jr. Hospital.	381					381
2420	By Delegates Hamilton, A. Evans, Romine, Lynch, Border, Statler, Ambler, Guthrie, L. Phillips and Eldridge: Relating to unlawful methods of hunting and fishing.	381					381
2421	By Delegates P. Smith, Rodighiero, Trecost, Eldridge, Lynch, Williams, Longstreth, Rowe and Ferro: Retaining jobs for certain disabled veterans seeking or receiving treatment for active duty service-connected injury.	382					382

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2422	By Delegates Overington, Butler, Espinosa, Rohrbach, Upson, J. Nelson, Cooper, Evans, D., Border, Frich and Foster: Removing the requirement that home schooled students have to acquire a general equivalency degree (GED) in order to qualify for the promise scholarship.	382					382
2423	By Delegates Hamilton, Romine, Azinger, Sponaugle, Lynch, Canterbury, Border, Ambler, Pethel, Guthrie and Morgan: Reinstating service credit to certain members of the Public Employees Retirement System.	382					382
2424	By Delegates Overington, Gearheart, Cadle, Butler, Householder, Moffatt, Faircloth, Frich, Sobonya and Howell: Providing a procedure for West Virginia to select delegates to an Article V convention for proposing amendments to the Constitution of the United States of America.	382					382
2425	By Delegates Howell, McGeehan, Blair, Westfall, R. Smith, Eldridge, Kessinger, Border, Hamilton, Trecost and Pasdon: Requiring a test that is identical to the civics portion of the naturalization test in order to graduate from high school or obtain a General Educational Development (GED) diploma.	383					383
2426	By Delegates Walters, Frich, R. Phillips, J. Nelson, Folk, R. Smith, Marcum, Ireland, Evans, D., Hanshaw and H. White: Relating to the Volunteer Fire Departments Workers' Compensation Subsidy Program and the Volunteer Fire Department Workers' Compensation Premium Subsidy Fund.	383					383
2427	By Delegates Cadle, Foster, Hamrick, Moffatt, R. Smith, Zatezalo, McGeehan, Blair, Ihle, Hill and Faircloth: Increasing penalties for destruction or theft of election campaign advertising.	383					383
2428	By Delegates P. Smith, Perry, Hamrick, Trecost, Eldridge, Campbell, Lynch, Williams, Frich, Ferro and Reynolds: Prohibiting a person convicted of a sexual offense against a child from being on school property without written permission.	383					384



Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
*2429	By Delegates P. Smith, Perry, Hamrick, Moye, Eldridge, Lynch, Williams, Ferro, Reynolds, Faircloth and Sobonya: Requiring a convicted sex offender who volunteers for an organization whose volunteers have contact with minors to inform that organization of his or her conviction.	384	1385		1652		384, 1487, 1559, 1652
2430	By Delegate Skinner: Updating the Uniform Common Interest Ownership Act.	384					384
2431	By Delegate Skinner: Creating a board for review of officer-involved deaths.	385					385
*2432	By Delegates Ellington, Householder, Arvon, Howell and Stansbury: Relating to the licensure requirements to practice pharmacist care. (Chapter 189, Acts, Regular Session, 2015)	385	732, 942		1034	1886	385, 732, 979, 1033, 1034, 3221, 3576
2433	By Delegates P. Smith, Rodighiero, Rowan, Trecost, Campbell, Lynch, Williams, Longstreth, Rowe, Pethel and Ferro: Authorizing the Division of Motor Vehicles to issue a special license plate for applicants who are hearing impaired.	385					385
2434	By Delegates P. Smith, Hartman, Perry, Moye, Rodighiero, Trecost, Eldridge, Campbell, Lynch, Williams and Longstreth: Requiring any employer to retain a job for any veteran with a service-connected disability.	385					385
2435	By Delegates P. Smith, Perry, Hartman, Moye, Rodighiero, Eldridge, Campbell, Lynch, Williams, Longstreth and L. Phillips: Increasing the amount of annual and incremental salary increases for eligible employees.	386					386
2436	By Delegates P. Smith, Perry, Hartman, Moye, Rodighiero, Trecost, Eldridge, Campbell, Lynch, Williams and Longstreth: Increasing the number of child protective service workers.	386					386

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2437	By Delegates P. Smith, Perry, Moye, Rodighiero, Trecost, Eldridge, Campbell, Lynch, Williams, Longstreth and L. Phillips: Providing a cost-of-living provision for certain persons retired.	386					386
2438	By Delegates P. Smith, Perry, Hartman, Rodighiero, Trecost, Eldridge, Campbell, Lynch, Williams, L. Phillips and Ferro: Increasing the educational increment for school service personnel.	386					386
2439	By Delegates P. Smith, Rodighiero, Trecost, Eldridge, Campbell, Lynch, Williams, Longstreth, L. Phillips and Frich: Creating enhanced criminal penalties for assaults or batteries against pregnant women.	386					387
2440	By Delegates Frich, Householder, Arvon, Ellington, Butler, Rohrbach, Sobonya, Waxman, Westfall, Kurcaba and Shott: Preventing taxpayer subsidization of health insurance covering elective abortions.	387	1165				387, 1165
2441	By Delegates Stansbury, Howell, Pasdon, Sobonya, Walters, Shott, Arvon, Reducing the liability of county boards of education for loss or injury from the use of school property made available for unorganized recreation.	387	654				387, 654
2442	By Delegates Pasdon, Cooper, Hamrick, Wagner, Pethtel, Espinosa, Duke, Ambler, Kurcaba, Statler and Kessinger: Relating to employment of retired teachers as substitutes in areas of critical need and shortage for substitutes.	387					388
2443	By Delegates Pasdon, Stansbury, McCuskey, Hamilton, Fast, Ellington, Westfall, Border, Walters, Statler and Rohrbach: Relating to required instruction in cardiopulmonary resuscitation and first aid in public school health education subjects.	388					388

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2444	By Mr. Speaker (Mr. Armstead), Delegate Miller, Waxman, Azinger, Upson, Kessinger, Summers, Hanshaw, Kurcaba, Hill and E. Nelson: Providing for the assignment of economic development office representatives to serve as Small Business Allies as facilitators to assist small business entities and individuals.	406	597	695, 726	726		406, 648, 695, 726
2445	By Delegates Sobonya and Frich: Relating generally to the State Administrative Procedures Act.	406					406
2446	By Delegates Reynolds and Rohrbach: Permitting the possession of firearms on the grounds of higher education institutions by all persons with valid licenses.	407					407
2447	By Delegates Sobonya, Householder, Rohrbach, Hamrick, Foster, Overington, Butler, J. Nelson, Ellington, Stansbury and Fast: Prohibiting the naming for certain persons of a publicly funded building, road, structure or project which receives any operating or construction moneys from state sources or state taxpayers.	407					407
2448	By Delegates Sobonya, Miller, Butler, Frich, Overington, Ihle, J. Nelson, Faircloth and Hill: Permitting the sale of raw milk.	407					407
2449	By Delegates Sobonya, Miller, Butler, Folk, Frich, Overington, Householder, Ihle, J. Nelson, Faircloth and Hill: Permitting co-owners of cows to receive raw milk from those cows.	407					407
2450	By Delegates Campbell, L. Phillips, Eldridge, Householder, Marcum, Ferro, Perry and Summers: Expanding prescriptive authority of advanced practice registered nurses and certified nurse-midwives.	408					408
2451	By Delegates Campbell, Perry, Butler, Ambler, Rodighiero, Reynolds, Eldridge, Householder, Marcum, Ashley and Ellington: Providing that recess periods or other such time allocated for student physical activity during the regular class day may not be reduced.	408					408

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2452	By Delegates Ferro, Fluharty, Hornbuckle and Trecost: Requiring reports to the Governor from state agencies to be made available electronically via the internet.	408					408
2453	By Delegates Ferro, Pethel, P. Smith, Longstreth, Fleischauer, Trecost, L. Phillips, Hornbuckle, Sponaugle and Fluharty: Relating to educational benefits for dependents of deceased or disabled veterans.	409					409
2454	By Delegates Ferro, Pethel, Fluharty, Storch, Trecost and L. Phillips: Adding pharmacist and pharmacy to the definition of "health care provider" as used in the Medical Professional Liability Act.	409					409
2455	By Delegates Sobonya, Miller, Frich, Householder, Butler, Ihle and Walters: Requiring health care providers to release unemancipated minor's medical records for drug testing to a parent or legal guardian without written consent from minor.	409					409
2456	By Delegates Sobonya, Miller, Frich, Overington, Householder and Walters: Changing the way that the cost of incarcerating inmates in regional jails is collected.	409					410
*2457	By Delegates Sobonya, Miller, Frich, Foster, Overington, J. Nelson, Ellington, Rohrbach and Walters: Prohibiting the use of the name or likeness of elected or appointed officials on publicly-owned vehicles. (Chapter 193, Acts, Regular Session, 2015)	410	958		1145	1354	410, 1042, 1072, 1145, 1864
2458	By Delegates Sobonya, Miller, Frich, Householder, Butler, Ihle and Walters: Prohibiting school employees from promoting abortion.	410					410
2459	By Delegates Sobonya, J. Nelson, Folk, Rohrbach, Stansbury and Miller: Requiring state agencies to issue photographic identification cards to qualified retired law-enforcement officers.	410					410

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2460	By Delegates Perdue, Rodighiero, Hicks, Marcum, R. Phillips, J. Nelson, Butler, Westfall, Campbell and Perry: Relating to the effect of adoption on grandparent visitation rights.	411					411
2461	By Delegates Walters, McCuskey, Frich, Azinger, Westfall, Moore, Skinner, Perry, Perdue, Bates and E. Nelson: Relating to delinquency proceedings of insurers. (Chapter 144, Acts, Regular Session, 2015)	411	598, 831		1019	2329	411, 598, 940, 977, 1019, 3544, 3576
*2462	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Relating to certain deposits of tax proceeds. (Chapter 232, Acts, Regular Session, 2015)	411	1081		1235	1886	411, 1153, 1180, 1235, 1236, 3221, 3575
2463	By Delegates Moye, Perry, Hamilton, Marcum, Morgan, P. Smith, Lynch, Canterbury and R. Smith: Increasing the maximum personal income tax exemption for persons over the age of sixty-five and for persons who are totally disabled.	411					411
2464	By Delegates Moye, Marcum, Morgan, Perry, P. Smith, Lynch, Canterbury and R. Smith: Exempting disabled veterans from campground rental fees during certain times.	412					412
2465	By Delegates Hamrick, Sobonya, Miller, Butler, Ihle, Rohrbach and J. Nelson: Authorizing the election of and specifying qualifications for nonappointed members of the West Virginia Board of Education.	412					412
*2466	By Delegates 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.	412	917, 1367		1525		412, 917, 1418, 1479, 1525
2467	By Delegates A. Evans, Pethtel, Williams, Anderson and Cooper: Establishing a farmers market vendor permit and its scope and fees.	412					412

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2468	By Delegates Ireland, Butler, Householder, Howell, Faircloth, Evans, D., Border, Wagner, Foster, Blair and Upson: No State-Funded Transportation for Abortion Act.	413					413
2469	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Eliminating unnecessary, inactive, or redundant councils, committees and boards.	413					413
2470	By Delegates Campbell, Moye, Householder and Ashley: Relating to nursing education faculty.	413					413
2471	By Delegates Campbell, Moye, Eldridge, P. Smith, Householder and Ashley: Relating to food handlers' licenses.	414					414
2472	By Delegates Rodighiero, Campbell, L. Phillips, Hornbuckle, Eldridge, Guthrie and P. Smith: Issuing a special registration plate for persons who are residents of this state and who have a family member diagnosed with autism spectrum disorder.	414					414
2473	By Delegates Cowles, Espinosa, Householder, Duke, Upson, Folk, Faircloth and Blair: Relating to the excise tax on the privilege of transferring real property and using the tax to reimburse counties for regional jail fees.	414					414
*2474	By Delegates Cowles, Rowan and Duke: Relating to the compensation of personnel employed at the West Virginia Schools for the Deaf and the Blind.	414	1100, 1287		1464		415, 1100, 1352, 1415, 1463, 1464
2475	By Delegates Ireland, Folk, Hanshaw, Ambler, R. Smith, Romine, Rowan and Evans, D.: Relating to the requirements for and scope of practice for registered veterinary technicians.	415					415
2476	By Delegates Ireland, Butler, Hanshaw, Ambler, R. Smith, J. Nelson, Frich, Folk and Evans, D.: Authorizing the Division of Motor Vehicles to issue a special "SECOND AMENDMENT" license plate.	415					415

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2477	By Delegates Ireland, Overington, Butler, Ambler, Howell, Faircloth, Evans, D., Border, Foster, Cadle and Blair: Relating to voting procedures.	415					416
*2478	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Relating to public school finance. (Chapter 100, Acts, Regular Session, 2015)	416	834, 1193	1346, 1348, 1404, 2968, 2971	1404, 2972	2589	416, 835, 1272, 1346, 1404, 1405, 2589, 2910, 2911, 2968, 2972, 2973, 3551, 3576
2479	By Delegates Fleischauer, Sobonya, Statler, Kurcaba, Morgan, Hartman, Pasdon, Perdue, Manchin, Pethel and Overington: Relating to the powers and authority of state and local law enforcement to enforce underage drinking laws at private clubs.	416	1384		1653		416, 1487, 1560, 1652, 1653
2480	By Delegates P. Smith and Lynch: Changing the number of strikes in jury selection in felony cases.	417					417
2481	By Delegate P. Smith: Providing forensic evaluators with civil immunity for acts committed by the subject of the evaluation.	417					417
2482	By Delegates P. Smith, Lynch and Frich: Authorizing immediate discharge and transportation to a regional jail for aggressive and violent behavior of persons committed to state hospitals.	417					417
2483	By Delegates P. Smith, Lynch and Longstreth: Requiring the three commissioners of the Public Service Commission be elected from the three congressional districts for six-year terms.	417					417
2484	By Delegates P. Smith, Perry, Hartman, Eldridge, Lynch, Williams, Longstreth, Ferro, Reynolds, Faircloth and Moye: Clarifying the statutory restrictions placed on sex offenders.	417					418

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
*2485	By Delegates Folk, Canterbury, Reynolds, Hamilton, Kurcaba, McGeehan, Storch, O'Neal, Pasdon, Faircloth and Householder: Relating to the West Virginia Future Fund.	418	1287		1464		418, 940, 1352, 1415, 1464
2486	By Delegates McGeehan, Folk, J. Nelson, Moffatt, Ihle, Faircloth, Kessinger, Hill and Butler: Relating to school curricular standards and assessments.	418					418
2487	By Delegates A. Evans and Rowan: Requiring a person restraining a mentally ill or mentally challenged person in a "four point restraint" to administer sedation by injection at the time the patient is secured.	418					418
2488	By Delegates Campbell, Eldridge, Householder, Rodighiero, Marcum, Ashley and Ellington: Requiring the construction of new public buildings and when an entrance of an existing public building is renovated to be compliant with the federal Americans With Disabilities Act by having automatic doors.	419					419
2489	By Delegates Westfall, Ihle, Foster, Butler, McGeehan, Kessinger, Householder, Cadle, Rodighiero, Kelly and Faircloth: Relating to supervision of works by a sanitary board.	419					419
2490	By Delegate Rodighiero: Establishing a tax credit for new businesses that locate in the state.	419					419
2491	By Delegates L. Phillips, Trecost, Campbell, Ferro, Pethtel, Hornbuckle, Perry, Miley, Moore, Longstreth and Eldridge: Requiring the State Board of Education to conduct a study and periodically publish starting salary schedules for new hire teachers.	420					420



Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2492	By Delegates Householder, Azinger, Espinosa, Upson, Ellington, Gearheart, Campbell, Ihle, Blair, Hamrick and Waxman: Repealing the requirement that an entity charging admission to view certain closed circuit telecast or subscription television events needs to obtain a permit from the State Athletic Commission. (Chapter 56, Acts, Regular Session, 2015)	420	831		1020	2618	420, 977, 1019, 1020, 3555, 3576
*2493	By Delegates McCuskey, Westfall, Ashley, Bates, Ellington, Frich, Householder, Perdue, Sobonya, Walters and Rohrbach: Relating to requirements for insurance policies and contracts providing accident and sickness insurance or direct health care services that cover anti-cancer medications. (Chapter 146, Acts, Regular Session, 2015)	420	447, 955		1146	2330	420, 447, 1042, 1072, 1145, 1146, 3544, 3575
2494	By Delegates Weld, Fast, Sponaugle, Skinner and Shott: Creating a provisional plea process in criminal cases.	427					427
2495	By Delegates Gearheart and Hamrick: Relating to the written examination of applicants for a license to operate a motor vehicle.	427	493				428, 493
*2496	By Delegates Ellington, Howell, Householder, Sobonya, Fleischauer and Frich: Adopting the Interstate Medical Licensure Compact. (Chapter 186, Acts, Regular Session, 2015)	428	601, 1221		1465	2330	428, 602, 1352, 1415, 1464, 1465, 3545, 3576
2497	By Delegates Ellington, Howell, Householder, Pasdon and Sobonya: Rewriting the licensing requirements for the practice of medicine and surgery or podiatry.	428	601				428, 602
2498	By Delegates Cadle, Ihle, Zatezalo, Faircloth and Hamrick: Allowing taxpayers to make partial payments of real and personal property taxes.	429					429
2499	By Delegates Rodighiero and Reynolds: Making available elective courses on the history of the old and new testaments of the bible.	429					429

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2500	By Delegate Rodighiero: Allowing local boards of health to appoint physician assistants as local health officers.	429					429
2501	By Delegates Rowan, L. Phillips, Border, Campbell, Arvon, Kessinger, Waxman, Summers, Miller, Sobonya and Longstreth: Prohibiting sexual offenders from residing within one thousand feet of a school or childcare facility.	429					429
*2502	By Delegates Espinosa, Upson, Gearheart, Cooper, Ambler, O'Neal, Miller, Sobonya, Shott, Arvon and Blair: Possessing deadly weapons on school buses or on the premises of educational facilities. (Chapter 78, Acts, Regular Session, 2015)	429	996, 1294		1526	2200	430, 996, 1418, 1479, 1525, 1526, 3545, 3576
2503	By Delegates Longstreth, Caputo, Manchin, Pethtel, Walters and Eldridge: Relating to appraisal value of certain motor vehicles for purposes of ad valorem property taxes.	430					430
2504	By Delegates Canterbury, Pethtel, Folk, Kurcaba, Walters, Hamilton, Marcum and Hicks: Relating to the Public Employees Retirement System Fund.	430	600				430, 601
*2505	By Delegates Canterbury, Pethtel, Folk, Walters, Hamilton, Marcum, Kurcaba and Hicks: Relating to retirement system participation and concurrent employment provisions. (Chapter 205, Acts, Regular Session, 2015)	430	600, 947		1035	1886	431, 601, 979, 1034, 1035, 3221, 3575
2506	By Delegates Canterbury, Pethtel, Folk, Kurcaba, Walters, Hamilton, Marcum and Hicks: Relating to duty-related disability retirement in the West Virginia State Police Retirement System.	431	600				431, 601
*2507	By Delegates Canterbury, Pethtel, Folk, Kurcaba, Walters, Hamilton, Marcum and Hicks: Relating to membership provisions in the West Virginia Municipal Police and Firefighters Retirement System. (Chapter 211, Acts, Regular Session, 2015)	431	601, 947		1035	1887	432, 601, 979, 1035, 1036, 3221, 3575

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2508	By Delegates R. Phillips, J. Nelson, Sobonya, R. Smith, Arvon, Miller, Rohrbach, Gearheart, Ellington, A. Evans and Moffatt: Creating the West Virginia Freedom of Conscience Protection Act.	432					432
2509	By Delegates Faircloth, McGeehan, Moffatt, Kessinger, J. Nelson and Ihle: Determining federal health care legislation invalid in this state.	432					432
2510	By Delegates Campbell, Kelly, Wagner, Rowan, Perry, Ambler, Romine, Cooper, Reynolds, Householder and Marcum: Relating to school celebrations, recognition programs and events.	432	772				432, 772
2511	By Delegates Walters, Howell, Ellington, Canterbury, R. Smith, Gearheart, Westfall, McGeehan, Perry, P. Smith and Ambler: Health Care Sharing Ministries Freedom to Share Act.	433	772				433, 772
2512	By Delegates Walters, R. Phillips, J. Nelson, Canterbury, R. Smith, Gearheart, Williams, Marcum, H. White and Pethtel: Requiring the consent of the Public Service Commission before an electric utility subject to this chapter may retire or permanently shut-down an electric generating plant.	433					433
2513	By Delegates Perry, Rowan, Moye, Campbell, Pushkin, Reynolds, Trecost, P. Smith and Williams: Relating to school personnel, employment term and class titles of service personnel and definitions.	433					433
2514	By Delegates Walters, Howell, Ellington, Canterbury, R. Smith, Gearheart, Westfall, McGeehan, Perry, Williams and H. White: Creating a Bureau of Actuarial Services within the office of the Legislative Auditor.	434	490				434, 490
*2515	By Delegates R. Phillips, J. Nelson, Eldridge, H. White, Marcum, Reynolds, L. R. Phillips Smith, Sobonya, Hill and Arvon: Relating to elk restoration. (Chapter 242, Acts, Regular Session, 2015)	434	913, 1367	3174	1526, 3194	3174	434, 913, 1418, 1479, 1526, 3174, 3194, 3554, 3576

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2516	By Delegates Moffatt, Eldridge, R. Phillips, Rodighiero, Stansbury, Hill, Kurcaba, McGeehan, Ihle, Fast and Kessinger: Awarding of a posthumous high school diploma to parents of a high school senior who dies during the senior year; "Todd's Law".	452					452
2517	By Delegates Ferro, Walters, Perry, Fluharty, Storch, P. Smith, Longstreth, Trecost, Sponaugle and Reynolds: Updating the Uniform Common Interest Ownership Act.	452					453
*2518	By Delegates Walters, Pasdon, Householder, Ellington, Folk, Kurcaba, Fleischauer, Sponaugle, Reynolds, Perdue and Blair: Requiring insurers issuing group accident and sickness insurance policies to certain employers to furnish claims loss experience to policyholders.	453	768, 1383		1653		453, 768, 1487, 1560, 1653
2519	By Delegates Ferro, Walters, Pethel, Perry, Fluharty, Storch, P. Smith, Longstreth, Trecost, Hornbuckle and Reynolds: Creating the Uniform Real Property Electronic Recording Act.	453					454
2520	By Delegates Rowan, L. Phillips, Border, Campbell, Arvon, Kessinger, Miller and Longstreth: Relating to domestic violence victims' eligibility for unemployment compensation benefits.	454					454
2521	By Delegates Canterbury, Pethel, Folk, Walters, Hamilton, Marcum and Hicks: Clarifying the scope, application and methods for error correction required by the CPRB.	454	770, 1368		1527		455, 771, 1418, 1479, 1526, 1527
2522	By Delegates Lynch, P. Smith, A. Evans, Romine, Hamilton, Householder, Boggs, Miley, H. White, Fluharty and Perry: Exempting State Teachers Retirement System pension benefits from West Virginia personal income taxation.	455					455

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2523	By Delegates Ashley, Westfall, R. Phillips, McCuskey and E. Nelson: Creating a special revenue account to offset costs for the West Virginia State Police 100th Anniversary in 2019. (Chapter 222, Acts, Regular Session, 2015)	455	771		929	1354	455, 827, 883, 929, 1864, 2200
2524	By Delegates Overington, Householder, Faircloth, Blair and Folk: Changing the Martinsburg Public Library to the Martinsburg-Berkeley County Public Library.	455	941				456, 941
2525	By Mr. Speaker (Mr. Armstead) [By Request of the Executive]: Relating to the West Virginia Fire, EMS and Law-Enforcement Officer Survivor Benefit Act.	456	492				456, 492
2526	By Delegates Gearheart, Ambler, Cadle, Arvon, Ellington, Shott, Stansbury, L. Phillips, Kessinger, Moore and H. White: Providing for the transfer of ownership, operation and maintenance of certain assets of the West Virginia Parkways Authority to the Division of Highways.	469					469
*2527	By Delegates Pasdon, Marcum, Kessinger, R. Phillips, Upson and L. Phillips: Creating a Task Force on Prevention of Sexual Abuse of Children; "Erin Merryn's Law". (Chapter 45, Acts, Regular Session, 2015)	469	769	2286, 2293, 2294	929, 2293	2286, 2619	469, 770, 827, 883, 929, 930, 2286, 2294, 3554, 3576
2528	By Delegates Hornbuckle, Reynolds, Sponaugle, Marcum, R. Phillips, Trecost, Campbell, Rodighiero, Perry, H. White and Bates: Providing scholarships for certain former coal miners.	470					470
2529	By Delegates Reynolds, Pushkin, Byrd, Hornbuckle and Sponaugle: Requiring the Commissioner of Agriculture to develop a pilot program for the cultivation of marijuana to be sold in states where sales are legal.	470					470
2530	By Delegates Morgan, Perdue, Boggs, Pethtel, Rohrbach, Hornbuckle, Sobonya and Miller: Establishing a Library Facilities Improvement Fund.	470					470

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2531	By Delegate Morgan: Good Jobs Internet Reporting Act.	470					471
2532	By Delegates Sponaugle, Perdue, Hornbuckle, L. Phillips, Pethel, Boggs, Williams, Hartman, R. Phillips, Bates and Reynolds: Reducing federal adjusted gross income for volunteer fire department and rescue squad members.	471					471
2533	By Delegates Skinner, Faircloth, Householder, Espinosa, Folk, Duke, Upson, Blair and Cowles: Authorizing an additional circuit court judge for the twenty-third judicial circuit.	471					471
2534	By Delegates Skinner, Fluharty, Fleischauer, Pushkin, Hornbuckle, Reynolds, Sponaugle, Manchin, Miley, Caputo and Guthrie: Prohibiting discrimination based upon age or sexual orientation.	471					471
2535	By Delegates Longstreth, Ferro, Caputo, Rowan, O'Neal, Ashley, Hamrick, L. Phillips, Fleischauer, Skinner and P. Smith: Relating generally to suicide prevention training, "Jamie's Law". (Chapter 225, Acts, Regular Session, 2015)	472	795	937, 1942	976, 1943	1942	472, 796, 906, 937, 975, 976, 1942, 1944, 3222, 3596
*2536	By Delegates Westfall, Walters, B. White, Ashley, Frich and Kurcaba: Relating to travel insurance limited lines producers. (Chapter 145, Acts, Regular Session, 2015)	473	598, 1220	2294	1465, 2302	2294	473, 598, 1532, 1416, 1465, 2302, 3545, 3576
2537	By Delegates Ihle, Kessinger, Faircloth, Moffatt, Westfall, Householder, Hill, Folk, Rowan, Frich and Canterbury: Requiring that the chairperson of the Public Service Commission be elected on a nonpartisan ballot.	473					473
2538	By Delegates E. Nelson and Ashley: Relating to administrative fees for the Tax Division of the Department of Revenue.	473					474

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2539	By Delegates Trecost, Canterbury, Perry, E. Nelson, Howell, Manchin, Eldridge, Boggs, Morgan and Longstreth: Increasing by seven the number of participants in the Home Rule Pilot Program.	474					474
2540	By Delegates Westfall, Walters, B. White, Ashley, Frich and E. Nelson: Requiring automobile liability insurance providers must give a policyholder fourteen days notice of an intent to cancel the policy if the reason for cancellation is nonpayment.	474	768				474, 769
2541	By Delegate Overington: Permitting counties to impose additional levy on property within the county for the sole purpose of funding public libraries.	474					474
2542	By Delegates Espinosa, Gearheart, Householder, Folk, Upton, McCuskey, Ellington, Westfall, Overington, Cowles and Howell: Requiring reviews of groups of agencies on a four-year cycle.	474					475
2543	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Access to Opioid Antagonists Act.	475					475
2544	By Delegates Householder, Stansbury, Ashley, Rodighiero and Campbell: Clarifying that optometrists may continue to exercise the same prescriptive authority which they possessed prior to hydrocodone being reclassified.	475					475
2545	By Delegates Pasdon, Duke, Perry and Moye: Relating to reimbursement of certification fee for National Board for Professional Teaching Standards certification.	475	738, 944		1036		476, 738, 980, 1036, 1037
2546	By Delegates Ashley, Pasdon, Storch, B. White and Westfall: Relating to insurance requirements for transportation network companies and drivers.	476					476
2547	By Delegates E. Nelson and Ashley: Removing certain officials from office for misconduct or neglect of official duties.	476	737				476, 737

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2548	By Delegates Perdue, Hicks, Marcum, Rodighiero and Reynolds: Authorizing incorporated Class IV municipalities to enforce speed limits by use of any device designed to measure and indicate or record speed by means of microwaves or reflected light.	476					476
*2549	By Delegate Lane, E. Nelson, Walters, Stansbury, B. White, Rowe, McCuskey, Guthrie, Byrd and Pushkin: Relating to the preparation and publication of county financial statements. (Chapter 71, Acts, Regular Session, 2015)	476	737, 1379	2947	1654, 2948	2947	476, 737, 1487, 1560, 1561, 1653, 1654, 2947, 2948, 3551, 3576
*2550	By Delegates Cowles, Miller, Householder, Moffatt, McGeehan, Sponaule, H. White, Campbell, Skinner, Rowe and Perry: Increasing the number of unexcused absences of a student before action may be taken against the parent. (Chapter 98, Acts, Regular Session, 2015)	477	1100, 1289	2138	1466, 2144	2138, 2331	477, 1100, 1352, 1416, 1465, 1466, 2138, 2144, 3545, 3575
2551	By Delegates R. Smith, J. Nelson, Border, Kessinger, Arvon, Howell, Moffatt, A. Evans, Wagner, Cadle and Evans, D.: Prohibiting internet service providers from advertising or offering to provide high speed internet service that is not at least ten megabytes per second.	477					477
2552	By Delegates R. Smith, J. Nelson, Border, Kessinger, Arvon, R. Phillips, Moffatt, A. Evans, Westfall, Wagner and Cadle: Permitting utility consumers to use the consumer protection laws when concerning billing issues are in question.	477					477
2553	By Delegates Perdue, Sponaule, Pushkin, Hornbuckle, Morgan, Hartman, R. Phillips and Bates: Relating to human trafficking.	477					478
2554	By Delegates Cowles, Cadle, Campbell, Hartman, Kelly, McCuskey, R. Phillips, R. Smith, Stansbury, Upson and H. White: Relating to protection of utility workers from crimes against the person.	478	915				478, 915



Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2555	By Delegates Cowles, Overington, Folk, Faircloth and McGeehan: Forfeiture Reporting Act.	478					478
2556	By Delegates Cowles, Lane, Sobonya, Householder, Pasdon, Kessinger, Fast, McGeehan and Storch: Providing medical and religious exemptions from mandatory immunizations for school children.	478					479
*2557	By Delegates Walters, Westfall, Pasdon, Moffatt, Morgan, Perry, Hartman, McCuskey, Frich, Storch and H. White: Clarifying that an insured driver of a motor vehicle is covered by the driver's auto insurance policy when renting or leasing a vehicle. (Chapter 143, Acts, Regular Session, 2015)	479	995, 1378	2302	1655, 2303	2302	479, 995, 1487, 1561, 1654, 1655, 2302, 2303, 3545, 3575
2558	By Delegates Trecost, Lynch, Pushkin, Ferro, Longstreth, Kurcaba and Statler: Providing a \$500 credit against state personal income tax for certain members of volunteer fire departments.	479					479
2559	By Delegate Trecost: Increasing the excise tax on cigarettes.	479					479
2560	By Delegates Canterbury, Pethtel, Folk, Walters, Hamilton, Marcum and Hicks: Relating to disqualification for public retirement plan benefits when a participant is determined to have rendered less than honorable service.	479	601				480, 601
2561	By Delegates Statler, Kurcaba, Stansbury, Rohrbach, Frich, Pasdon, Summers, Espinosa, Waxman, Blair and Ihle: Requiring the Commissioner of Highways to contract with private providers or contractors for necessary emergency maintenance operations.	480					480
*2562	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Relating to sales tax increment financing. (Chapter 91, Acts, Regular Session, 2015)	480	948		1070	2047	481, 980, 1037, 1069, 1070, 1071, 1072, 3220, 3575

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2563	By Delegates Ihle, Faircloth, Kessinger, Moffatt, McGeehan, Householder, Hill, Folk, Rowan, Frich and Canterbury: Requiring the State Superintendent of Schools to be elected on a nonpartisan basis.	481					481
2564	By Delegates Marcum, Rodighiero, Eldridge, Hartman, Longstreth and R. Phillips: Relating to school curricular standards and assessments.	481					481
2565	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Reorganizing the Governor's Committee on Crime, Delinquency and Correction and its subcommittees.	481					482
2566	By Delegates R. Smith, Wagner, Summers, Zatezalo, Gearheart, Moffatt, Cadle, R. Phillips, J. Nelson, Kessinger and B. White: Coal Jobs and Safety Act of 2015.	482	602				484, 602
2567	By Delegates Ihle, Faircloth, Kessinger, Moffatt, McGeehan, Westfall, Householder, Hill, Folk, Rowan and Canterbury: Electing members of county school boards on a nonpartisan basis in general elections only.	484					484
*2568	By Delegates Sobonya, Arvon, Kessinger, Rowan, Summers, Border, Blair, Espinosa, Waxman, Moye and Eldridge: The Pain-Capable Unborn Child Protection Act. (Chapter 181, Acts, Regular Session, 2015)	499	601, 635	1195	728, 1196, 1643	1195, 1753	500, 602, 636, 727, 728, 1195, 1196, 1197, 1497, 1642, 1643
2569	By Delegates Gearheart and Hamrick: Relating to the Dealer Recovery Program.	500	653, 1079	1236	1236		500, 653, 1153, 1180, 1236, 1237
2570	By Delegate Walters: Relating to a tax deduction allowed for capital expenditures from the corporate net income tax.	500					500
*2571	By Delegates Walters and Foster: Creating a fund for pothole repair contributed to by private businesses or entities.	500	832, 1081	1237	1237	3017	500, 833, 1153, 1180, 1237, 3545, 3558

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2572	By Delegate Walters: Allowing certain county boards of education to operate their schools on a four-day school week.	500					501
2573	By Delegates Ireland, Longstreth, Overington, Espinosa, Sobonya, Butler, Perry, Zatezalo, Border, Hamilton and Moffatt: Establishing the English language to be the official language of the state.	501					501
2574	By Delegates Ashley, Hanshaw, Anderson, Storch, Westfall, Zatezalo, Ireland, Miley, Williams, Boggs and L. Phillips: Amending the Aboveground Storage Tank Act.	501					502
2575	By Delegates McGeehan and Zatezalo: Relating to approvals of televised racing days and simulcast contracts by Horsemen's Benevolent and Protective Association.	502					502
2576	By Delegates Howell, Hartman, Kessinger, Cadle, Arvon, Moffatt, McGeehan, Zatezalo, Faircloth, R. Smith and Ferro: Creating new code sections which separate the executive departments.	502	566	645, 2000	690, 2020	1428, 2304	503, 629, 645, 690, 691, 1428, 1447, 1675, 1748, 2000, 2020, 3546, 3564
2577	By Delegate Walters: Consolidating purchasing by county boards of education.	503					503
2578	By Delegate Walters: Creating a hunting license permitting crossbow hunting.	503					503
2579	By Delegate Walters: Allowing a tax deduction for all prepaid tuition contracts or college savings plan.	503					503
2580	By Delegate Walters: Creating the Economic Fairness Act of 2015.	503					503
2581	By Delegates Howell, Blair, Faircloth, R. Smith, Sponaule, Overington, A. Evans, Householder, Duke, Rowan and Espinosa: Relating to the Chesapeake Bay watershed; and establishing a comprehensive nutrient reduction credit trading program.	552					552

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2582	By Delegate Guthrie, Pushkin, Rowe, Sponaugle, Byrd, Phillips, L., Lynch and Longstreth: Requiring the State Board of Education to cause school buses to be equipped with safety belts.	552					552
2583	By Delegates Ihle, Kessinger, McGeehan, Faircloth, Moffatt, Householder, Hill, Canterbury, Kurcaba, Blair and Cadle: Removing the publication requirements of financial statements for municipalities.	552					553
2584	By Delegates Rohrbach, Sobonya, Shott, Miller, Hicks, Reynolds and Rowe: Allowing a judge to excuse a potential juror from jury duty until a later date based on seasonal employment.	553					553
*2585	By Delegates Border, Anderson, Ireland, Miller, Kessinger, Zatezalo, Kelly, Cadle, R. Smith, L. Phillips and Caputo: Requiring leaseholders of mineral interests to notify the owners of the minerals when there is an assignment of the lease to another party.	553	1369		1527		553, 1418, 1479, 1527
*2586	By Delegates Shott, Lane, Miller, Frich, Rowan, Fleischauer, Border, Pasdon and Waxman: Allowing for an alternative form of service of process in actions against nonresident persons by petitioners seeking domestic violence or personal safety relief. (Chapter 88, Acts, Regular Session, 2015)	553	797	2144	976, 2149	2144	553, 906, 939, 976, 2144, 2149, 3221, 3576
2587	By Delegates Hicks, Eldridge, Rodighiero, Marcum, Reynolds and Perdue: Creating tax credits for new small businesses created in this state and operating entirely within West Virginia.	553					554
2588	By Delegate E. Nelson, Lane, Howell, Kurcaba, O'Neal, Westfall, McCuskey, Byrd, Gearhearts Storch and Espinosa: Relating to the filing of financial statements with the Secretary of State.	554					554

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2589	By Delegates Ellington, Householder and Pasdon: Establishing an appeal process for decisions issued by the West Virginia Department of Health and Human Resources Board of Review and the Bureau for Medical Services.	554	733				554, 733
2590	By Delegates Howell, Zatezalo, Ihle, Foster, Cadle, Kelly, Azinger, Hill, Faircloth, Stansbury and Summers: Providing that residents sixty-five years of age or older are not required to have a license to hunt, trap or fish.	554					554
2591	By Delegate Weld: Implementing a quality control procedure for agency rules.	554					554
2592	By Delegates Howell, Faircloth, Ihle, Cadle, Hill, Hamrick, Moffatt, R. Smith, Stansbury, Hartman and Morgan: Improving accountability in the state purchasing system.	555	734				555, 735
2593	By Delegates Faircloth, McGeehan, Moffatt, Kessinger, J. Nelson, Ihle and Foster: Creating the Private Property Protection Act.	555					555
2594	By Delegates McGeehan, Canterbury, Faircloth, Hill, Kessinger and Ihle: Requiring that all higher education institutions in the state award credit to transfer students for similar courses completed at a different institution.	555					555
2595	By Delegates McGeehan and Canterbury: Relating to certificates of need for the development of health facilities in this state. (Chapter 118, Acts, Regular Session, 2015)	556	1284, 1377		1655	2330	556, 1284, 1561, 1641, 1655, 3545, 3576
2596	By Delegates Hill, Kessinger, Householder and Kurcaba: Providing that all hunting and fishing licenses are valid for one year from the date issued.	556					556
2597	By Delegates McGeehan, J. Nelson and Pushkin: Exempting all monetary benefits derived from military retirement from personal income tax obligations.	556	943				556, 943

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2598	By Delegates Campbell, Perry, Cowles, Ambler, Cooper, Reynolds, Rowan, Moye, Pasdon and Marcum: Ensuring that teachers of students with disabilities receive complete information about the school's plan for accommodating the child's disabilities. (Chapter 101, Acts, Regular Session, 2015)	556	950		1038	3017	556, 980, 1037, 1038, 3545, 3575
2599	By Delegates McGeehan, Wagner and Hamrick: Exempting personal income earned by individuals working as teachers at primary and secondary schools from personal income tax.	556					556
2600	By Delegates Canterbury, Ihle and J. Nelson: Fair Trial Act.	557					557
2601	By Delegates Skinner, Faircloth, Householder, Overington and Blair: Adding motor fuel to the list of products exempted from unfair trade practices.	557					557
2602	By Delegates Kurcaba, Householder, Fast, Faircloth, Evans, D., Cadle, Wagner, Zatezalo and Ihle: Requiring a voter to present an identifying document issued by the State of West Virginia or a United States military identification card that contains the name, address and a photograph of the person desiring to vote.	557					557
2603	By Delegate Pushkin, Walters, Rowe, Canterbury, Folk, Stansbury, Byrd, Marcum, s B. White and McCuskey: Allowing certain county or regional solid waste authorities in growth areas to designate common carriers of solid waste exempt from the requirement for a certificate of convenience.	557					558
2604	By Delegates Pushkin, Sponaule, Fluharty, Hornbuckle, McGeehan, Perdue, Skinner, McCuskey, Guthrie, Moore and Fleischauer: Creating the Second Chance for Employment Act.	558					558

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Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2605	By Delegates Moore, L. Phillips, Hornbuckle and Shott: Removing the limitation on actions against the perpetrator of sexual assault or sexual abuse upon a minor.	558					558
2606	By Delegates Sponaugle and Shott: Clarifying the potential sentence for disorderly conduct. (Chapter 77, Acts, Regular Session, 2015)	558	739		882	2200	558, 791, 826, 882, 3545, 3575
2607	By Delegates Sponaugle and Shott: Relating to the violation of interfering with emergency services communications and clarifying penalties. (Chapter 76, Acts, Regular Session, 2015) *Note: The title of this Act was amended, but the amended language was inadvertently omitted during the enrollment process. Therefore, the Governor not having received and signed a true and correct copy of the Act as passed by both houses, H. B. 2607 did not become law.	558	797	3053	977, 3053	3052	558, 906, 940, 976, 977, 3053, 3545
2608	By Delegates Sponaugle and Shott: Cleaning up redundant language in the statute relating to misdemeanor offenses for violation of protective orders. (Chapter 90, Acts, Regular Session, 2015)	558	739		885	2330	559, 791, 826, 883, 3546, 3576
2609	By Delegates Faircloth, Blair, Folk, Householder and Butler: Prohibiting railroads from blocking crossings on privately owned streets.	559					559
2610	By Delegates Upson, Espinosa, Blair, Hamrick, Zatezalo, Rowan, Cooper, Ambler, R. Phillips, Marcum and H. White: Making applications, permits, and renewal applications for carrying a concealed weapon not subject to public disclosure.	584					584
2611	By Delegates Perdue, Hamilton, Morgan, Rowe, Rohrbach, Pushkin, Guthrie, Miley, Anderson, Boggs and Border: Relating to controlling methamphetamine.	584					585

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2612	By Mr. Speaker (Mr. Armstead) [By Request of the Executive]: Relating to the transfer of certain powers and programs of the West Virginia Affordable Housing Trust Fund to the West Virginia Housing Development Fund.	585					586
2613	By Delegates Ellington, Householder, Bates, Howell, Pasdon and Rowan: West Virginia Clearance for Access: Registry and Employment Screening Act.	586	733				586, 733
2614	By Delegates Ellington, Householder, Storch, Ashley, Perdue, Boggs, Morgan, Espinosa and Campbell: Relating generally to health care provider taxes.	586	731	1146	1146		587, 731, 1146, 1147
2615	By Delegates Lane and Faircloth: West Virginia Small Business Capital Act.	587	988	1072	1072		587, 988, 1042, 1072
2616	By Delegate Hamrick: Updating the criteria by which the Division of Motor Vehicles must deny a motor vehicle salesperson license.	587					587
2617	By Delegates Kurcaba, Statler, McGeehan, Folk, Moffatt, Pasdon, Zatezalo, Ashley, Wagner and E. Nelson: Lengthening the residency requirement necessary to be eligible for the PROMISE Scholarship.	587					587
2618	By Delegates Guthrie, L. Phillips, Eldridge, Romine and Ambler: Creating a State Animal Abuse Registry.	587					588
2619	By Delegates McGeehan, Azinger, Kurcaba, Weld, Ihle, Kessinger, J. Nelson, Canterbury, Hamrick and Moffatt: Clarifying when a chief law-enforcement officer is required to certify the transfer or making of certain firearms.	588					588
2620	By Delegates E. Nelson, Howell, Miller, Border, Shott, Kurcaba, Moffatt, Westfall, McCuskey, Gearheart and Espinosa: Relating to definitions used in the Public Employees Retirement System.	588					588



Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2621	By Delegates Espinosa and Walters: Relating to liens on vehicles.	588					588
2622	By Delegates Kurcaba, Hill, Householder, R. Smith, Espinosa, Moffatt, Pasdon, Ashley, Wagner, E. Nelson and Cadle: Relating to deductions from personal income tax for contributions to state-administered prepaid college tuition contracts or college savings plans.	589					589
2623	By Delegates Caputo, Williams, Eldridge, H. White, Pushkin, Guthrie, Longstreth, Ferro, Manchin, Walters and Miley: Establishing guidelines and materials to inform and educate students, parents and coaches about the nature and warning signs of sudden cardiac arrest.	589					589
2624	By Delegates Howell, Moffatt, Canterbury, A. Evans, Blair, Statler, Kurcaba, Cadle, Cooper, Ihle and Walters: Relating to voter registration photo cards.	589					589
2625	By Delegates Ashley and Ireland: Continuing the current hazardous waste management fee. (Chapter 112, Acts, Regular Session, 2015)	589	733, 830		1020	2330	590, 733, 940, 977, 1020, 3546, 3575
2626	By Delegates Ashley, Ireland and Frich: Relating to use of the Abandoned Land Reclamation Fund. (Chapter 111, Acts, Regular Session, 2015)	590	945		1039	1887	590, 980, 1038, 1039, 3222, 3575
2627	By Delegates McCuskey, R. Phillips, R. Smith, J. Nelson, Stansbury, McGeehan, Eldridge, Arvon, H. White, Marcum and Butler: Providing protection against property crimes committed against coal mines, utilities and other industrial facilities.	590	915, 994	1158, 2619	1177, 2622	2619	590, 915, 1075, 1149, 1177, 2619, 2622, 3554, 3565
2628	By Delegate Rowe, Shott, Lane, Guthrie, Pushkin, Byrd, Manchin, Skinner, Deem, Lynch and B. White: Changing the date of filing announcements of candidacies.	590	1050		1177		590, 1075, 1150, 1177
2629	By Delegate Faircloth: Creating tax credits for small business economic impact.	590					590

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2630	By Delegates Sponaugle, Perdue, Reynolds, Marcum, H. White, Campbell, Bates, R. Phillips, Hartman, Morgan and Pushkin: Creating the West Virginia Earned Income Tax Credit.	591					591
2631	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Alcohol and Drug Overdose Prevention and Clemency Act.	591	993				591, 993
2632	By Delegates Westfall, Pasdon, Hamrick, Ambler, Cooper, Upson, Statler, Kurcaba, Duke, Rohrbach and Espinosa: Exempting the procurement of certain instructional materials for use in and in support of public schools from the division of purchasing requirements.(Chapter 199, Acts, Regular Session, 2015)	611	950	2149	1040, 2165	2149	611, 950, 980, 1039, 1040, 2149, 2165, 3221, 3575
2633	By Delegates Perdue, Morgan, Hamilton and Guthrie: Funding for substance abuse services through increased taxes on beer, wine and liquor.	611					612
2634	By Delegates Perdue, Perry, Guthrie and Morgan: Increasing the excise tax on cigarettes and all other tobacco products.	612					612
2635	By Delegate Rohrbach (By Request)s and Morgan (By Request): West Virginia Native American Tribes Unique Recognition, Authentication and Listing Act.	612					612
*2636	By Delegates Folk, R. Phillips, Faircloth, McGeehan, J. Nelson, Householder, Butler, Marcum, Frich, H. White and Shott: Exempting information contained in a concealed weapon permit application from the Freedom of Information Act. (Chapter 115, Acts, Regular Session, 2015)	612	1380	3148	1668, 3163	3148	612, 1487, 1561, 1641, 1667, 1668, 3148, 3163, 3546, 3576
2637	By Delegates Westfall, Pasdon, B. White, Frich, O'Neal, Ashley and J. Nelson: Clarifying that insurance adjusters are not considered insurers for the purposes of the unfair trade practices act.	613					613

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2638	By Delegates McGeehan, Folk, J. Nelson and Ihle: Exempting motor vehicles from personal property tax.	613					613
2639	By Delegates McGeehan, Folk and Ihle: Abolishing the Personal Income Tax.	613					613
2640	By Delegates McGeehan, Azinger, Folk and Ihle: Extending buck firearms season by one week.	613					613
2641	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Relating generally to juvenile justice reform.	613					615
2642	By Delegates Gearheart, Ambler, Cooper, Householder, Hamrick, R. Smith, Faircloth and Storch: Reducing personnel employed by the West Virginia Department of Education.	615					615
2643	By Delegates Overington, Walters, Householder, Faircloth, Espinosa, Upson, Cadle, Foster, Fast, Westfall and Blair: Establishing the West Virginia Right to Work Law.	615					616
2644	By Delegates McGeehan and Ihle: Providing that persons trapping coyote need only check traps once every seventy- two hours.	616					616
2645	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Expanding the availability of the Underwood-Smith Teacher Loan Assistance Program. (Chapter 216, Acts, Regular Session, 2015)	616	1382	1562, 1661	1661	1887	617, 1382, 1488, 1562, 1661, 3222, 3575
2646	By Delegates R. Phillips, J. Nelson, Butler, Marcum, Eldridge, Ashley, Walters, Hanshaw, Hartman, McCuskey and H. White: Legalizing and regulating the sale and use of fireworks.	617	736		1021	2622	618, 736, 791, 955, 977, 1020, 1021, 2622, 2647, 3016

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2647	By Delegates Howell, Hill, B. White, Arvon, Fast, A. Evans, Romine, McGeehan, Storch, Hanshaw and R. Phillips: Allowing an employer to extend workers' compensation insurance coverage to an employee engaged in volunteer fire fighting and allowing employers a tax credit.	618					618
*2648	By Delegates Pasdon, Stansbury, Ellington, Statler, Kurcaba, Householder, Fleischauer and Rohrbach: Allowing authorized entities to maintain a stock of epinephrine auto-injectors to be used for emergency. (Chapter 129, Acts, Regular Session, 2015)	618	733, 959	2165, 3230, 3234	1147, 2167, 3234	2165, 3541	618, 733, 1043, 1074, 1147, 2165, 2167, 3221, 3229, 3230, 3234, 3554, 3577
2649	By Delegates McGeehan, Ihle, Hill, Howell, J. Nelson, Shott, Azinger, Lane, Faircloth, Moffatt and Frich: Exempting social security benefits from personal income tax.	618					618
2650	By Delegate Eldridge: Creating the West Virginia Greyhound Racing Cessation Program.	618					619
2651	By Delegates Frich, Hamilton, J. Nelson, R. Phillips, Faircloth, Marcum, R. Smith, McGeehan, Moffatt, Ireland and Fast: Creating the "Firearm Protection Act".	619					619
*2652	By Delegates Ellington, Householder, Ashley, Boggs, Folk, Hamilton, Howell, McGeehan, Storch, Weld and Zatezalo: Reducing the assessment paid by hospitals to the Health Care Authority. (Chapter 125, Acts, Regular Session, 2015)	619	773, 1082	2304	1238, 2307	2304	619, 773, 1153, 1181, 1237, 1238, 2307, 3546, 3576
2653	By Delegates Frich, Butler, J. Nelson, Hamilton, Cadle, Cooper, Ambler, R. Smith, McGeehan, Hill and Overington: Prohibiting the use of unmanned aircraft.	619					619
2654	By Delegates Frich, Cadle, Skinner and Butler: Relating to location information of an electronic device.	620					620

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2655	By Delegates Walters, Hartman and Westfall: Providing that a defendant in a civil action to recover a deficiency after a sale under a deed of trust may not assert as a defense that fair market value was not obtained for the property.	620					620
2656	By Delegates Eldridge, Marcum, Campbell and Hicks: Establishing a retired teachers instant lottery scratch-off game.	620					620
2657	By Delegates A. Evans, Eldridge, Hamilton, L. Phillips, Guthrie, Romine, Rowan, Canterbury, Lynch and Sponaugle: Allowing members of the Livestock Care Standards Board to be reimbursed for expenses consistent with the West Virginia Department of Agriculture Travel Policy and Procedure. (Chapter 10, Acts, Regular Session, 2015)	620	914, 1079		1238	1887	620, 914, 1153, 1181, 1238, 3222, 3576
2658	By Delegates A. Evans, Hamilton, Romine, L. Phillips, Ambler, Eldridge, Guthrie, Rowan, Canterbury and Lynch: Relating to the inspection and slaughter of nontraditional agriculture. (Chapter 12, Acts, Regular Session, 2015)	621	914, 1164	2308	1406	2308	621, 914, 1272, 1349, 1349, 1405, 1406, 2308, 3546, 3576
2659	By Delegates Eldridge, Marcum, Campbell and Hicks: Providing that paid county or municipal fire departments and duly incorporated volunteer fire departments pay reduced workers' compensation premiums when not actively engaged in fire fighting.	638					369
2660	By Delegates Frich, Walters, Butler, Householder, Arvon, Howell, Ellington, Summers, Rohrbach, Waxman and Westfall: Relating to health insurance exchange navigators and nonnavigator assisters.	639					639
2661	By Delegates Frich, Walters, Householder, Ellington, Rohrbach, Waxman, Faircloth, Westfall, Shott, Fast and Deem: Providing for the protection and privacy of persons seeking health insurance assisted by navigators and nonnavigator assisters under the federal Affordable Care Act.	639					640

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
*2662	By Delegate Stansbury, Ellington, Householder, R. Phillips, Byrd, Faircloth, Sponaugle, Weld, Moore, B. White and Pushkin: Eye Care Consumer Protection Law. (Chapter 190, Acts, Regular Session, 2015)	640	956		1148	2330	640, 1043, 1047, 1147, 1148, 3546, 3576
2663	By Delegates Ashley and Frich: Creating the Rehabilitation Services Vending Program Fund. (Chapter 202, Acts, Regular Session, 2015)	640	945		1041	2647	640, 980, 1040, 1041, 3551, 3576
2664	By Delegates Sobonya, Butler, McCuskey, Stansbury, E. Nelson, Ihle, Householder, Ellington, Westfall, Marcum and Byrd: Creating “Andrea and Willy’s Law”; increasing certain penalties for driving under the influence of alcohol, controlled substances or drugs. (Chapter 173, Acts, Regular Session, 2015)	641	1379	1565, 3065, 3236, 3259	1662, 3086, 3259	2973, 3141, 3541	641, 1380, 1488, 1565, 1656, 1661, 1662, 2993, 2995, 3015, 3016, 3064, 3086, 3227, 3235, 3236, 3258, 3260, 3554, 3576
2665	By Delegates Folk, Skinner, Espinosa, Householder, Faircloth, Overington, Upson, Blair, Perdue, Sobonya and Waxman: Relating to participation in Motor Vehicle Alcohol Test and Lock Program.	641					641
2666	By Delegates Skinner, Pushkin and Guthrie: Internet Service Provider Accountability Act.	641					641
2667	By Delegates Skinner, Manchin, Fleischauer, Hamilton and Rowe: Relating to electronic cigarettes and vapor products.	641					641
2668	By Delegates Walters, Canterbury, Ambler, Hanshaw, Hartman, Sponaugle and R. Phillips: Permitting deed of trust or mortgage interest paid on taxpayers’ personal residences to be used as a deduction for personal income tax purposes.	642					642
2669	By Delegates Ellington, Householder, Pasdon and Campbell: Relating to compulsory tuberculosis testing. (Chapter 122, Acts, Regular Session, 2015)	642	951		1042	1197	642, 951, 980, 1041, 1042, 1497, 1689

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2670	By Delegates Rodighiero and Hicks: Relating to prescription authority for physician assistants.	642					642
2671	By Delegates Eldridge, Marcum, Campbell and Hicks: Establishing the state parks instant lottery scratch-off game.	642					643
2672	By Delegates Eldridge, R. Phillips and Hicks: Requiring that public schools provide facilities for students of all faiths and religions to have a place of fellowship, prayer and worship.	643					643
2673	By Delegates Espinosa and Walters: Relating to liens on vehicles.	676					677
*2674	By Delegates Kurcaba, Householder, Pasdon, Statler, Ellington, Cooper, Ambler and Moffatt: Making home schooled students eligible for a PROMISE scholarship without taking the GED test.	677	1046	2948	1178, 2949	2948	677, 1047, 1075, 1150, 1177, 1178, 2948, 2949, 3554, 3566
2675	By Delegates E. Nelson, Ashley, Hanshaw, Ireland, R. Smith, Storch, R. Phillips, B. White, McCuskey, Waxman and Summers: Reducing certain severance taxes that are dedicated to the Workers' Compensation Debt Reduction Fund.	677	771		1537		677, 827, 884, 922, 1533, 1534, 1537
2676	By Delegate J. Nelson, Miller, Longstreth, Ferro, Hamilton, L. Phillips, Guthrie, Byrd, Duke, Storch and Fluharty: Defining a veteran-owned business and exempting such businesses from the initial registration and certain annual report fees.	677	736				677, 736
2677	By Delegate Hamrick: Creating a legislative commission to study the feasibility of the state entering into sponsorship agreements for transportation structures.	678					678
2678	By Delegates A. Evans, Eldridge, Hamilton, L. Phillips, Guthrie, Ambler and Romine: Exempting certain agencies from seeking the advice of the Attorney General to adjust and settle upon certain accounts or claims.	678					678

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2679	By Delegates Morgan, Fleischauer, Miley, Caputo, Moore, L. Phillips, Hornbuckle, Rowe, Lynch, Pushkin and Perdue: Good Jobs First Act.	678					678
2680	By Delegate Longstreth: Relating to notices of revocation of certificate of authority.	679					679
2681	By Delegate Longstreth: Repealing outdated language for fees to be charged by a notary public.	679					679
2682	By Delegates Hamilton, Longstreth, Ferro and Guthrie: Relating to donations of overpayment of fees to the Secretary of State.	679					679
2683	By Delegate P. Smith: Adding an additional magistrate court deputy clerk position for Lewis County.	679					679
2684	By Delegates Longstreth, Shott, R. Smith, Howell, Gearheart and Sponaule: Creating a one-day special license for charitable events to sell nonintoxicating beer and wine.	679					679
2685	By Delegates Campbell, Perry, Ellington, Ashley, Moore, Rowan, Hamrick, Perdue, Kelly, Rohrbach and Pasdon: Relating to eligible uses of prepaid tuition plans generally.	680					680
2686	By Delegates Perry, Cooper, Ambler, Hill, Perdue, Lynch, R. Phillips and Miley: Providing funds for the Tourism Promotion Fund.	680					680
2687	By Delegates Sponaule, L. Phillips, H. White, Williams, Guthrie, Perdue, Reynolds, Hartman, Fluharty, Trecost and Moore: Relating to personal income taxes.	680					680
*2688	By Delegates Ireland, Anderson, Ambler and D. Evans: Providing for the unitization of interests in drilling units in connection with all horizontal oil or gas wells.	719	771, 1285	3097	1665	2953	719, 771, 1352, 1353, 1375, 1619, 1620, 1621, 1634, 1663, 1665, 2954, 3097, 3139, 3140



Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2689	By Delegates Fast, Kessinger, Hill, Weld, J. Nelson and Kurcaba: Repealing the provision prohibiting employers from discriminating for use of tobacco products.	719					720
2690	By Delegates Pasdon, Fleischauer, Storch, Miller, Border, Guthrie and Rowan: Relating to student safety on higher education campuses.	720					720
2691	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Making a supplementary appropriation to the Department of Commerce.	720					720
2692	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Supplementing, amending, decreasing, and increasing items of the existing appropriations from the State Road Fund to the Department of Transportation, Division of Highways.	720					720
2693	By Delegate Fast: Relating to commercial motor carriers.	720					721
2694	By Delegates Fast, Weld, Kurcaba, Summers, Waxman, Rowan, Howell, Frich, B. White and Sobonya: Requiring all local special elections to be held on the days and hours of general or primary elections.	721					721
2695	By Delegates Fast, Kessinger, J. Nelson, Blair, Hill, Kurcaba, Summers and Howell: Relating to gasoline and fuel excise tax.	721					721
2696	By Delegate Fast: Relating to investigations of discrimination by the Human Rights Commission.	721					721
2697	By Delegates Fast, Kessinger, Kurcaba and Arvon: Allowing a home improvement transaction to be performed under an oral contract.	721					721
2698	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Making a supplementary appropriation from the State Fund, State Excess Lottery Revenue Fund, to the Division of Human Services.	722					722

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2699	By Delegates Fast, Kessinger and Hill: Requiring that patching repair of hard surfaced roads, highways and streets be by use of mechanical rollers.	722					722
2700	By Delegates J. Nelson, Evans, D., L. Phillips, B. White, Cooper, McGeehan, Longstreth, Hornbuckle, Arvon, Ihle and Kessinger: Creating a program to allow for discounted veteran's licence plates and option on application for applicant to consent to receive information about veteran's services.	722					722
2701	By Delegates McCuskey, Ashley, E. Nelson, Rohrbach and Westfall: Relating to motor vehicle dealers, distributors, wholesalers and manufacturers.	757					757
*2702	By Delegates Pasdon, Perry, Moye, Hamrick, Campbell, Statler, Rowan and Espinosa: Redefining service personnel class titles of early childhood classroom assistant teacher. (Chapter 217, Acts, Regular Session, 2015)	757	834	978	1021	1887	757, 940, 978, 1021, 3222, 3575
2703	By Delegates Hamilton, Moore, A. Evans and Canterbury: Permitting in absentia parole hearings in certain instances.	757					757
2704	By Delegate Morgan: Increasing sales and use taxes by one percent.	757					758
2705	By Delegates L. Phillips, Eldridge, Longstreth, Ferro, Trecost, Hornbuckle, Guthrie, Perdue, Campbell and P. Smith: Providing a pay increase for certain employees of the Department of Health and Human Resources.	758					758
2706	By Delegates L. Phillips, Guthrie, P. Smith, Perdue, Eldridge, Moore, Ferro, Trecost, Pethtel, Miley and Moye: Providing a pay increase for certain employees of the Division of Highways.	758					758
2707	By Delegates Eldridge, Marcum, Hicks, Rodighiero, Perdue and Campbell: Permitting certain surface owners to purchase gas at market rates.	758					758

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2708	By Delegates Skinner, Fleischauer, Reynolds, Sponaugle, Guthrie, Folk, Pushkin and McCuskey: Requiring various professionals who provide mental health-related services, complete course work in suicide assessment, treatment and management.	758					759
2709	By Delegates Sponaugle, H. White, Marcum, Campbell, R. Phillips, Hartman, Walters, Fluharty, Miley, Boggs and Byrd: Exempting a percentage of social security benefits from personal income tax.	759					759
2710	By Delegate Skinner (By Request): Requiring the Public Service Commission to establish rates which ensure that the future customers to be served by the new project are solely responsible only for the debt costs associated for that specific project.	759					759
2711	By Delegates Marcum, H. White, R. Phillips, Rodighiero, Eldridge and Campbell: Providing for a scratch-off game to fund a drug treatment facility on post-mine land in Mingo and Logan Counties.	759					760
2712	By Delegates Skinner, Reynolds, Pushkin, Sponaugle, Guthrie and Householder: Relating to employment and privacy protection.	760	1424	1571	1666		760, 1488, 1571, 1666
2713	By Delegate Byrd, McCuskey, Stansbury, H. White, Guthrie, Pushkin, Rowe, Reynolds, Fleischauer, Lynch and Pasdon: Providing taxpayers repaying their own student loans a modification reducing federal adjusted gross in the amount of the interest paid.	760	1191				760, 1191
2714	By Delegates A. Evans, Eldridge, Hamilton, L. Phillips, Guthrie and Romine: Altering the method of determining when the Department of Agriculture must deposit into the General Revenue Fund funds it collects.	761	913				761, 913
2715	By Delegates Sobonya, Frich, Miller, Householder, Butler, Ihle and Kurcaba: Making it illegal to transport a minor across state lines to obtain an abortion without written consent of both parents.	761					761

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
*2716	By Delegates J. Nelson, Longstreth, Ferro, Hamilton, L. Phillips, Guthrie, O'Neal and E. Nelson: Relating to charitable organizations.	761	1184				761, 1272, 1349, 1446, 1427
*2717	By Delegates Marcum, Pasdon, Perry, H. White, R. Phillips, Williams, Eldridge, Rodighiero, Reynolds and Campbell: Relating to hiring of public school employees.	761	1382	1571	1667		762, 1488, 1571, 1666, 1667
*2718	By Delegates Gearheart, Butler, Hamrick, Ihle, Householder, Westfall, Miller, Border, Cooper, Hanshaw and Ellington: Transferring funds remaining in the Racetrack Modernization Fund to the State Road Fund and closing the Racetrack Modernization Fund.	762	1047	1538, 1540	1540		762, 1075, 1151, 1163, 1533, 1537, 1540
2719	By Delegates Skinner, Campbell, Reynolds, Overington and Fluharty: Increasing the criminal penalties for participating in an animal fighting venture.	762					762
2720	By Delegates Deem, Kelly and Azinger: Increasing the amount a person receiving a disability benefit from a municipal policemen's or firemen's pension and relief fund may earn from employment or self employment without penalty.	782					782
2721	By Delegates Hamilton, Moore, A. Evans and Canterbury: Specifying who receives notice of parole hearings via regular or certified mail.	782					782
2722	By Delegates Anderson, Hamilton, Border, Canterbury, Romine, Evans, D., Hamrick and Eldridge: Requiring oil and gas lessees to make royalty payments within one hundred twenty days of production.	782	992				782, 992
2723	By Delegate Howell: Relating to the expiration of the Multi-State Real-Time Tracking System.	782					782

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2724	By Delegates Sobonya, Householder, Rohrbach, Hamrick, Foster and Howell: Requiring benefit access devices to benefits provided by the Department of Human Services, to have a photograph of the person to whom a device was issued.	783					783
2725	By Delegates Miller, Sobonya, Border, Rowan, Rohrbach, Folk, Eldridge, Ferro and Hornbuckle: Permitting playground facilities to be part of a school construction project.	783					783
2726	By Delegates Shott, Folk, Overington, Sobonya, Azinger, Deem and Waxman: Clarifying choice of laws issues in product's liability actions. (Chapter 7, Acts, Regular Session, 2015)	783	829	1500	1022, 1501	1500	783, 940, 978, 1022, 1500, 1501, 1502, 1689, 3555, 3576, 3577
2727	By Delegates Householder, Cadle, Gearheart, Kurcaba, Statler, Wagner, Butler, Blair and Summers: Exempting certain health care professionals from licensure requirements while performing charity care.	783	916				783, 916
*2728	By Delegates McCuskey, Westfall and Frich: Relating to risk-based capital reporting for health organizations.	783	1046, 1288		1466		784, 1046, 1353, 1416, 1466, 1467
2729	By Delegates Householder, Kurcaba, Statler, Butler and Summers: Relating to welfare system integrity.	784					785
2730	By Delegate Sponaugle (By Request): Updating unlawful methods of bear hunting and clarifying the process for bear damage claims.	785	1061				785, 1061
2731	By Delegates Perry, Boggs, Ferro, Ashley, Cadle, Storch, Perdue, Williams, Moye, Campbell and Morgan: Increasing salaries and creating longevity pay increases for all employees of the Division of Corrections, the Regional Jail Authority and the Division of Juvenile Services.	785					785

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2732	By Delegates Howell, Sobonya, Rohrbach, Householder, Folk, Kurcaba, Stansbury and Miller: Relating to the Real Estate Commission and licenses issued by the commission.	785					785
2733	By Delegates Ellington and Householder: Removing certain combinations of drugs containing hydrocodone from Schedule III of the controlled substances law. (Chapter 67, Acts, Regular Session, 2015)	786	960	1074	1148	2330	786, 960, 1043, 1074, 1148, 3546, 3576
2734	By Delegates Ellington, Householder, Blair and Summers: Extending the Multi-State Real-Time Tracking System.	786					786
2735	By Delegates Householder, Cadle, Cowles, Gearheart, Kurcaba, Statler, Butler, Blair and Summers: Changing the date the unemployment fund reaches a certain level to reduce the threshold wage.	786					786
2736	By Delegates J. Nelson, Howell, McGeehan, Householder, Hamrick, Ihle, Frich, Zatezalo, Moffatt, Reynolds and Sponaugle: Relating to regulation of transportation network companies.	786					786
2737	By Delegates Householder, Cadle, Gearheart, Butler, Cowles and Ihle: Prohibiting licensure board from hiring or contracting with lobbyist.	787	830				787, 830
2738	By Delegates Ellington and Householder: Relating to the Women's Commission and placing it in the Department of Commerce.	787					787
2739	By Delegates Folk, Hamrick, McGeehan, J. Nelson and Faircloth: Requiring regional airport authority board members to include persons of area expertise.	787					787
2740	By Delegates Hamrick, McGeehan, J. Nelson and Romine: Clarifying how members of regional airport authority boards are to be allocated.	787					787
2741	By Delegates Householder, Butler and Frich: Uncompensated Care Liability Act.	787	994				787, 994

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2742	By Delegates Ellington and Householder: Recalculating child support obligations.	787					788
2743	By Delegates McCuskey, Westfall, Ashley, Shott and Skinner: Relating to additional duties of the Public Service Commission.	788					788
2744	By Delegates Howell, Sobonya, Westfall, H. White, Williams, Householder, Marcum and Cowles: Preempting any local law, rule, regulation, ordinance, or policy regulating the environmental or operational aspects of any public utility within the jurisdiction of the Public Service Commission; providing exceptions.	788	1156				788, 1157
2745	By Delegates Howell, Faircloth, Hill, Ihle, Blair, Arvon, Stansbury, McGeehan, Hamrick, R. Phillips and Kessinger: Requiring an exempt spending unit to obtain authorization from the director of purchasing before entering into a contract for an amount equal to or exceeding ninety percent of the value of the largest contract.	788					789
2746	By Delegates Ashley, Arvon, Campbell, Espinosa, Westfall, McCuskey, Upson and P. Smith: Requiring that athletic trainers be licensed, instead of registered, by West Virginia Board of Physical Therapy.	789					789
2747	By Delegate Canterbury: Prohibiting the expenditures for meals and beverages for members of the Legislature and their staff by lobbyists.	789					789
2748	By Delegates Ellington and Householder: Relating to living arrangements for children in foster care and living arrangements for children sixteen years or older.	789					789
2749	By Delegates Ellington, Howell, Border, Householder, Gearheart, Storch, Overington, Miller, Faircloth, Kurcaba and Pasdon: Relating to the secondary schools athletic commission.	790					790

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2750	By Delegates Canterbury, Walters, McGeehan, A. Evans, Faircloth, Romine, Ambler, Cooper, Border and Ihle: Abolishing the adverse possession of land.	790					790
2751	By Delegates J. Nelson, McGeehan, Ihle, Weld, Eldridge, R. Smith, Folk, Zatezalo, H. White, Cadle and Lynch: Allowing hunting and trapping on private lands throughout the state on Sundays.	790					790
2752	By Delegates Householder, Blair, Espinosa, Folk, Faircloth, Border, Ihle, Hill, Cadle and Miller: Deregulating persons who perform work on heating, ventilating and cooling systems and fire dampers.	812	1047				812, 1047
2753	By Delegates J. Nelson, R. Phillips, McGeehan, P. Smith, Longstreth and Weld: Removing the requirement for vehicles operated by the West Virginia Wing of the Civil Air Patrol to display front license plates with white lettering on a green background bearing the words "West Virginia" in one line and the words "State Car".	812					812
2754	By Delegates Householder and Butler: Relating to uncompensated care.	813					813
*2755	By Delegates Boggs, Hartman, Evans, D., Perry, Ashley, Pasdon, Pethtel, Duke and Williams: Relating to service and professional employee positions at jointly established schools. (Chapter 96, Acts, Regular Session, 2015)	813	995		1095	1887	813, 1075, 1076, 1094, 1095, 1096, 3222, 3575
2756	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Making a supplementary appropriation to the Department of Administration, Division of Purchasing - Purchasing Improvement Fund.	813	1423		1667		813, 1488, 1572, 1641, 1667
2757	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Supplementing, amending, decreasing, and increasing items of the existing appropriations from the State Road Fund to the Department of Transportation, Division of Highways.	813					813



Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2758	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Making a supplementary appropriation to the Department of Administration, Division of Purchasing - Purchasing Improvement Fund.	813					814
2759	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Making a supplementary appropriation to the Department of Military Affairs and Public Safety, West Virginia Division of Corrections, and to the Department of Military Affairs and Public Safety, West Virginia State Police.	814					814
2760	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Making a supplementary appropriation to the Bureau of Senior Services - Lottery Senior Citizens Fund. (Chapter 16, Acts, Regular Session, 2015)	814	1190		1406	1753	814, 1272, 1349, 1406, 1864, 2200
2761	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Making a supplementary appropriation of federal funds to the Department of Military Affairs and Public Safety, West Virginia State Police.	814					814
2762	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Making a supplementary appropriation to the Department of Transportation, Division of Motor Vehicles - Motor Vehicle Fees Fund.	815					815
2763	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Supplementary appropriation to the Department of Health and Human Resources.	815					815
2764	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Making a supplementary appropriation to the State Department of Education - School Building Authority. (Chapter 17, Acts, Regular Session, 2015)	815	1190		1407	1753	813, 1272, 1349, 1407, 1864, 2200
2765	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Supplementary appropriation to the Department of Environmental Protection.	815					816

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
*2766	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Expiring funds to the unappropriated balance in the State Fund, General Revenue from the Joint Expenses, and from the Department of Health and Human Resources. (Chapter 18, Acts, Regular Session, 2015)	816	1722		1804	3018	816, 1747, 1803, 1804, 3548, 3593
2767	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Making a supplementary appropriation to the Department of Agriculture, State Conservation Committee.	816					816
2768	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Making a supplementary appropriation to the Department of Commerce.	816					817
*2769	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Expiring funds to the unappropriated surplus balance in the State Fund, General Revenue from various agencies. (Chapter 19, Acts, Regular Session, 2015)	817	1723	3053	1804, 3056	3053	818, 1747, 1765, 1804, 1805, 3056, 3548
2770	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Making a supplementary appropriation from the State Fund, State Excess Lottery Revenue Fund, to the Division of Human Services. (Chapter 20, Acts, Regular Session, 2015)	818	949		1071	1753	818, 980, 1042, 1070, 1071, 1864, 2200
2771	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Making a supplementary appropriation to the Department of Administration, Division of Purchasing - Purchasing Improvement Fund.	818					819
*2772	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Making a supplementary appropriation to the Department of Health and Human Resources, Division of Human Services - Health Care Provider Tax. (Chapter 21, Acts, Regular Session, 2015)	819	1725	1805, 1807	1807	3018	819, 1747, 1765, 1805, 1808, 3548
*2773	By Delegates Espinosa, Overington, Storch, Skinner, Ashley and Upson: Relating to the West Virginia Film Industry Investment tax credit.	819	1044				819, 1075, 1151, 1161

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2774	By Delegates Butler, Gearheart, Frich, R. Smith, J. Nelson, Moffatt, Azinger, Cadle, McGeehan, Kelly and Ihle: Relating to public school standards and assessments.	819					820
2775	By Delegates Campbell, Eldridge, Perry, Moore, L. Phillips, J. Nelson and Marcum: Relating to salary increase for Veteran's Service Officer 1 and Veteran's Service Officer 2 positions.	820					820, 1076
2776	By Delegates Stansbury, Campbell, Rodighiero, Householder, Ashley, Fleischauer, Summers, Longstreth, Kurcaba, Ellington and Eldridge (Originating in House Health and Human Resources): Relating to prescribing hydrocodone combination drugs for a duration of no more than three days.	772	772	1888	930, 1888	1887	772, 827, 884, 930, 1764, 1887, 1888, 3222, 3572
2777	By Delegates Faircloth, Ihle, Hill, Kessinger, Stansbury, Hamrick, Hartman, Ferro, McGeehan, Zatezalo and Blair (Originating in House Government Organization): Relating to licensing of barbers, cosmetologists, and hairstylists and revising the membership requirements of the Board of Barbers and Cosmetologists.	774	774	884, 931	930		774, 827, 884, 930, 931
*2778	By Delegates Gearheart, McCuskey, Storch, Hamrick, Espinosa, E. Nelson, Westfall, Mr. Speaker (Mr. Armstead), O'Neal, Pethtel and Ferro: State Infrastructure Fund Program. (Chapter 213, Acts, Regular Session, 2015)	820	832, 1045	1152	1179	1888	820, 833, 1075, 1151, 1178, 1179, 3222, 3575
2779	By Delegates Pasdon, Statler, Kurcaba, Sobonya, Espinosa, Rohrbach, Fleischauer, Miller, Perry, Morgan and Frich: Creating the crime of trademark counterfeiting.	846					847
2780	By Delegates Pasdon, Statler, Kurcaba, Duke, Sobonya, Espinosa, Rohrbach, Fleischauer, Miller, Morgan and Frich: Enhancing the ability of campus police officers at public colleges to perform their duties. (Chapter 130, Acts, Regular Session, 2015)	847	1155		1307	2330	847, 1156, 1182, 1271, 1307, 3546, 3575

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2781	By Delegates Westfall, Cowles, Ellington, Summers, Foster, Waxman, Williams, Shott, Hanshaw, Campbell and Sobonya: Allowing a medical power of attorney representative or surrogate to waive the incapacitated person's right to a trial by jury.	847					847
2782	By Delegate Skinner: Adjusting the judicial circuits of West Virginia.	847					847
2783	By Delegate Sponaule: Modifying procedures available to persons to address bears causing property damage or destruction.	847					848
2784	By Delegates Lynch, Moore and Ashley: Requiring certification of correctness as to design, construction and performance of domestic and commercial liquefied petroleum gas-consuming equipment and appliances.	848					848
2785	By Delegates Lynch, Rowe, D. Evans, Ambler, Marcum, L. Phillips, Sponaule, Arvon, Anderson, Hanshaw and Eldridge: Statewide Interoperable Radio Network Act.	848	1423				849, 1424
2786	By Delegates Pasdon, Statler, Kurcaba, Duke, Cooper, Sobonya, Espinosa, D. Evans and Upson: Prohibiting transfers of school personnel to other positions under certain conditions.	849					849
2787	By Delegate Rowe: Relating to hearings before the Office of Administrative Hearings.	849					849
2788	By Delegates Rowe, Guthrie, Moore, McCuskey, Pushkin and Fleischauer: Providing school days to register and transport students to vote.	849					850
2789	By Delegates Ihle, McGeehan, Hill, Householder, Cadle, Ashley and Westfall: Relating to neighborhood investment program advisory boards.	850					850
*2790	By Delegates Westfall, Waxman, Shott and Frich: Relating to minimum responsibility limits of car insurance. (Chapter 141, Acts, Regular Session, 2015)	850	1045, 1284		1467	2201	850, 1046, 1354, 1416, 1467, 3546, 3576

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2791	By Delegates P. Smith, Boggs, Trecost, Perry, Campbell, Moye, Williams, L. Phillips, Eldridge, Rodighiero and Hicks: Increasing benefits of retired state personnel and retired teachers.	850					850
2792	By Delegate R. Phillips: Relating to the business and occupation tax.	850					851
*2793	By Delegates Kurcaba, Statler, Ellington, Pasdon, Cooper, Ambler and Kelly: Relating to exemptions from mandatory school attendance.	851	1191	2648	1408, 2649	2648	851, 1272, 1349, 1407, 1408, 2678, 2650, 3555, 3567
2794	By Delegates Eldridge and Hicks: Making changes to the definition of contractor for purposes of the West Virginia Contractor Licensing Act.	851					851
*2795	By Delegates Westfall, B. White and McCuskey: Providing that when a party's health condition is at issue in a civil action, medical records and releases for medical information may be requested and required without court order.	852	1377		1669		852, 1488, 1572, 1668, 1669
*2796	By Mr. Speaker (Mr. Armstead): Providing paid leave for certain state officers and employees during a declared state of emergency.	923	1378		1662		923, 1488, 1572, 1656, 1662
2797	By Delegates Campbell, Perry, Moye, Fleischauer, Bates, Guthrie, Ellington, Householder, Ashley, P. Smith and McCuskey: Changing the term "mentally retarded" to "intellectually disabled;" and changing the term "handicapped" to "disabled". (Chapter 169, Acts, Regular Session, 2015)	923	1290, 1499		1500	2330	924, 1290, 1499, 1500, 3546, 3575
2798	By Delegates Miller, E. Nelson, Sobonya, Border and Folk: Requiring a voter to present an identifying document which contains the name, address and a photograph of that person.	924					924
2799	By Delegates Miller, Sobonya, Border, Rohrbach, Folk and Eldridge: Requiring all high schools to teach fetal development.	924					924

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2800	By Delegates Miller, Ferro, Sobonya, Border, Rohrbach, Folk and Eldridge: Adding law-enforcement officers' contact information and names of family members to the list of exemptions from public records requests.	924					924
2801	By Delegates Rowe, Pushkin, Lynch, Guthrie and Byrd: Permitting county commissions and municipalities to designate areas of special interest which will not affect the use of property in those areas.	924					925
2802	By Delegates Folk, Howell, McGeehan, Faircloth, Rowe and Reynolds: Relating to public sewage services.	925					925
2803	By Delegates Espinosa, Skinner, Caputo, Ferro, Manchin, Westfall, Upson, Miller, Pasdon and E. Nelson: Relating to the sale of alcohol by licensed manufacturers.	925					925
2804	By Delegates Espinosa, Manchin, Skinner, Miller, Caputo, Longstreth, Ferro, Campbell, Westfall, Hartman and Upson: Relating to the sale of alcoholic beverages on Sundays by private licensees.	925					926
*2805	By Delegates Eldridge, Hamilton, Rodighiero, Canterbury, H. White, Williams, Trecoast, Perry, Moye and Campbell: Transferring to an adult correctional facility any juvenile whose sentence runs beyond his or her eighteenth birthday.	926	1420		1669		926, 1488, 1572, 1669
2806	By Delegates Householder, Ellington, Arvon, Cooper, Gearheart, Hill, Kurcaba, Rohrbach, Stansbury, Summers and Westfall: Creating a methamphetamine registry.	926					926
2807	By Delegates Eldridge, Williams, Skinner, Butler, Marcum and Perdue: Expanding the list of persons the Commissioner of Agriculture may license to grow or cultivate industrial hemp.	926					926

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2808	By Delegates Overington, Hamrick, Waxman, Shott, Pasdon, McCuskey, Hicks, Gearheart, Miley, Evans, D. and E. Nelson: Providing that members of the House of Delegates in districts having more than one delegate be elected from numbered divisions.	926					927
2809	By Delegates Storch, Ferro, H. White, R. Phillips, Householder, Anderson, Walters, Bates, Boggs and Westfall: Creating a preference for certain limited video lottery current permit holders in bid process.	927					927
*2810	By Delegate Guthrie, Pushkin, Byrd, Rowe,s McCuskey, B. White, Stansbury and Walters: Implementing the West Virginia Property Rescue Initiative to reduce the number of properties posing a threat to public health and safety. (Chapter 58, Acts, Regular Session, 2015)	927	1385		1670	3018	927, 1386, 1488, 1572, 1670, 3551, 3576
*2811	By Delegates Westfall, McCuskey and Frich: Deleting obsolete provisions regarding the Physicians' Mutual Insurance Company. (Chapter 147, Acts, Regular Session, 2015)	927	1046, 1185		1409	2650	927, 1046, 1272, 1350, 1408, 1409, 3555, 3576
*2812	By Delegates Canterbury and O'Neal: Clarifying use of subsistence allowance in determining compensation for purposes of calculating pension benefits for natural resources police officers.	927	988, 1185		1409		927, 989, 1272, 1350, 1409, 1410
2813	By Delegates Miller, Sobonya, Border, Rohrbach, Folk and Eldridge: Issuing a special "Family of an Officer Killed in the Line of Duty" license plate.	969					969
2814	By Delegates Pasdon, Statler, Kurcaba, Reynolds, Miller, Morgan, Westfall, Walters, Ashley and McCuskey: Expanding membership of the Public Employees Insurance Agency Finance Board.	969					969
2815	By Delegates Pasdon, Statler, Duke, Reynolds, Sobonya, Ellington, Rohrbach, Fleischauer, Miller, Morgan and Kurcaba: Authorizing certain state institutions of higher education to invest unlimited funds with their respective nonprofit foundations.	969					969

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2816	By Delegates R. Phillips, Stansbury, R. Smith, Bates, Walters, H. White, Reynolds, Eldridge, Moffatt, J. Nelson and Perdue: Relating to the eligibility of a mine operator to receive a tax credit for performing reclamation or remediation at a bond forfeiture site.	969	1368	1480			970, 1368, 1418, 1480, 1527, 1624
2817	By Delegates Hicks, Rodighiero, Pushkin, Fleischauer, Lynch, Perdue, Eldridge, Morgan, Perry, Campbell and Byrd: Providing for security of private, employer-sponsored insurance and/or retirement plans.	970					970
2818	By Delegate Walters (By Request): Increasing the threshold of signatures of named petitioners required to bring a petition seeking removal of a public official.	970					970
2819	By Delegates Rowe, Miley, Guthrie, Lynch and Shott: Relating generally to contested cases under the Administrative Procedures Act.	970					970
2820	By Delegates Shott, Manchin and Foster: Relating to affirmative defenses against mechanics' liens.	970	995	1179	1179		971, 1075, 1179
2821	By Delegates R. Smith, Butler, Wagner, Eldridge, L. Phillips, Evans, D., Miller, Border, Longstreth and Caputo: Implementing a surcharge on licensed exotic entertainment facilities and adult bookstores to provide funding for rape information and prevention services and rape crisis centers.	971					971
2822	By Delegates R. Smith, J. Nelson, Butler, Wagner, Anderson, Ambler, Evans, D., Cadle, Hartman, R. Phillips and Gearheart: Prohibiting the training of dogs to be used in hunting bears under certain circumstances.	971					971
*2823	By Delegates Walters, Blair, Upson, Ireland, R. Phillips, H. White, J. Nelson, Hanshaw, E. Nelson, Boggs and Caputo: Eliminating the street and interurban and electric railways tax.	971	1194		1410		971, 1272, 1350, 1410



Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2824	By Delegates J. Nelson, R. Phillips, McGeehan, Longstreth, Blair, Perdue, R. Smith, Folk and Moffatt: Requiring the instruction in penmanship and writing in cursive in all public, private, parochial and denominational schools.	971					972
2825	By Delegates Walters, H. White, Stansbury, Williams, Canterbury, Bates, Boggs, A. Evans, R. Phillips, Reynolds and Rowe: Requiring the Department of Health and Human Resources to review rates it pays to care providers and to increase direct care rates.	972					972
2826	By Delegates Butler, Trecost, J. Nelson, Eldridge, Longstreth, Boggs, Summers, Wagner, R. Smith, Perdue and Zatezalo: Requiring the Commissioner of the Division of Highways to approve points of access to and from state highways to real property used or to be used for commercial, industrial or mercantile purposes; "Sarah Nott's Law".	972					972
2827	By Delegates Howell, McGeehan, Faircloth, Folk, Rohrbach, Hamrick, Storch, Zatezalo, Azinger, Duke and Hill: Abolishing the James "Tiger" Morton catastrophic illness fund and commission.	972	1362				972, 1363
*2828	By Delegates Cowles, Storch, Miller, Border, Shott and Upson: Modifying the requirements that allow a child witness to testify by closed circuit television.	973	1388		1670		973, 1488, 1572, 1670, 1671
*2829	By Delegates Householder, Summers, Sobonya, Campbell, Fleischauer and Rodighiero: Defining "midwife", "certified midwife" and "midwifery".	973	1291	1416	1468		973, 1354, 1416, 1468
2830	By Delegates Arvon, Canterbury, Azinger, Frich, Moffatt, Moye, Butler, Sobonya, R. Phillips, Perry and Fast: West Virginia Freedom of Conscience Protection Act.	1003					1003

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2831	By Delegates Kurcaba, Householder, Statler, Wagner, McGeehan, Zatezalo, Rodighiero, Butler, Weld, Evans, D. and R. Phillips: Exempting indoor shooting ranges from the prohibition of shooting or discharging a firearm within five hundred feet of any church or dwelling house.	1003					1003
2832	By Delegates Ellington, Householder, Faircloth, Storch, Gearheart, Rowan, Folk, Border, Howell, Cooper and Shott: Reducing the motor fuel excise tax.	1003					1003
2833	By Delegates Ashley, A. Evans, McCuskey and Westfall: Establishing the Court Advanced Technology Subscription Fund.	1003					1004
2834	By Delegates Ellington and Householder: Amending the Uniform Interstate Family Support Act.	1004	1164				1005, 1164
2835	By Mr. Speaker (Mr. Armstead), Delegate Miley and Marcum [By Request of the Executive]: Reorganizing the Hatfield-McCoy Regional Recreation Authority.	1005	1079	1181			1005, 1153, 1181, 1239, 1307, 1410
2836	By Delegates Zatezalo, McGeehan, Weld, Storch, Howell, Wagner, Butler, Border, Kurcaba and Azinger: Requiring the clerk of a county commission to maintain a county ordinance book.	1005					1006
2837	By Delegates Ambler, Cooper, Evans, D., Duke, Espinosa, Perry, Upson and Pasdon: Increasing pay to teachers and service personnel by one percent a year, for three years.	1006					1006
2838	By Delegates Lynch, Ireland, Cadle, Cooper, Ambler, Canterbury, Walters, Evans, D., Border, Hamilton and Romine: Relating to the reproduction, distribution and sale of tax maps.	1006					1006
2839	By Delegates Morgan, Walters, Arvon, Zatezalo, Border and Howell: Eliminating late fees charged by the Secretary of State.	1006					1006, 1078, 1153, 1161

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
*2840	By Delegates Campbell, Rowan, Pasdon, Cooper, Perry and Eldridge: Providing an alternative plan to make up lost days of instruction.	1006	1099, 1370		1528	3019	1007, 1099, 1418, 1480, 1528, 3555, 3568
2841	By Delegates Gearheart, Ferro, Householder and R. Phillips: Allowing a person to be both a limited video lottery operator and retailer.	1007					1007
2842	By Delegates R. Smith, L. Phillips, Wagner, Eldridge, Ambler, Evans, D., Longstreth, Hornbuckle, Caputo, Upson and Pushkin: Establishing a four year pilot program to have social workers in public schools, from prekindergarten through the elementary school.	1007					1007
2843	By Delegates Rodighiero, Perdue, Hicks and Eldridge: Requiring school bus aides, who are trained in preventing bullying and providing a safe environment for students while being transported on a school bus, to be present on school buses.	1007					1007
2844	By Delegates Hartman and Sponaule: Eliminating resort districts.	1007					1008
2845	By Delegates Fleischauer, Rowe, Pasdon, Skinner, Morgan, Hartman, Boggs, Butler, Border, Canterbury and Folk: Requiring persons who are in the business of purchasing precious metals and precious gems to photograph those purchases and to transmit the photographs to law-enforcement.	1008					1008
2846	By Delegates Pasdon, Duke, Kelly, Rowan, Romine, Statler, Rohrbach, Evans, D., Perry, Ambler and Cooper: Relating to increasing salaries for teachers.	1008					1008, 1397
2847	By Delegate Walters: Permitting sheriffs to hire outside attorneys to assist with collection of taxes.	1008					1008

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2848	By Delegates Rohrbach, Stansbury, Perdue, Campbell, Hornbuckle, Pasdon, Moye, Sobonya, Miller and Statler: Requiring the Board of Education to implement a comprehensive drug awareness program in grades K through 12.	1008					1008
2849	By Mr. Speaker (Mr. Armstead), Delegate Miller, Walters and Hanshaw: Creating the West Virginia Sentencing Commission.	1008					1009
2850	By Delegates R. Phillips, Perdue, Perry and Hartman: Relating to hearings before the Office of Administrative Hearings.	1009					1009
2851	By Delegates Trecost, Manchin, Storch, H. White, Romine, Lynch and Fluharty: Eliminating exemption from hotel occupancy taxes on rental of hotel and motel rooms for thirty or more consecutive days.	1009					1009
2852	By Delegates Hamrick, Trecost, Zatezalo and Howell: Relating to legalizing and regulating the sale and use of fireworks.	1009					1010
2853	By Delegates Hamrick, Ambler, Blair, Espinosa, Overington, R. Phillips, Westfall, Cooper, McGeehan, Cadle and Ihle: Relating to disclaimers of warranties with respect to goods which are the subject of or are intended to become the subject of a consumer transaction.	1010					1010
2854	By Delegates Manchin and Longstreth: Relating to protection of consumers from price gouging and unfair trade practices.	1010					1010
2855	By Delegates Overington, Gearheart, Westfall, R. Phillips, Foster, Householder, Blair, Walters and Moffatt: Relating to the death penalty for first degree murder.	1010					1011
2856	By Delegate Faircloth: Revising the requirements for the removal of the daytime driving restriction for Class G driver's licenses.	1011					1011

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2857	By Delegates Manchin, Ferro, Longstreth and Caputo: Relating to operating a motor vehicle in the left lane of a controlled-access highway.	1011					1011
2858	By Delegates Manchin, Longstreth, Caputo and Skinner: Creating a public campaign financing program for circuit judges elections.	1011					1012
2859	By Delegates Howell, Storch, A. Evans, Williams, Hanshaw, R. Phillips, Trecost, Folk, Hill, Miller and Arvon: Exempting certain food establishments from inspection.	1012					1012
2860	By Delegates Manchin, Caputo and Longstreth: Relating to copayments required in certain policies, provisions, contracts, plans or agreements to provide health care benefits.	1012					1012
2861	By Delegates Manchin, Longstreth and Caputo: Relating to evidence of speed by the use of a device designed to measure and indicate the speed of a motor vehicle.	1012					1013
2862	By Delegates P. Smith, McGeehan, Householder, Arvon, Pasdon, Kurcaba, Frich, Folk, Moye, Duke and Miller: Adding additional magistrate court deputy clerks.	1013					1013
2863	By Delegates Manchin, Longstreth and Caputo: Authorizing the issuance of special "Homeland Security and Emergency Management" registration plates.	1013					1013
2864	By Delegate McGeehan: Relating to the transfer of certain revenues derived from lottery activities generally, restoring distribution to the West Virginia Infrastructure Fund to 2013 rates and decreasing the funds available for grants therefrom.	1013					1013
2865	By Delegates Walters and H. White: Providing county commissioners an ongoing mechanism to consider compensation increases for elected officials every two years.	1013					1014

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2866	By Delegates Guthrie, L. Phillips, Moore, Longstreth, Pethel, Ferro, Campbell, Perdue and Moye: Establishing legislative findings, providing physical education and physical activity requirements for physical education classes in schools.	1014					1014
*2867	By Delegates Perry and Williams: Requiring recommendations for higher education course credit transfer. (Chapter 131, Acts, Regular Session, 2015)	1014	1381	2650	1671, 2651	2650	1015, 1381, 1488, 1573, 1671, 2650, 2651, 3555, 3576
2868	By Delegates Sobonya, Householder, Rohrbach, Border and Perry: Making it a felony to knowingly housing drug traffickers.	1015					1015
2869	By Delegates Sobonya, P. Smith, R. Smith, Trecost, Miller, Miley, Rowe and Perry: Making the Department of Corrections and the Division of Health, and their respective workplaces, subject to the Occupational Safety and Health Act.	1015					1015
2870	By Delegates Overington and Walters: Granting tax credits for parents and legal guardians whose children are in a home schooling program or private school.	1015					1015
2871	By Delegate Howell (By Request): Creating the statewide Interoperable Radio Network.	1015					1016
2872	By Delegates J. Nelson, Evans, D., Cooper, Longstreth, L. Phillips, Butler, Arvon, Ihle, Blair, Kessinger and McGeehan: Requiring that three parking spaces in the West Virginia Culture Center parking lot be designated for use by Purple Heart Medal recipients.	1016					1016
2873	By Delegates Sobonya, Householder, Ihle, Rohrbach, Miller, Waxman, Howell, Overington, O'Neal and Hamrick: Budget and Spending Transparency Act.	1016					1016

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2874	By Delegates Miley, Skinner, Manchin, Ferro, Fleischauer, Perry, Caputo, Perdue, Guthrie, Sponaugle and Fluharty: Creating the Earned Sick Time Act.	1017					1017
2875	By Delegates Skinner, Folk, McGeehan, Faircloth, Rowe, Pushkin, Guthrie, Sponaugle and Fluharty: E-mail Privacy Act.	1017					1017
2876	By Delegates E. Nelson, Ashley, Boggs, Williams, Anderson, A. Evans, Walters, Canterbury, Hamilton, L. Phillips and Pethtel: Finding and declaring certain claims against the state and its agencies to be moral obligations of the state. (Chapter 49, Acts, Regular Session, 2015)	1017	1186		1411	1889	1017, 1272, 1350, 1410, 1411, 3226
2877	By Delegates 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. (Chapter 228, Acts, Regular Session, 2015)	987	987, 1362		1529	3018	987, 1418, 1480, 1528, 1529, 3555, 3576
*2878	By Delegates 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. (Chapter 42, Acts, Regular Session, 2015)	987	987, 1364	2950	1529, 2953	2949	987, 1418, 1480, 1529, 2950, 2953, 3551, 3576
2879	By Delegates Walters, Frich, Azinger, Shott, E. Nelson, Deem, Waxman, B. White and Ashley (Originating in House Banking and Insurance): Relating to certain limitations on amount of state funds on deposit in any depository. (Chapter 192, Acts, Regular Session, 2015)	988	987		1149	1737	987, 1043, 1074, 1148, 1149, 1864

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2880	By Delegates Stansbury, Rohrbach, Householder, R. Phillips, Arvon, Howell, Moffatt, Shott, Ellington, E. Nelson and Campbell (Originating in House Health and Human Resources): Creating an addiction treatment pilot program. (Chapter 224, Acts, Regular Session, 2015)	993	993	1480, 1530, 1944, 3262, 3268	1530, 1945, 3268	1944, 3541	993, 1075, 1153, 1161, 1427, 1480, 1529, 1530, 1944, 1945, 3220, 3260, 3267, 3268, 3555, 3576
2881	By Delegates Arvon, Fast, Kessinger, Azinger, Butler, Moye, R. Phillips and Perry: West Virginia Intrastate Commerce Improvement Act.	1067	1189				1067, 1272
2882	By Delegates Frich, Statler, Pasdon, Kurcaba, Fleischauer and Manchin: Increasing the number of magistrates in Monongalia County by one.	1067					1067
2883	By Delegates Boggs, Manchin, Longstreth, Folk, Canterbury, Rowan, Perry, Pethtel, Ferro, Lane and A. Evans: Requiring, for safety reasons, minimum personnel of two on certain trains.	1067					1067
2884	By Delegates Pasdon and Perry: Modifying training and development requirement for certain members of certain higher education boards. (Chapter 132, Acts, Regular Session, 2015)	1067	1100		1308	2330	1068, 1182, 1271, 1307, 1308, 3548, 3576
2885	By Delegates Skinner, Fleischauer, Pushkin, Storch, Hamrick and McCuskey: The Youth Mental Health Protection Act.	1008					1008
2886	By Delegates Howell, Folk, Foster, Ihle, Hill, Hamrick, Storch and Azinger: Relating to conditions under which used manufactured homes may be sold with warranty exclusions, limitations or modifications.	1008					1008
2887	By Delegates Ellington, Gearheart, Border, Ambler, Cooper, Shott, Overington, Householder, Butler, R. Phillips and E. Nelson: Prohibiting the Division of Motor Vehicles from issuing instruction permits to applicants who have not successfully passed drug tests.	1068	1165				1068, 1165



Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2888	By Delegates A. Evans, Hamilton, Folk, Lynch, Williams, R. Smith, 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. (Chapter 11, Acts, Regular Session, 2015)	1062	1061		1239	2201	1061, 1153, 1181, 1239, 3546, 3575
2889	By Delegates Pasdon, Storch, H. White, Gearheart, Bates, Walters, Cowles, Skinner, Hornbuckle and Shott: Relating to regulation of transportation network companies.	1107					1108
2890	By Delegates McGeehan and Zatezalo: Streamlining the process of abandoned mineral interests.	1108					1108
2891	By Delegates Walters, A. Evans and Storch: Making the West Virginia Consumer Credit and Protection Act more consistent with the federal Fair Debt Collection Practices Act.	1108					1108
2892	By Delegates Pasdon, Duke, Miller, Hornbuckle, Perry, Rohrbach, Morgan and Sobonya: Authorizing certain legislative rules regarding higher education. (Chapter 133, Acts, Regular Session, 2015)	1109	1382		1662	2331	1109, 1489, 1573, 1656, 1662, 1663, 3547, 3575
2893	By Delegates Storch, Ferro, Perry and Canterbury: Clarifying that complimentary hotel rooms provided without charge to guests are not subject to the hotel occupancy tax.	1109					1109
2894	By Delegate Skinner, Fluharty, Sponaugle, Miley, Marcum, Byrd, Hornbuckle, Hartman, Campbell, Perry and Fleischauer: Providing tax breaks for employers assisting employees paying student loans.	1109					1109
2895	By Delegates Manchin, Caputo and Longstreth: Requiring the assessor of each county, within three months of a deed filing in the county clerk's office of each county, to prepare a new property tax ticket.	1109					1110

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2896	By Delegates Skinner, Pasdon, Storch and McCuskey: Prohibiting discrimination in the appointment, promotion, demotion or dismissal based upon sexual orientation.	1110					1110
2897	By Delegates Weld, Foster, Kessinger, Hill, Blair and Ihle: Young Entrepreneur Reinvestment Act.	1110					1110
2898	By Delegate Azinger (By Request): Requiring each judicial circuit to have a court appointed special advocate program.	1110					1110
2899	By Delegates Caputo, Hamilton, Lynch, Fluharty, Hornbuckle, Storch, Moore, Skinner, Manchin and Miley: Relating to career progression of members of the State Police.	1110					1111
2900	By Delegates Miley, Trecost and Hamrick: Exempting certified professional estimator services from consumer sales and service tax.	1111					1111
2901	By Delegates Moffatt, Folk, R. Phillips, Howell and Westfall: Relating to the establishment of state speed restrictions.	1111					1111
*2902	By Delegates Campbell, Perry, Reynolds, Pasdon, Rodighiero, Ellington, Rowan, Rohrbach, Hamrick, E. Nelson and Ashley: West Virginia ABLE Act. (Chapter 85, Acts, Regular Session, 2015)	1111	1421		1671	2201	1111, 1422, 1489, 1573, 1671, 1672, 3547, 3576
2903	By Delegate Byrd, Skinner, Fleischauer, Manchin, Miley, Sobonya, Summers, Weld, B. White, Rowe and Guthrie: Providing a tax credit for first time home buyers.	1112					1112
2904	By Delegate McGeehan: Requiring the clerk of a county commission to maintain a county ordinance book.	1112					1112
2905	By Delegate McGeehan: Relating to athletic coaches in public schools.	1112					1112
2906	By Delegate McGeehan: Relating to county budget stabilization funds.	1112					1112

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2907	By Delegate Skinner: West Virginia Student Education Incentive Act.	1112					1113
2908	By Delegate Skinner: Prohibiting shifting future development costs onto existing public service district customers.	1113					1113
2909	By Delegates Skinner, Fluharty, Pushkin, Ihle, Reynolds, Perdue, Eldridge, McGeehan, Storch, Canterbury and Sponaugle: Compassionate Use Act for Medical Cannabis.	1113					1113
2910	By Delegates R. Phillips, Hartman, Stansbury, Bates, J. Nelson, R. Smith, Gearheart and Butler: Preserving employment and promoting health and safety in the coal industry.	1113					1115
2911	By Mr. Speaker (Mr. Armstead), Delegate Westfall, Cadle, Butler, Shott, Lane, Arvon and Ihle: Voluntary Political Contribution Act.	1115					1115
2912	By Delegate R. Smith: Relating to third-party telecommunications services provided to residential and business consumers.	1115					1115
2913	By Delegate Sobonya: Terminating the Municipal Home Rule Pilot Program and Municipal Home Rule Board.	1115					1115
2914	By Delegates Hartman, Sponaugle, Campbell and Perry: Providing for voluntary dissolution of resort area district. (Chapter 203, Acts, Regular Session, 2015)	1115	1371	2167	1531, 2181	2167	1116, 1419, 1486, 1530, 1531, 2167, 2181, 3220
2915	By Delegates Hartman, Morgan, Ferro, Pethel, Perry, Sponaugle and H. White: Relating generally to wholesale sales of liquor.	1116					1116
*2916	By Delegates E. Nelson, Ashley, Anderson, Boggs, Williams, H. White, Storch, Gearheart, Bates, Espinosa and O'Neal: Providing limited borrowing authority to the Governor for the completion of renovations to Capitol Complex Building 3.	1116	1369		1531		1116, 1419, 1486, 1531
2917	By Delegates Walters and Skinner Establishing a Hotel and Restaurant Renovation Tax Credit.	1116					1117

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2918	By Delegates Walters and H. White: Relating to delinquency charges on loans.	1117					1117
2919	By Delegates Rowe, Sponaugle, Pushkin, Miller, Skinner, Pasdon, Guthrie, Bates, Fluharty, Trecoast and Sobonya: Requiring the Library Commission to survey the libraries of the state and develop a ten year plan for construction and maintenance of public libraries.	1117					1117
2920	By Delegates Walters, Howell, Arvon, Kessinger and Hill: Vesting the Public Employees Insurance Agency with the authority to negotiate and executing all health care and ancillary contracts for the Medicaid program.	1117					1117
2921	By Delegate Butler: Eliminating the courtesy patrol program.	1117					1117
2922	By Delegates Miley, Miller, Ashley, Skinner, Hornbuckle, Williams, Sponaugle, R. Smith and A. Evans: Relating to the Broadband Deployment Council.	1118					1118
2923	By Delegate Hanshaw: Relating to complaints by school bus drivers, against drivers who illegally pass or overtake a school bus.	1118					1118
2924	By Delegate Perdue: Directing the Health Care Authority to establish a council to investigate and recommend to the authority pricing guides for pharmaceuticals that exclude advertising costs.	1118					1118
2925	By Delegates Fluharty and Pushkin: Relating to drug testing of legislators.	1118					1118
2926	By Delegates Folk, Ashley, Walters and Frich: Relating to deferral charges in connection with a consumer credit sale or consumer loan. (Chapter 62, Acts, Regular Session, 2015)	1118	1294, 1386	1672, 3056	1672, 3058	3056	1119, 1295, 1489, 1573, 1672, 3058 3059, 3555, 3576
2927	By Delegate Upson (By Request): Clarifying restriction of businesses selling petroleum products from creating a restricted adult-only facility.	1119					1119

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2928	By Delegates Ireland: Allowing inmates to perform the community service of providing upkeep to cemeteries.	1119					1119
2929	By Delegates J. Nelson, R. Phillips, Longstreth and McGeehan: Relating to availability of military service credit for members of the West Virginia Public Employees Retirement System.	1119					1119
2930	By Delegate Westfall: Aged, Blind, Disabled and Long Term Services and Support Managed Care Act.	1119					1120
2931	By Delegates Ashley and Westfall: Adding drugs to the classification of schedule I drugs. (Chapter 66, Acts, Regular Session, 2015)	1120	1290. 1380		1655	2331	1120, 1290, 1489, 1573, 1618, 1641, 1655, 1656, 3547, 3576
2932	By Delegates Ashley, E. Nelson, Anderson, Gearheart, H. White and Williams: Relating to the distribution of wireless enhanced 911 fees.	1120					1120
2933	By Delegates E. Nelson, 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. (Chapter 22, Acts, Regular Session, 2015)	1079	1079		1240	1754	1079, 1154, 1182, 1239, 1240, 1864, 2200
*2934	By Delegates Pasdon, Butler, Moffatt, Waxman, Storch, Espinosa, Lane, Kessinger, Sobonya, Howell and Duke: Repealing the common core standards.	1120	1186	1350, 1411	1412	2995	1121, 1272, 1350, 1411, 1412, 1414, 2995, 3004
2935	By Delegates Pasdon, Statler, Kurcaba, Rohrbach, Miller, Sobonya, Morgan, Reynolds and Espinosa: Relating to public education higher education personnel generally.	1121					1122

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2936	By Delegates Miley, Miller, H. White, Skinner, Sponaugle, Storch, Ashley, Bates, Williams, Hamilton and Kessinger: Relating to the West Virginia Economic Development Authority.	1122					1122
2937	By Delegates Perdue, Williams, H. White and Miley: Designating 5 million dollars per year for 4 years from beer, wine, and liquor tax revenue to the Fight Substance Abuse Fund.	1122					1122
2938	By Delegate Sobonya, Marcum, Reynolds, Byrd, Hickss and Miller: Requiring the West Virginia Supreme Court of Appeals to maintain a searchable, criminal database containing copies of all arrests and convictions by all the courts in the state.	1123					1123
*2939	By Delegate B. White: Relating to requirements for mandatory reporting of sexual offenses on school premises involving students. (Chapter 47, Acts, Regular Session, 2015)	1123	1387	1618, 3087	1656, 3097	2332	1123, 1489, 1618, 1641, 1656, 2332, 2340, 2926, 2927, 3087, 3096, 3097, 3548, 3575
2940	By Delegate R. Smith: Creating the Tourist-Oriented Directional Signs Program.	1123					1123
2941	By Delegates McCuskey and Lynch: Relating to conditions under which used manufactured homes may be sold with warranty exclusions, limitations or modifications.	1123					1124
2942	By Delegates Fast and Frich: Modifying the definition of child abuse or neglect to exclude accidental injury.	1124					1124
2943	By Delegates Canterbury, Walters, Perdue and McGeehan: Establishing a system to reduce the cost of medical care paid by the private medical insurance companies.	1124					1124

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2944	By Delegates McCuskey, Hartman, Morgan, R. Phillips, Reynolds, Storch, Walters and B. White: Allowing restaurants, retailers, private clubs, mini-distilleries and wineries to sell alcohol at 10:00 a.m. on Sundays.	1124					1124
2945	By Delegates Hanshaw, Canterbury, Ashley, Cooper, Walters, Fleischauer, Ambler, Evans, D., Guthrie, Manchin and Skinner: Authorizing local units of government to adopt local energy efficiency partnership programs and to create districts to promote the use of energy efficiency improvements by owners of certain real property.	1124					1125
2946	By Delegates Miley, Anderson, Westfall, Manchin, Ireland, Longstreth and McCuskey: Relating to the spacing of shallow horizontal wells on a multiwell pad.	1125					1125
2947	By Delegates Ashley, O'Neal and Cowles: Clarifying the exemptions provided by statute for Social Work Licensing.	1125					1125
2948	By Delegates Ashley, O'Neal and Cowles: Clarifying the exemptions provided by statute for Social Work Licensing.	1125					1125
2949	By Delegates Ashley, O'Neal and Cowles: Relating to requirements for provisional social worker licenses.	1126					1126
2950	By Delegates Weld, Hill and Kessinger: Providing for a \$1,000 tax credit against personal income tax in tax years 2016-2017 for recent graduates of higher education programs.	1126					1126
2951	By Delegates Pushkin, Ihle, J. Nelson, Faircloth, Azinger, Folk, Blair and Fast: Recognizing those in active military service as residents for the purpose of obtaining concealed carry permits while stationed at a West Virginia military installation.	1126					1126
2952	By Delegate Moffatt: Creating the Statewide Interoperable Radio Network.	1126					1127

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2953	By Delegates Fast, A. Evans, Rowan, Hornbuckle, Pushkin and Fleischauer: Increasing the excise tax on cigarettes and other tobacco products.	1127					1127
2954	By Delegates Miley, Williams, Hornbuckle, Moye, Bates, L. Phillips, Reynolds, Perry, Moore, Rodighiero and Pushkin: Expanding the promise scholarship to technical and community college students.	1127					1127
2955	By Delegates Fast and Kurcaba: Increasing the hourly rate for attorneys providing Public Defender Services for in court and out of court work.	1127					1127
2956	By Delegates Sobonya, Border, Miller, Evans, D., Rowan, Kessinger and Arvon: Preserving the rights of individuals guaranteed by the West Virginia Constitution and the United States Constitution when deciding the comity of a legal decision in a foreign country.	1128					1128
2957	By Delegates Skinner, Walters, Upson, Zatezalo, Hamrick, Statler and Caputo: Relating to sales of liquor by distilleries and mini-distilleries.	1128					1128
2958	By Delegates Skinner, Upson, Westfall, Ashley and Ihle: Removing the requirement that distillery or mini-distilleries submit to the commissioner ten percent of the gross sales price.	1128					1128
2959	By Delegates Canterbury, A. Evans, Hamilton and Sponaule: Allowing the use of rotary drum composters to destroy or dispose of the carcass of any animal to prevent the spread of disease.	1128					1128
2960	By Delegate Lane: Permitting county boards of education to develop emergency preparedness drills in schools.	1129					1129
2961	By Delegates Eldridge, R. Phillips, Lynch, H. White, Fluharty, Trecost, Ferro, Sponaule, L. Phillips and Campbell: Relating to abuse-deterrent opioid analgesic drugs.	1129	1365				1129, 1365



Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2962	By Delegates R. Phillips, Williams and Hornbuckle: Exempting certain wrapped pipe removal from asbestos abatement requirements.	1129					1129
2963	By Delegates Weld, B. White, Sobonya, Folk, Campbell and Byrd: Expanding the definition of kidnaping.	1129					1129
2964	By Delegates Weld, B. White, Sobonya, Foster, Hanshaw, Folk, Campbell, Waxman and Byrd: Allowing e-mails and other types of electronic communications to and from regional jail inmates be monitored, intercepted, recorded and disclosed.	1129					1130
2965	By Delegates Weld, B. White, Hanshaw and Byrd: Providing that a person using an object that reasonably appears to be a firearm or other deadly weapon, during a robbery or attempted robbery is guilty of robbery in the first degree.	1130					1130
2966	By Delegates Moye, Williams, P. Smith, Longstreth and Perry: Relating to the Senior Farmers' Market Nutrition Program.	1130					1130
2967	By Delegates Longstreth, Caputo, Manchin, Howell, Cadle, Butler, Hamrick and Gearheart: Providing that the appraised value of an antique motor vehicle is a maximum of \$3,000 for purposes of ad valorem property taxes.	1130					1130
*2968	By Mr. Speaker (Mr. Armstead), Delegate Ashley, Bates, Perry, Kessinger, Hicks, Cooper, Shott, McCuskey and Arvon: Exempting from property tax certain properties in this state owned by nonprofit youth organizations. (Chapter 227, Acts, Regular Session, 2015)	1130	1376	1657, 1658, 1660, 2309	1660, 2309	2309	1131, 1489, 1618, 1641, 1657, 1660, 1661, 2310, 2547, 3576
2969	By Delegates Zatezalo, McGeehan, Storch and Faircloth: Requiring that a county itemize and publish all activity related to budget stabilization funds.	1131					1131

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2970	By Delegates Marcum, R. Phillips, Reynolds, J. Nelson, R. Smith, Eldridge, Perdue, Hamilton, Ireland, Folk and H. White: Authorizing county commissions and municipalities to cooperate and enter into agreements removing or demolishing dwellings or buildings unfit for human habitation.	1131					1131
2971	By Delegates R. Smith, Moye, Campbell, Perry, Longstreth and Bates: Continuing the Office of Emergency Medical Services as an independent office within the Department of Military Affairs and Public Safety.	1131					1132
2972	By Delegates Overington, Moffatt, Sobonya, Statler, Butler, Frich, Foster and Zatezalo: Requiring the accumulation of one and one-half years of instruction in the study of the Declaration of Independence and other founding American historical documents.	1132					1132
2973	By Delegates Pasdon, Statler, Kurcaba, Rohrbach, Miller, Morgan, Perdue and Reynolds: Relating to public higher education procurement and payment generally.	1132					1132
2974	By Delegate Skinner: Creating Office of Early Childhood Collaboration.	1132					1133
2975	By Delegates Storch, Howell, Evans, D., Zatezalo, Weld, McGeehan, Fluharty and Ferro: Relating to the assessment of oil and gas mineral interests.	1133					1133
2976	By Delegates Pasdon, Perry, Rohrbach, Campbell and Ellington: Expanding the eligible master's and doctoral level programs for which a Nursing Scholarship may be awarded. (Chapter 136, Acts, Regular Session, 2015)	1133	1190		1414	2331	1133, 1272, 1351, 1414, 1415, 3547, 3576
2977	By Delegates Storch, Evans, D., Gearheart, Ashley, Howell, Zatezalo, Westfall, Fluharty and Ferro: Providing that rents and royalties from leases of the minerals under the state's rivers and streams shall be expended for road paving and maintenance.	1133					1133

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2978	By Delegate Upson: Relating to inspection of vehicles and providing that defects in windshields and windows that do not obscure vision are not unsafe conditions.	1133					1133
2979	By Delegates Fleischauer, Pasdon, Kurcaba, Guthrie and Pushkin: Clarifying that the county or regional solid waste authority that may impose and collect an additional solid waste assessment fee is the county or region where the waste originates.	1134					1134
2980	By Delegates Householder, A. Evans, Hamilton, Overington, Hill and Cadle: Providing that a concealed weapon license is not required when carrying a concealed handgun for self defense while hunting, hiking, camping or in a motor vehicle.	1134					1134
2981	By Delegate Eldridge: Relating to purchase of service credit following transfer to the State Teachers Retirement System.	1134					1134
2982	By Delegate Skinner: Relating to net metering.	1134					1135
2983	By Mr. Speaker (Mr. Armstead) (By Request): Prohibiting a county parks commission from rule-making authority as it regards firearms.	1135					1135
2984	By Delegates Storch, Westfall, Pethel, Gearheart, Howell, Rowan, Evans, D., Zatezalo and Fluharty: Creating a Silver Alert program for senior citizens.	1135					1135
2985	By Delegates Storch, R. Phillips, Howell and Evans, D.: Establishing radiation levels for oil and gas drill cuttings that are disposed in solid waste.	1135					1135
2986	By Delegate Reynolds: Increasing pay to teachers.	1135					1135
2987	By Delegate Fast: Relating to mine safety.	1135					1136

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2988	By Delegates Storch, Anderson, Ashley, Duke, A. Evans, Pasdon and Pethel: Authorizing the Tax Commissioner to collect tax, interest and penalties due and owing from payments to vendors and contractors from the Auditor and other state, county, district or municipal officers and agents.	1136					1136
2989	By Delegates Storch, Ferro, A. Evans, Canterbury, Azinger, Kelly, Border, Westfall, Boggs and McGeehan: Requiring each judicial circuit to have a court-appointed special advocate program and each county to have a special advocate for children in abuse and neglect proceedings.	1137					1137
2990	By Delegates Stansbury, Hill, Arvon, R. Phillips and Sponaugle: Relating to requirements for insurance policies and contracts providing accident and sickness insurance or direct health care services that cover prescription eye drops.	1137					1137
2991	By Mr. Speaker (Mr. Armstead): Relating to the Freedom of Information Act.	1137					1137
2992	By Delegate Hamrick: Publishing detailed information about the operations of state, county and municipal agencies.	1137					1138
2993	By Delegates Sobonya and Miller: Relating to pay on promotion of employees in the classified service.	1138					1138
2994	By Delegates Moffatt, J. Nelson, Folk, Azinger and Faircloth: Prohibiting courts from using, implementing, referring to or incorporating a tenet of any body of religious sectarian law into any decision.	1138					1138
2995	By Delegate Perdue: Giving an annual 1% annuity adjustment to all eligible retired deputy sheriffs.	1138					1138
2996	By Delegate Moffatt: Prohibiting public officials and employees from using public funds for self promotion.	1138					1139

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
2997	By Delegate L. Phillips: Providing a one-time salary increase of \$1,500 for any Department of Highways employee with a salary less than \$50,000.	1139					1139
2998	By Delegate L. Phillips: Providing a one-time salary increase of \$1,500 for any Department of Health and Human Resources employee with a salary less than \$50,000.	1139					1139
*2999	By Delegates Miller, Hicks, Hornbuckle, Reynolds, Rohrbach, Rodighiero, Perdue, Campbell, Sobonya, Pushkin and Frich: Relating to neonatal abstinence centers. (Chapter 120, Acts, Regular Session, 2015)	1139	1364	1889	1532, 1891	1889	1139, 1365, 1419, 1486, 1531, 1532, 1889, 1891, 3222, 3576
3000	By Delegates Upson and Espinosa: Establishing a Hotel and Restaurant Renovation Tax Credit.	1139					1140
3001	By Delegates Overington, Rowan and Butler: Requiring private clubs to be closed from two o'clock a.m. to seven o'clock a.m. on weekdays.	1140					1140
3002	By Delegates Folk, Frich, McGeehan, Ihle, J. Nelson and Faircloth: Making all future federal and local statutes, ordinances, laws, orders and rules concerning firearms, firearm accessories, ammunition and their accouterments invalid and unenforceable.	1140					1141
3003	By Delegates Pethtel, Ferro, Caputo, Longstreth, Ashley, Walters and Canterbury: Continuing the personal income tax adjustment to the gross income of certain retirees.	1141					1141
3004	By Delegates Sobonya, Miller, Rohrbach and Eldridge: Creating the West Virginia Addictions Treatment and Recovery Fund.	1141					1141
3005	By Delegates Fleischauer, Pushkin, Guthrie, Lynch, Rowe, Skinner and Longstreth: Prohibiting blasting within six hundred twenty-five feet of an occupied dwelling.	1141					1141

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
*3006	By Delegates E. Nelson, Ashley, Anderson, Boggs, Williams, H. White, Storch, Gearheart, Bates, Espinosa and O'Neal: Relating to the determination of the adjusted rate established by the Tax Commissioner for the administration of tax deficiencies. (Chapter 229, Acts, Regular Session, 2015)	1142	1370		1532	3018	1142, 1419, 1486, 1532, 3555, 3576
3007	By Delegates Sobonya, Miller, Ihle and Border: Exempting from food related laws or rules for certain individually produced agricultural products.	1142					1142
3008	By Delegates Sobonya, Miller, Perdue, Fleischauer, Campbell, Reynolds, Pushkin, Hicks, Guthrie, Rowan and Arvon: Relating to certificates of need for certain skilled nursing facilities.	1142					1142
3009	By Delegates P. Smith, Hartman, Campbell, Moye, J. Nelson, Canterbury, Cooper, Evans, D., Kessinger, Hill and Ambler: Removing criminal penalties applicable to midwives.	1142					1142
3010	By Delegates Fleischauer, Moye, Skinner, Manchin, Pethel, Ferro, Lynch, Cooper and Butler: Modifying definitions related to the one-call system.	1143					1143
3011	By Delegates Sobonya, Weld, Marcum, Hicks, R. Phillips, Azinger, Shott, Miller, Fast, Butler and R. Smith: Relating to the Uniform Controlled Substances Act.	1143	1369				1143, 1369
3012	By Delegate Pushkin: Relating to the Herbert Henderson Office of Minority Affairs.	1143					1143
3013	By Delegates Fleischauer, Manchin, Perdue, Pushkin, Guthrie, Fluharty and Skinner: Relating generally to horizontal well control standards.	1144					1144
3014	By Delegate Folk: Changing the manner members are appointed to the Eastern West Virginia Regional Airport Authority.	1144					1144

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
3015	By Delegate Fast: Enabling legislation for the “Nonprofit Youth Organization Tax Exemption Support Amendment” to Article X of the Constitution of the State of West Virginia.	1144					1145
3016	By Delegates Ellington, Householder, Rohrbach, Stansbury, Hill and Westfall (Originating in Committee on Health and Human Resources): Creating a meth offender registry.	1188	1188		1765		1188, 1241, 1427, 1489, 1618
3017	By Delegates Pasdon, Perdue, Perry, Rohrbach, Rowan, Duke, Campbell, Moye, Ambler and Upson (Originating in House Education): Addressing sudden cardiac arrest in interscholastic athletes.	1373	1373		1533		1373, 1419, 1486, 1532, 1533
3018	By Delegates Pasdon, Espinosa, Stalter, Duke, Kelly and Kurcaba (Originating in House Education): Increasing the allowable range of difference in salary potential of school employees in different counties.	1373	1373				1373, 1419, 1486, 1533, 1641
3019	By Delegates Ireland, Overington, Foster, Fast, Lynch, Azinger, Shott, Hicks and Hanshaw (Originating in House Judiciary): Requiring official business and records of the state and its political subdivisions be conducted in English.	1423	1422	1619	1673		1422, 1489, 1619, 1673
3020	By Delegates E. Nelson, Ashley, Anderson, Williams, A. Evans, Boggs, Hamilton, L. Phillips, Butler, Espinosa and O’Neal (Originating in House Finance): Making a supplementary appropriation to the Department of Military Affairs and Public Safety, Division of Corrections. (Chapter 23, Acts, Regular Session, 2015)	1721	1721		1809	3018	1721, 1747, 1808, 3548, 3575
3021	By Delegates E. Nelson, Ashley, Anderson, Williams, Boggs, Espinosa, O’Neal and Bates (Originating in House Finance): Making a supplementary appropriation to the Department of Health and Human Resources. (Chapter 24, Acts, Regular Session, 2015)	1721	1721		1809	3018	1721, 1747, 1765, 1809, 1810, 3549, 3575

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Passed House	Passed Senate	OTHER PROCEEDINGS
3022	<p>By Delegates Ashley, E. Nelson, Williams, Canterbury, Hamilton, Pethel, Householder, Butler, L. Phillips, Espinosa and Westfall (Originating in House Finance):</p> <p>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. (Chapter 25, Acts, Regular Session, 2015)</p>	1722	1721		1810	3019	1721, 1748, 1765, 1810, 1811, 3549, 3575



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\*Denotes Committee Substitute

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by House	Adopted by Senate	OTHER PROCEEDINGS
1	By Mr. Speaker (Mr. Armstead): Extending an invitation to His Excellency, the Governor, to deliver an address to the Legislature and raising a Joint Assembly therefor.	110			111		111
2	By Delegate Fleischauer: Requesting a study of the needs, challenges, and issues facing West Virginia military veterans.	182					182
3	By Delegates R. Phillips, Eldridge, Marcum and Moffatt: The Balentine Brothers Memorial Bridge.	230					230
*4	By Delegates R. Phillips, Eldridge, Marcum and Moffatt: The US Army PFC Clarence Allen Mooney Memorial Bridge.	231	493, 984		1018	2310	231, 494, 1018
5	By Delegates Marcum, R. Phillips, White, H., Eldridge, Reynolds, Perdue, Hartman, Sponaugle, Moffatt, Rodighiero and Hicks: The Fredrick Dempsey Bridge.	232					232
*6	By Delegates R. Smith and Williams: The Army Air Force SGT Everett Wayne "Bud" Sell Memorial Bridge.	234	493, 984		1018	1690	234, 494, 1018
7	By Delegates Arvon, Kessinger and Border: The Kenneth A. Chapman, Sr. Memorial Bridge.	235	1492, 1856		1953	3017	235, 1493, 1954
8	By Delegates R. Phillips, Eldridge, Marcum and Moffatt: The U. S. Air Force Staff Sergeant William Henry "Bill" Whitman Memorial Highway.	237	2196, 2595		2597		237, 2197, 2597
*9	By Delegates L. Phillips, Arvon, R. Phillips, Rodighiero, White, H. and B. White: The U. S. Air Force Lt. Col. John Richard "Toots" Wilcox Memorial Bridge.	239	493, 984		1018	2201	239, 494, 1018
10	By Delegates R. Phillips, Eldridge, Marcum and Moffatt: The US Navy LCDR Helen Elizabeth Peck Memorial Bridge.	241					241

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by House	Adopted by Senate	OTHER PROCEEDINGS
11	By Delegates R. Phillips, Eldridge, Marcum and Moffatt: The 1st Sgt. Carl J. Crabtree Memorial Road.	243					243
12	By Delegates R. Phillips, White, H., Eldridge and Moffatt: The US Army SP4 Lawrence Mendez, Jr. Bridge.	244					244
13	By Delegates R. Phillips, Moffatt, Eldridge and Marcum: The MSgt Johnny Baxter Clark and MSgt Carl Richard (Dick) Clark Memorial Bridge.	246					246
14	By Delegates R. Phillips, Eldridge, Marcum and Moffatt: The James Earl Pelfrey Memorial Bridge.	248					248
15	By Delegates R. Phillips, Eldridge, Marcum and Moffatt: The US Marine Corps GySgt Lionel Collins Memorial Road.	249					249
16	By Delegates R. Phillips, Eldridge, Marcum and Moffatt: The US Army CPL F. Lee Noel Memorial Bridge.	251					251
17	By Delegates R. Phillips, Eldridge, Marcum and Moffatt: The U. S. Air Force S/Sgt Bethel Howard McNeely and U. S. Marines S/Sgt Clyde Elmo Bryant Bridge.	253					253
18	By Delegates R. Phillips, Marcum, Eldridge and Moffatt: The Betty Jo Delong Memorial Bridge.	255					255
*19	By Delegates R. Phillips, Marcum, Eldridge and Moffatt: The U. S. Army SGT Bobby Ray Adkins Memorial Highway.	257	493, 985		1018	2201	257, 494, 1018
*20	By Delegates L. Phillips, Arvon, R. Phillips, Rodighiero, White, H. and B. White: The Virginia & U. S. Army Major Woodrow Cook Memorial Road.	258	833, 944		973	1690	258, 834, 974

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by House	Adopted by Senate	OTHER PROCEEDINGS
*21	By Delegates Statler, Kurcaba, Fleischauer, Frich, Border, Pasdon, Evans, D., Summers, Pethtel, Blair, Hamrick and Pushkin: The PFC James Elwood Wickline Memorial Bridge.	281	493, 985	3170	1018, 3170	3170	281, 494, 1018, 3170
22	By Delegates Marcum, R. Phillips, White, H., Eldridge, Reynolds, Perdue, Hartman, Sponaugle, Moffatt, Rodighiero and Campbell: Requesting the Division of Highways to build the bridge on County Route 65/03 located near Tug Valley High School in Naugatuck, Mingo County.	282					282
*23	By Mr. Speaker (Mr. Armstead): The US Marine Corps PFC Clayton Andrew Craft Memorial Bridge.	311	1860, 2106		2208		311, 1862, 2212
*24	By Mr. Speaker (Mr. Armstead): The US Army SP5 Johnnie Marvin Ayers Memorial Bridge.	312	1493, 1856		1953	3017	311, 1496, 1954
25	By Delegates Border, Ambler, Anderson, Arvon, Azinger, Blair, Cadle, Canterbury, Cooper, Espinosa, Evans, D., Faircloth, Gearheart, Hamrick, Hanshaw, Hill, Howell, Ihle, Kelly, Miller, Moffatt, L. Phillips, Romine, Rowan, Stansbury, Statler, Walters, Zatezalo and Kessinger: The US Army PFC Jessica Dawn Lynch Bridge.	364					364
26	By Delegate Marcum, White, H., R. Phillips, Rodighiero, Moffatt, Eldridge, Moye, Byrd, Mileys and Sponaugle: The Ingram's Way.	366					366
*27	By Mr. Speaker (Mr. Armstead), Delegate Walters, Evans, D. and J. Nelson: The West Virginia Air National Guard 167th Fighter Squadron Memorial Bridge.	367	493, 985	3171	1018, 3171	3171	367, 494, 1018, 3171
*28	By Delegate Hamilton: The USMC Cpl Marple W. Landes and US Army PV2 Margel S. Landes Memorial Bridge.	400	653, 985		1018	2201	400, 653, 1018

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by House	Adopted by Senate	OTHER PROCEEDINGS
29	By Delegates Campbell, P. Smith, Rodighiero, Westfall, Summers, Moore, Moffatt, Sobonya, Householder, Kelly and Azinger: That April 2 be designated as West Virginia Autism Awareness Day.	402	1184		1232		402, 1232
30	By Delegates Marcum, Eldridge, Bates, Blair, Boggs, Border, Caputo, Faircloth, Ferro, Hamilton, Hartman, Hicks, Hill, Hornbuckle, Ihle, Kessinger, Longstreth, Lynch, Miley, Moore, Morgan, Moye, Perry, Pethtel, R. Phillips, Reynolds, Rodighiero, P. Smith, R. Smith, Sponaugle, Stansbury, Westfall and H. White: The Baisden Family Memorial Bridge.	403	703, 944		973	3017	403, 703, 974
31	By Delegates Rowan, R. Smith, L. Phillips, R. Phillips, H. White, Moye, Ambler, Cooper, Ireland, Hill and Marcum: Declaring the Northern Red Salamander to be the official state amphibian.	451	1636, 1857		1953	2331	451, 1636, 1954
*32	By Mr. Speaker (Mr. Armstead): The Lipscomb Brothers Veterans Bridge.	461	653, 986		1018	3017	461, 653, 1018
33	By Delegates Marcum, H. White, R. Phillips, Moye, Longstreth, Ferro, Byrd, Faircloth, Rowe, Sponaugle and Rodighiero: The Everett Ronnie Fields, Sr. Memorial Bridge.	463					463
34	By Delegates R. Phillips, Marcum, Eldridge and Moffatt: The John B. Short Memorial Bridge.	465					465
*35	By Delegates Ihle, Westfall, Cadle, Hanshaw, Ashley, Sponaugle, P. Smith, Hartman, A. Evans, Campbell and Boggs: The Historic Blue-Gray Highway.	466	653, 986		1018	2201	466, 653, 1018
*36	By Delegates Rodighiero, Eldridge, Moffatt and Hicks: The US Army SPC David H. Stamper Memorial Bridge.	467	833, 944		973		467, 834, 974
37	By Delegates Ambler and Canterbury: The U. S. Army PV2 Eskridge A. Waggoner Memorial Bridge.	497	831, 944		973		497, 832, 974

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by House	Adopted by Senate	OTHER PROCEEDINGS
38	By Delegates A. Evans, Sponaugle, Hartman and Romine: The Captain John Bond and the West Virginia State Troops Memorial Bridge.	545	831, 944		973		544, 831, 973
*39	By Delegates Moore, Gearheart, L. Phillips and H. White: The USMC LCpl Julius C. "Corky" Foster Memorial Bridge.	546	1156, 1184		1232	3017	546, 1156, 1232
40	By Delegates Marcum, R. Phillips, H. White, Faircloth, Reynolds, Rodighiero, J. Nelson, Moore, Eldridge, R. Smith and Ireland: The Ronald 'Duke' Varney Memorial Bridge.	549					549
*41	By Delegates R. Phillips, Marcum and Eldridge: The PFC Donald Ray Cochran Memorial Bridge.	574	2197, 2596		2597		573, 2198, 2597
42	By Delegates Rowe, Mr. Speaker (Mr. Armstead), Guthrie, Pushkin, Byrd, McCuskey, Moore, Hornbuckle, B. White, Upson and Shott: The Boyhood Home of Booker T. Washington.	575	1493, 1857		1953	3017	575, 1496, 1954
43	By Delegates J. Nelson, McGeehan, Folk, Faircloth, Moffatt, Hill, Kessinger, Shott, Gearheart, R. Smith and Sobonya: Audit of the Federal Reserve System.	577					577
44	By Delegates Rowan, Cowles, Butler, Eldridge, Ferro, Fluharty, Hamrick, Hartman, Kelly, Longstreth, Manchin, J. Nelson, Rohrbach, Romine, Skinner, Sponaugle, Trecost, B. White, H. White and Zatezalo: The North River Mills Historic Trace.	577	1936, 2106		2208		577, 1937, 2212
*45	By Delegate Pethtel: The US Army COL William L. Glover Memorial Bridge.	603	1494, 1857		1953		603, 1496, 1954
46	By Delegates J. Nelson, Moffatt, McGeehan, Storch, Westfall, Espinosa, Folk, Butler, Ihle, Stansbury and Gearheart: The U. S. Army SSG James C. Vickers and U. S. Marine Corps PFC Randall Carl Phelps Memorial Bridge.	605	832, 944		974		605, 832, 974

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by House	Adopted by Senate	OTHER PROCEEDINGS
47	By Delegates Overington, Ambler, Anderson, Arvon, Azinger, Blair, Border, Butler, Canterbury, Cooper, Deem, Ellington, Espinosa, A. Evans, D. Evans, Faircloth, Fast, Folk, Foster, Frich, Gearheart, Hamilton, Hamrick, Hill, Householder, Howell, Ihle, Ireland, Kurcaba, Lane, Kessinger, McCuskey, McGeehan, Miller, Moffatt, E. Nelson, Pasdon, Rohrbach, Romine, Rowan, Shott, R. Smith, Sobonya, Statler, Storch, Summers, Wagner, Walters, Waxman, Westfall, B. White, Zatezalo, Lynch, Moye, Perry, R. Phillips, H. White, Williams, Stansbury and Weld: Calling a convention of the States under the Provisions of Article V of the Constitution of the US.	608					608
48	By Delegates McGeehan, Folk, J. Nelson and Ihle: Requesting the Congress of the US to repeal the Federal Reserve Act, abolish Federal Reserve System and abolish Board of Governors of the Federal Reserve System.	610					610
49	By Delegates Marcum, H. White, Hicks and Perdue: The Albert and Laura Baisden Memorial Bridge.	664					664
*50	By Delegates Marcum, McCuskey, Hicks, Perdue, R. Phillips, Rodighiero, Westfall, H. White, Gearheart and Reynolds: Historic Dingess Tunnel, 100 Years Old, 1914.	666	1860, 2106		2208	3210	666, 1862, 2212
51	By Delegates Eldridge, Storch, Moore, Fluharty, Lynch, Bates, Ashley, R. Phillips, Williams, Marcum and Arvon: Making the fiddle the official musical instrument of the State of West Virginia.	668	1163		1232		668, 1232
52	By Delegates Ashley and Westfall: The U. S. Army SSG Delmer R. Jones Memorial Bridge.	674	2196, 2596		2597		674, 2197, 2597
*53	By Delegates R. Phillips, Marcum and Eldridge: The U. S. Army SSG Styish R. Morris Memorial Road.	716	1861, 2106		2208		715, 1862, 2212

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by House	Adopted by Senate	OTHER PROCEEDINGS
54	By Delegate Eldridge: The Hill Brothers Memorial Bridge.	742					742
*55	By Delegates Miller, Morgan, E. Nelson, Sobonya, Rohrbach, Perdue, McCuskey, Ashley, Hornbuckle, Reynolds and Hicks: The William C. Campbell Memorial Highway.	745	1494, 1857		1953		744, 1496, 1954
56	By Mr. Speaker (Mr. Armstead), Delegate Sobonya, Ambler, Anderson, Arvon, Ashley, Azinger, Bates, Blair, Boggs, Border, Butler, Byrd, Campbell, Canterbury, Caputo, Cooper, Cowles, Deem, Duke, Eldridge, Ellington, A. Evans, D. Evans, Faircloth, Fast, Ferro, Fleischauer, Folk, Foster, Frich, Guthrie, Hamilton, Hamrick, Hanshaw, Hartman, Hicks, Hornbuckle, Hill, Householder, Howell, Ihle, Ireland, Kelly, Kurcaba, Lane, Longstreth, Lynch, Manchin, Marcum, McCuskey, Kessinger, Miley, Miller, Moffatt, Moore, Morgan, Moye, E. Nelson, J. Nelson, O'Neal, Pasdon, Perdue, Pethel, L. Phillips, Pushkin, Reynolds, Rodighiero, Rohrbach, Romine, Rowan, Rowe, Shott, Skinner, P. Smith, R. Smith, Sponaule, Stansbury, Statler, Storch, Trecost, Upson, Wagner, Walters, Waxman, Weld, Westfall, B. White, H. White and Zatezalo: Encouraging all West Virginians to observe Red Shirt Fridays.	747					747
*57	By Delegates Lynch and Hamilton: The U. S. Army PFC Lowell Roger Groves Memorial Road.	749	2197, 2596		2597		748, 2198, 2597
58	By Delegates Rowan and Cowles: The U. S. Army PV2 William Frederick Kump Memorial Bridge.	750	1492, 1857		1954		750, 1493, 1954
*59	By Delegates Hicks, Perdue and Marcum: The U. S. Army PFC Ernest D. Marcum Bridge.	752	2198, 2596		2597		752, 2199, 2597
*60	By Delegates Perdue, Hicks and Reynolds: The U. S. Army SFC Jesse Muncy Memorial Bridge.	753	1494, 1857		1954		753, 1496, 1954

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by House	Adopted by Senate	OTHER PROCEEDINGS
61	By Delegates J. Nelson, Folk, Butler, Ihle, Eldridge, Longstreth, H. White, Foster, Hill and Kessinger: Requesting DNR reintroduce Elk to southern WV.	777					777
62	By Delegate Rodighiero: The Lando Adkins, Sr. Memorial Road.	778					778
*63	By Delegates Westfall, Ihle, Ashley, Folk, Householder, Espinosa, Cooper, Perry, Butler and Cadle: The Harry Ripley Memorial Bridge.	779	1862, 2106		2208		779, 1863, 2212
64	By Delegates Eldridge, R. Phillips, Marcum and Moffatt: The U. S. Army PFC Ray Freeman Meade Memorial Road.	807	2196, 2596		2597		806, 2197, 2597
*65	By Delegates J. Nelson, Moffatt, Gearheart, R. Smith, R. Phillips, Campbell, Hicks, Butler, Eldridge, Manchin and Boggs: The U. S. Army PFC Willie Paul Wilson Bridge.	808	1495, 1857		1954		808, 1496, 1954
66	By Delegates Rohrbach, Sobonya, Statler, Stansbury, Hill, Pasdon, Fast, Rowan, A. Evans, Romine and Hamilton: Requiring the Joint Committee on Government and Finance conduct a study of how to develop plans for industrial parks or zones throughout the state.	809					809
67	By Delegates Rohrbach, Statler, Stansbury, Hill, Pasdon, Howell, Fast, Rowan, A. Evans, Romine and Hamilton: Requesting the Joint Committee on Government and Finance to authorize a study of various industries that use natural gas.	810					810
*68	By Delegates Hamrick, Waxman, Miley, Trecost, Mr. Speaker (Mr. Armstead), J. Nelson, Gearheart, McCuskey and Espinosa: The Army SSG Harold 'Dean' Baker Memorial Bridge.	836	1495, 1857		1954		836, 1496, 1954



Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by House	Adopted by Senate	OTHER PROCEEDINGS
69	By Delegates Butler, Ambler, Anderson, Ashley, Azinger, Bates, Blair, Boggs, Byrd, Campbell, Canterbury, Cooper, Cowles, Duke, Eldridge, Ellington, Espinosa, A. Evans, D. Evans, Faircloth, Fast, Ferro, Fluharty, Foster, Frich, Gearheart, Hamilton, Hamrick, Hanshaw, Hill, Hornbuckle, Hicks, Householder, Ihle, Ireland, Kelly, Kessinger, Kurcaba, Longstreth, Manchin, Marcum, McGeehan, Miley, Miller, Moffatt, Morgan, Moye, E. Nelson, J. Nelson, O'Neal, Overington, Pasdon, Perdue, Pethtel, L. Phillips, R. Phillips, Reynolds, Rodighiero, Shott, R. Smith, Sobonya, Sponaule, Summers, Trecost, Wagner, Walters, Waxman, H. White, Williams and Zatezalo: Urging Congress to change U.S. Environmental Protection Agency standards that make it difficult to complete planning and construction of public projects.	838					838
*70	By Delegates Cooper, Ambler, Cadle, O'Neal and Canterbury: The Army SPC 4 Everette R. Johnson Memorial Bridge.	839	1935, 2106		2208		839, 1936, 2212
71	By Delegates Rodighiero, Hicks, Marcum and Eldridge: The Thomas Owen Perry Sr. Highway.	840					840
72	By Delegates Lynch, Rowe, A. Evans, Hamilton, Morgan, Perry, Campbell, H. White, Miley, Caputo and Trecost: The Webster County Veterans Highway.	841					841
73	By Delegates Kelly, Border, Espinosa, Kessinger, Butler, Sobonya, Stansbury, Hill, Azinger, Deem and Anderson: The Navy Chief Petty Officer Nicholas Heath Null Memorial Bridge.	909					909
74	By Delegates McCuskey and Shott: Extending the Committee of Conference relating to consideration of Com. Sub. for H. B. 2002.	952			952	962	952

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by House	Adopted by Senate	OTHER PROCEEDINGS
75	By Delegates J. Nelson, Statler, R. Phillips, McGeehan, R. Smith, Marcum, Wagner, P. Smith, Ihle, Eldridge and H. White: Urging Joe Main, the Assistant Secretary for MSHA to reverse the agency's practice of requiring dust scrubbers on continuous mining machines be turned off in certain circumstances.	963					962
76	By Delegates Eldridge, R. Phillips, Marcum, Moffatt, Rodighiero, Perdue, H. White and Hicks: The U. S. Army PFC Cornelious Wiley Memorial Bridge.	964	2197, 2596		2597		964, 2197, 2597
77	By Mr. Speaker (Mr. Armstead), Delegates Howell, Anderson, Arvon, Blair, Border, Butler, Cadle, Canterbury, Cooper, Cowles, Duke, D. Evans, Folk, Frich, Hamilton, Hamrick, Hartman, Householder, Ihle, Kelly, Kessinger, Longstreth, McGeehan, Miley, Miller, Morgan, Overington, Pasdon, Perry, R. Phillips, Pushkin, Reynolds, Rowan, P. Smith, Stansbury, Statler, Walters, Weld, Westfall and Williams: Designating the second Friday in July as West Virginia Collector Car Appreciation Day.	965	1859, 2106		2209		965, 1860, 2212
*78	By Delegates Perdue and Hicks: The Darrell W. Sanders Memorial Highway.	966	2198, 2596		2597		966, 2199, 2597
79	By Delegate Pethtel: The U. S. Army PFC Junior David Starkey Memorial Bridge.	967	1859, 2106		2209	3210	967, 1860, 2212
*80	By Delegate Ashley: The Army SSG Landon Clair Ray and Army SPC4 Garry Dwight Haynes Memorial Bridge.	998	1861, 2107		2209		998, 1862, 2212

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by House	Adopted by Senate	OTHER PROCEEDINGS
81	By Mr. Speaker (Mr. Armstead), Delegates Sobonya, P. Smith, Longstreth, Manchin, Ambler, Anderson, Arvon, Ashley, Bates, Blair, Boggs, Border, Butler, Byrd, Cadle, Campbell, Canterbury, Caputo, Cooper, Cowles, Deem, Duke, Eldridge, Ellington, Espinosa, A. Evans, D. Evans, Faircloth, Fast, Ferro, Fleischauer, Fluharty, Folk, Foster, Frich, Gearheart, Guthrie, Hamilton, Hamrick, Hanshaw, Hartman, Hicks, Hornbuckle, Hill, Householder, Howell, Ihle, Ireland, Kelly, Kurcaba, Lane, Lynch, Marcum, McCuskey, McGeehan, Kessinger, Miley, Moffatt, Miller, Moore, Morgan, Moye, E. Nelson, J. Nelson, O'Neal, Overington, Pasdon, Perdue, Perry, Pethtel, L. Phillips, R. Phillips, Pushkin, Reynolds, Rodighiero, Rohrbach, Romine, Rowan, Rowe, Shott, Skinner, R. Smith, Sponaule, Stansbury, Statler, Storch, Summers, Trecost, Upson, Wagner, Walters, Waxman, Weld, Westfall, B. White, H. White, Williams and Zatezalo: Requesting the Joint Committee on Government and Finance study workplace safety for employees at state-operated behavioral health facilities.	1000					1000
82	By Delegate Weld: Extending the Committee of Conference relating to consideration of Com. Sub. for H. B. 2025.	991			992	998	991, 992
83	By Delegates 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.	1043	1043		1069		1043, 1069
84	By Delegates Walters, Cowles and Hanshaw: Requesting the Joint Committee on Government and Finance study the magistrate court cost collection process and make recommendations to improve the same.	1064					1064

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by House	Adopted by Senate	OTHER PROCEEDINGS
85	By Delegates J. Nelson, Ambler, Blair, Boggs, Butler, Cooper, Espinosa, Ferro, Fluharty, Folk, Hill, Ireland, Kessinger, Kurcaba, Manchin, Marcum, McGeehan, Miley, Moore, Moye, O'Neal, Perdue, Perry, Pethtel, R. Phillips, Rohrbach, Rowan, R. Smith, Sobonya, Sponaugle, Statler, Upson, Wagner, Walters, Westfall, H. White, Williams and Zatezalo: The U. S. Navy MM2 Carl E. Keeney and U. S. Army PFC Carl M. Nicholas Memorial Bridge.	1065					1065
86	By Delegates Lynch, Moffatt, Reynolds, Hicks, Rodighiero, Moye, Perry, Perdue, Rowe, Guthrie and Sobonya: The Vince Cogar Memorial Bridge.	1103					1103
87	By Delegate Sponaugle: The John and Wilbur Hahn Dutch Hollow Pioneers Bridge.	1104					1104
88	By Delegates Pushkin, R. Smith, Eldridge, Perdue, A. Evans, Byrd, Rowe, Fleischauer, Skinner, Romine and Storch: Amending the Joint Rules of the Senate and the House by adding thereto a new Rule, designated Joint Rule 2a, relating to evening floor sessions by both the Senate and the House during the regular sessions.	1105					1105
89	By Mr. Speaker (Mr. Armstead), Delegates Marcum, Ambler, Anderson, Arvon, Ashley, Azinger, Blair, Boggs, Butler, Canterbury, Caputo, Cowles, Deem, Duke, Eldridge, Ellington, Espinosa, A. Evans, Faircloth, Ferro, Fluharty, Folk, Foster, Frich, Guthrie, Hamilton, Hartman, Hicks, Hill, Householder, Howell, Ihle, Ireland, Kelly, Kessinger, Kurcaba, Lane, Lynch, Manchin, Miley, Moffatt, Moore, Morgan, Moye, E. Nelson, J. Nelson, O'Neal, Pasdon, Perdue, Pethtel, L. Phillips, R. Phillips, Pushkin, Rodighiero, Romine, Rowan, Rowe, Skinner, P. Smith, Sobonya, Sponaugle, Stansbury, Statler, Storch, Trecost, Upson, Waxman, Weld, Westfall, B. White, H. White, Williams and Zatezalo: Condemning ISIS, also known as ISIL, and supporting the eradication of this radical Islamic group.	1106					1106

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by House	Adopted by Senate	OTHER PROCEEDINGS
*90	By Delegates Eldridge, Reynolds, Marcum, Moffatt, R. Phillips, Hornbuckle, Morgan and Rodighiero: The U. S. Army CPL Wilson B. Lambert, Jr., Memorial Road.	1166	1861, 2107		2209		1165, 1862, 2212
91	By Delegates J. Nelson, Eldridge, Hicks, Longstreth, Bates, Boggs, Butler, Campbell, Caputo, Ferro, Fluharty, Folk, Gearheart, Hill, Hornbuckle, Ireland, Manchin, Marcum, McGeehan, Miley, Moore, Morgan, Moye, Perdue, Perry, Pethtel, L. Phillips, Rodighiero, Rohrbach, Skinner, R. Smith, Sobonya, Sponaule, Stansbury, Statler, Summers, Trecost, Wagner, Westfall, H. White and Williams: Designating days for the display of the Honor and Remember Flag.	1167	1638	2182	1645, 2182	2181	1167, 1645, 2182
92	By Delegates Fleischauer, Pasdon, Statler, Lane, Fast, Kurcaba, Weld, Moye, Byrd, Guthrie and Manchin: Requesting the Joint Committee on Government and Finance to study the need to require liability insurance coverage by businesses licensed to sell alcoholic beverages, nonintoxicating beer or wine on premises.	1168	2594		2595		1168, 2595
*93	By Delegate Rowan: The CSA LTG Thomas J. "Stonewall" Jackson Bridge.	1169	1862, 2107		2209		1169, 1863, 2212
94	By Delegates B. White, Stansbury, Espinosa, Sobonya, Pushkin, Guthrie, Rowe, Lynch, McCuskey, Westfall, Byrd, Fleischauer, Arvon, Cadle, Fast, Folk, Hill, Householder, Howell, Ihle, Kessinger, Kurcaba, Weld, Rohrbach, Waxman, Lane, Rowan, Statler and Mr. Speaker (Mr. Armstead): The Rosie the Riveter Memorial Bridge.	1171					1171
95	By Delegates J. Nelson, R. Phillips, O'Neal, Azinger, Blair, Butler, Gearheart, Hill, Ihle, Ireland, McGeehan and Statler: Urging the President of the United States to approve the Keystone XL pipeline.	1173					1173

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by House	Adopted by Senate	OTHER PROCEEDINGS
96	By Delegates B. White, Stansbury, McCuskey, Byrd, Rowe and Guthrie: The U. S. Army SGT Gary Lee DeBoard Memorial Intersection.	1223					1222
97	By Delegate Rodighiero: The U. S. Army 1LT Patricia Simon Bridge.	1224					1223
*98	By Delegates McCuskey, Ashley and Gearheart: Jack Furst Drive.	1225	1495, 1857		1954	3017	1225, 1496, 1954
99	By Delegates Fast, Rowan, Kessinger, Ambler, Anderson, Arvon, Azinger, Border, Cadle, Canterbury, Cooper, Duke, A. Evans, D. Evans, Frich, Hamilton, Hanshaw, Householder, Howell, Kelly, Miller, O'Neal, Overington, Romine, Shott, Sobonya, Statler and Walters: Urging the United States Congress to propose an amendment to the Constitution of the United States that defines and limits marriage to a union between one man and one woman.	1228					1228
100	By Delegates Overington, Bates, Hartman, Marcum, Moye, Perry, R. Phillips, Wagner, B. White, Williams, Ambler, Arvon, Azinger, Blair, Border, Butler, Cadle, Canterbury, Cooper, Deem, Eldridge, Ellington, Espinosa, Evans, A., Evans, D., Faircloth, Fast, Folk, Foster, Frich, Hamilton, Hamrick, Hanshaw, Hill, Householder, Howell, Ihle, Ireland, Kelly, Kurcaba, Lane, McGeehan, McCuskey, Miller, Moffatt, J. Nelson, O'Neal, Pasdon, Rohrbach, Romine, Rowan, Shott, R. Smith, Sobonya, Stansbury, Statler, Storch, Summers, Upson, Walters, Waxman, Weld, Westfall and Zatezalo: Applying for an Article V Amendments Convention to Propose a Constitutional Amendment permitting a calling of a convention of the states.	1229					1229

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by House	Adopted by Senate	OTHER PROCEEDINGS
101	By Delegates J. Nelson, Ihle, Hill, Faircloth, Moffatt, Walters, Blair, R. Smith, Householder, McGeehan, Folk and Butler: Requesting the Joint Committee on Government and Finance study the issue of West Virginia becoming a fair tax state whereby income and property taxes should be replaced by a consumption tax.	1295					1295
*102	By Delegates Miley, Hamrick, Trecoast and Waxman: The U. S. Army Air Corps CPT Kenneth R. Winters, Sr. Memorial Bridge.	1297	1863, 2107		2209		1297, 1863, 2212
103	By Delegates Caputo, Longstreth and Manchin: Requesting the Division of Highways to erect two signs in Marion County identifying the beginning of the corporate boundary for the City of Pleasant Valley in each direction.	1389					1389
104	By Mr. Speaker (Mr. Armstead), Delegates Folk, Ambler, Arvon, Azinger, Blair, Butler, Byrd, Cadle, Campbell, Canterbury, Cooper, Deem, Ellington, A. Evans, D. Evans, Faircloth, Fast, Foster, Frich, Guthrie, Hamilton, Hamrick, Hanshaw, Hartman, Hicks, Hill, Howell, Householder, Ihle, Kelly, Kurcaba, Kessinger, Lynch, Marcum, McGeehan, Moffatt, Moye, J. Nelson, O'Neal, Overington, R. Phillips, Reynolds, Rodighiero, Rohrbach, Romine, Rowan, Shott, R. Smith, Sobonya, Sponaugle, Stansbury, Statler, Storch, Summers, Upson, Walters, Waxman, Weld, B. White, H. White, Williams and Zatezalo: Requesting the Congress of the United States invoke the Congressional Review Act.	1390	2020				1390, 2021
105	By Delegates Perry, Kessinger, Fast and Guthrie: Recognizing West Virginia University Institute of Technology as a vital part of higher education in West Virginia.	1392	1863, 2107		2209	3210	1392, 1863, 2212
106	By Delegates Westfall and Ashley: Requesting the Division of Highways designate sections of United States Route 119 from the Roane/Kanawha county border to its intersection at United States Route 33 in Spencer.	1394					1393

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by House	Adopted by Senate	OTHER PROCEEDINGS
107	By Delegate R. Phillips: The U. S. Army PFC Edward Lester Memorial Bridge.	1396	2197, 2596		2597		1396, 2197, 2597
108	By Delegates Sobonya, Rohrbach, Duke, Moffatt, Summers, Hicks, Bates, Arvon, Byrd, A. Evans, Faircloth, Fleischauer, Fluharty, Folk, Frich, Guthrie, Hamrick, Hill, Howell, Lynch, McGeehan, Morgan, Moye, Perdue, Perry, R. Phillips, Pushkin, Romine, Rowe, P. Smith, Stansbury, Statler, Waxman and B. White: Requesting the Joint Committee on Government and Finance study a program called Recovery Kentucky, which is designed to reduce the state's drug problem and homelessness issues.	1644					1644
109	By Delegates Miley, Trecost, Hamrick, Waxman and Lane: The U. S. Army PFC John Belcastro Bridge.	1713					1713
*110	By Delegates J. Nelson, Pasdon, Moffatt, R. Phillips, Butler, Ellington, Perry, Upson, Wagner, R. Smith and Duke: Requesting the Joint Committee on Government and Finance to study reducing the State Board of Education budget and redirecting those funds toward increasing teacher salaries.	1716	2104, 2598		2598		1716, 2104, 2598
111	By Delegates Pasdon, Fleischauer, Frich, Statler, Williams, Pethel, Summers and R. Smith: The John W. Pyles Bridge.	1738					1737
112	By Delegates Canterbury, Ambler and Cooper: The Howard M. 'Toddy' Loudin Memorial Highway.	1739	1937, 2107		2209		1739, 1937, 2212
113	By Delegates Howell, A. Evans and Rowan: Mineral County, Celebrating the Sesquicentennial, 1866 - 2016.	1756	1857		1954		1755, 1954



Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by House	Adopted by Senate	OTHER PROCEEDINGS
114	By Delegates Pasdon, Duke, Ambler, Campbell, Cooper, Ellington, Espinosa, D. Evans, Hamrick, Hornbuckle, Kelly, Kurcaba, Moye, Perdue, Perry, Pushkin, Reynolds, Rodighiero, Rohrbach, Romine, Rowan, Statler, Trecost, Upson and Wagner (Originating in House Education): Requesting that the Joint Committee on Government and Finance study the circumstances where West Virginia home schooled students who have completed their course work should be authorized to take the GED test.	1866	1866, 2107		2209		1866, 2212
115	By Delegates Pasdon, Duke, Ambler, Campbell, Cooper, Ellington, Espinosa, D. Evans, Hamrick, Hornbuckle, Kelly, Kurcaba, Moye, Perdue, Perry, Pushkin, Reynolds, Rodighiero, Rohrbach, Romine, Rowan, Statler, Trecost, Upson and Wagner (Originating in House Education): Requesting the Joint Committee on Government and Finance to conduct a study on state funding for school bus replacement.	1868	1866, 2107		2209	3210	1866, 2212
116	By Delegates Pasdon, Duke, Ambler, Campbell, Cooper, Ellington, Espinosa, D. Evans, Hamrick, Hornbuckle, Kelly, Kurcaba, Moye, Perdue, Perry, Pushkin, Reynolds, Rodighiero, Rohrbach, Romine, Rowan, Statler, Trecost, Upson and Wagner (Originating in House Education): Requesting the Joint Committee on Government and Finance to conduct a study on appropriate limits on the number, time and uses of state summative assessments.	1869	1866, 2107		2209		1866, 2212
117	By Delegates Howell, Arvon, Border, Cadle, Caputo, Eldridge, Ferro, Hamrick, Ihle, Kessinger, Marcum, McGeehan, Moffatt, Morgan, J. Nelson, R. Phillips, P. Smith, R. Smith, Sponaugle, Stansbury and Zatezalo (Originating in House Government Organization): Requesting the Joint Committee on Government and Finance conduct a study of the various county requirements to obtain a food handlers permit or card.	1875	1874, 2107				1874

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by House	Adopted by Senate	OTHER PROCEEDINGS
118	By Delegates Howell, Arvon, Border, Cadle, Caputo, Eldridge, Faircloth, Ferro, Hamrick, Hill, Ihle, Kessinger, Marcum, McGeehan, Moffatt, Morgan, J. Nelson, R. Phillips, P. Smith, R. Smith, Stansbury, Sponaugle and Zatezalo (Originating in House Government Organization): Requesting the Joint Committee on Government and Finance conduct a study of agencies that are exempt from article three, chapter five-a.	1876	1874, 2107		2210	3210	1874, 2212
119	By Delegates Howell, Arvon, Border, Cadle, Caputo, Eldridge, Ferro, Hamrick, Ihle, Kessinger, Marcum, McGeehan, Moffatt, Morgan, J. Nelson, R. Phillips, P. Smith, R. Smith, Sponaugle, Stansbury and Zatezalo (Originating in House Government Organization): Conducting a study of creating a Statewide Interoperable Radio Network.	1877	1874, 2108		2210		1874, 2212
120	By Delegates Howell, Arvon, Border, Cadle, Caputo, Eldridge, Ferro, Hamrick, Ihle, Kessinger, Marcum, McGeehan, Moffatt, Morgan, J. Nelson, R. Phillips, P. Smith, R. Smith, Sponaugle, Stansbury and Zatezalo (Originating in House Government Organization): Requesting the Joint Committee on Government and Finance study the James "Tiger" Morton catastrophic illness fund.	1878	1874, 2108		2210		1874, 2212
121	By Delegates Howell, Arvon, Border, Cadle, Caputo, Eldridge, Faircloth, Ferro, Hamrick, Hill, Ihle, Kessinger, Marcum, McGeehan, Moffatt, J. Nelson, R. Phillips, P. Smith, R. Smith, Stansbury, Sponaugle and Zatezalo (Originating in House Government Organization): Requesting the Joint Committee on Government and Finance authorize a study on the current West Virginia Department of Health and Human Resources Managed Care contracting strategy.	1879	1874				1874

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by House	Adopted by Senate	OTHER PROCEEDINGS
122	By Delegates Howell, Arvon, Border, Cadle, Caputo, Eldridge, Faircloth, Ferro, Hamrick, Hill, Ihle, Kessinger, Marcum, McGeehan, Moffatt, Morgan, J. Nelson, R. Phillips, P. Smith, R. Smith, Stansbury, Sponaule and Zatezalo (Originating in House Government Organization): Requesting the Joint Committee on Government and Finance authorize a study on increasing state government budget and spending transparency.	1880	1874, 2108		2210		1874, 2212
123	By Delegates Howell, Arvon, Border, Cadle, Caputo, Eldridge, Ferro, Hamrick, Ihle, Kessinger, Marcum, Moffatt, Morgan, J. Nelson, R. Phillips, P. Smith, R. Smith, Sponaule, Stansbury and Zatezalo (Originating in House Government Organization): Requesting the Joint Committee on Government and Finance conduct a study of the impact of admitting all Class I, II, III, and IV municipalities to the Municipal Home Rule Pilot Program.	1881	1874, 2108		2210		1874, 2212
124	By Delegates Howell, Arvon, Border, Cadle, Caputo, Eldridge, Faircloth, Ferro, Hamrick, Hill, Ihle, Kessinger, Marcum, McGeehan, Moffatt, Morgan, J. Nelson, R. Phillips, P. Smith, R. Smith, Stansbury, Sponaule and Zatezalo (Originating in House Government Organization): Requesting that the Joint Committee on Government and Finance authorize a study on the regulation of public utilities.	1883	1874, 2108		2210		1874, 2212
125	By Delegates Howell, Arvon, Border, Cadle, Caputo, Eldridge, Faircloth, Ferro, Hamrick, Hill, Ihle, Kessinger, Marcum, McGeehan, Moffatt, Morgan, J. Nelson, R. Phillips, P. Smith, R. Smith, Stansbury, Sponaule and Zatezalo (Originating in House Government Organization): Requesting the Joint Committee on Government and Finance conduct a study of public access and availability in one location to all ordinances, rules and regulations adopted by a county commission.	1884	1874, 2108		2210		1874, 2212

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by House	Adopted by Senate	OTHER PROCEEDINGS
126	By Delegates Eldridge, R. Phillips, Marcum, Rodighiero and Moffatt: The U. S. Army CPL George Browning Memorial Road.	1947					1947
127	By Delegates Eldridge, Rodighiero, R. Phillips and Moffatt: The Deputy Sheriff Sgt. Justin Alan Thompson Memorial Highway.	1948					1948
128	By Delegates Eldridge, Perdue, B. White, Kessinger, Folk, Rohrbach, Ellington, Rodighiero, Marcum, White, H. and R. Phillips: Requesting the Joint Committee on Government and Finance study the need for the health insurance policies to provide adequate coverage to encourage adoption of abuse deterrent formulation technologies for opioids in order to assist in the state's continuing efforts to eliminate prescription drug abuse.	1949	2596		2597		1949, 2597
129	By Delegates Miley, Boggs, Byrd, Campbell, Caputo, Ferro, Fleischauer, Fluharty, Guthrie, Hartman, Hicks, Hill, Hornbuckle, Kessinger, Lynch, Manchin, Marcum, Moore, Moye, Perdue, Perry, Pethtel, R. Phillips, Pushkin, Reynolds, Rodighiero, Rowe, Skinner, P. Smith, Sponaugle, Trecost, H. White and Williams: The John Pino Bridge.	1950					1950
130	By Delegates Rowan, Williams, Border, Campbell, Duke, Ferro, Hamilton, Kelly, Moye, Overington, Perry, Pethtel, Romine, B. White and Zatezalo (Originating in House Senior Citizen Issues): Requesting the Joint Committee on Government and Finance to study and review current law, procedure and public services intended to protect against senior citizen financial abuse and exploitation.	2026	2026		2047		2026, 2047

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by House	Adopted by Senate	OTHER PROCEEDINGS
131	By Delegates Rowan, Williams, Border, Campbell, Duke, Ferro, Hamilton, Kelly, Moye, Overington, Perry, Pethtel, Romine, B. White and Zatezalo (Originating in House Senior Citizen Issues): Requesting the Joint Committee on Government and Finance to study the issues, needs and challenges facing senior citizens in this state.	2027	2026		2048	3017	2026, 2048
132	By Delegates Hamilton, Evans, A., Ambler, Romine, Eldridge, L. Phillips, Border, Cadle, Campbell, Canterbury, Rodighiero, R. Smith, Wagner and Zatezalo (Originating in House Agriculture and Natural Resources): Requesting the Joint Committee on Government and Finance study the economic impact of making all hunting and fishing licenses valid for a period of one year from the date of issue.	2021	2021		2048		2021, 2048
133	By Delegates Hamilton, Evans, A., Ambler, Romine, Eldridge, L. Phillips, Border, Cadle, Campbell, Canterbury, Rodighiero, R. Smith, Wagner and Zatezalo (Originating in House Agriculture and Natural Resources): Requesting the Joint Committee on Government and Finance study the economic impact of reducing or eliminating the necessity for certain hunting, fishing and trapping licenses.	2023	2021		2048		2021, 2048
134	By Delegates Ellington, Householder, Arvon, Cooper, Hill, Kurcaba, Pasdon, Rohrbach, Sobonya, Stansbury, Waxman, Westfall, Fleischauer, Campbell, Longstreth, Moore, Pushkin and Rodighiero (Originating in House Health and Human Resources): Requesting the Joint Committee on Government and Finance to study the Health Care Authority and the certificate of need review process.	2041	2041		2210		2041, 2212

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by House	Adopted by Senate	OTHER PROCEEDINGS
135	By Delegates Ellington, Householder, Arvon, Cooper, Hill, Kurcaba, Pasdon, Rohrbach, Sobonya, Stansbury, Waxman, Westfall, Fleischauer, Campbell, Longstreth, Moore, Pushkin and Rodighiero (Originating in House Health and Human Resources): Requesting the Joint Committee on Government and Finance to study state hospitals in regards to the Hartley Case.	2043	2043		2210		2043, 2212
136	By Delegates Ellington, Householder, Arvon, Cooper, Hill, Kurcaba, Pasdon, Rohrbach, Sobonya, Stansbury, Waxman, Westfall, Fleischauer, Campbell, Longstreth, Moore, Pushkin and Rodighiero (Originating in House Health and Human Resources): Requesting the Joint Committee on Government and Finance study that insurers cover topical ophthalmic treatment early refills in a manner similar to or consistent with CMS guidelines.	2036	2035		2210		2035, 2212
137	By Delegates Ellington, Householder, Arvon, Cooper, Hill, Kurcaba, Pasdon, Rohrbach, Sobonya, Stansbury, Waxman, Westfall, Fleischauer, Campbell, Longstreth, Moore, Pushkin and Rodighiero (Originating in House Health and Human Resources): Requesting the Joint Committee on Government and Finance to study access and costs associated with cancer clinical trials.	2037	2037		2211		2037, 2212
138	By Delegates Ellington, Householder, Arvon, Cooper, Hill, Kurcaba, Pasdon, Rohrbach, Sobonya, Stansbury, Waxman, Westfall, Fleischauer, Campbell, Longstreth, Moore, Pushkin and Rodighiero (Originating in House Health and Human Resources): Requesting the Joint Committee on Government and Finance to study and review the managed care system within the Bureau for Medical Services.	2039	2039		2211		2039, 2212

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by House	Adopted by Senate	OTHER PROCEEDINGS
139	By Delegates Pasdon, Espinosa, Rodighiero, Statler, Trecost and Upson (Originating in House Education): Requesting the Joint Committee on Government and Finance study the policies regarding sexual violence, domestic violence, dating violence, and stalking at public colleges in the state.	2100	2100		2211	3210	2100, 2212
140	By Delegates Pasdon, Duke, Espinosa, Hamrick, Kelly, Kurcaba, Moye and Pushkin (Originating in House Education): Requesting the Joint Committee on Government and Finance to conduct a study on public school finance.	2102	2100		2211		2100, 2212
141	By Delegates Trecost and Ihle (Originating in House Political Subdivisions): Requesting that the Joint Committee on Government and Finance study the appropriate process for removing county, school district and municipal officers.	2098	2098		2211		2098, 2212
142	By Delegates Perdue and Hicks: The U. S. Navy PO3 Roy Elmer "Doc" Moon Bridge.	2202	2596		2597		2202, 2597
143	By Delegates Ashley, Anderson, Williams, A. Evans, Canterbury, Hamilton, Pethel, Householder, Butler, Espinosa, Moye, Westfall, Frich, Bates, Storch, H. White, Gearheart and Miller (Originating in House Finance): Requesting the Joint Committee on Government and Finance, to study the public-private partnership model for the operation and maintenance of all or some of the State's hospital and nursing facilities.	2188	2187		2350	3210	2187, 2351
144	By Delegates Hanshaw and Mr. Speaker (Mr. Armstead): The U. S. Army SGT Eugene Dawson Memorial Highway.	2203	2596		2597		2203, 2597
145	By Delegates Ellington, Householder, Border and Perdue (Originating in House Health and Human Resources): Requesting the Joint Committee on Government and Finance to study direct primary care.	2205	2596		2597		2205, 2597

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by House	Adopted by Senate	OTHER PROCEEDINGS
146	By Delegates Ashley, Anderson, Williams, A. Evans, Canterbury, Hamilton, Pethtel, Householder, Butler, Espinosa, Moye, Westfall, Frich, Bates, Storch, H. White, Gearheart and Miller (Originating in House Finance): Requesting the Joint Committee on Government and Finance to study the special funds of the State.	2190	2187		2350		2187, 2351
147	By Delegates Ashley, Anderson, Williams, A. Evans, Canterbury, Hamilton, Pethtel, Householder, Butler, Espinosa, Moye, Westfall, Frich, Bates, Storch, H. White, Gearheart and Miller (Originating in House Finance): Requesting the Joint Committee on Government and Finance to study the leasing of oil and gas mineral rights on State lands.	2191	2187		2350	3210	2187, 2351
148	By Delegates Ashley, Anderson, Williams, A. Evans, Canterbury, Hamilton, Pethtel, Householder, Butler, Espinosa, Moye, Westfall, Frich, Bates, Storch, H. White, Gearheart and Miller (Originating in House Finance): Requesting study on the collection, distribution and use of telecommunications fee revenues.	2193	2187		2350		2187, 2351
149	By Delegates Ashley, Anderson, Williams, A. Evans, Canterbury, Hamilton, Pethtel, Householder, Butler, Espinosa, Moye, Westfall, Frich, Bates, Storch, H. White, Gearheart and Miller (Originating in House Finance): Requesting the Joint Committee on Government and Finance to study potential improvements to pensions for retired teachers and public employees who have been retired for ten or more years.	2195	2187, 2242		2350	3210	2187, 2351
150	By Delegates Miller, Espinosa, Ashley, Bates, Hanshaw, Lane, Morgan, Stansbury and Westfall (Originating in House Small Business, Entrepreneurship and Economic Development): Requesting that the Joint Committee on Government and Finance study the distribution of unemployment rates across the state's fifty-five counties.	2243	2243		2351		2243, 2351



Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by House	Adopted by Senate	OTHER PROCEEDINGS
151	By Delegates Westfall, Ashley, Campbell, Bates, Rodighiero, P. Smith, Espinosa, Butler, L. Phillips, Ferro and Ellington: Requesting the Joint Committee on Health authorize a study on the licensure of athletic trainers.	2346	2595		2595	3210	2345, 2595
152	By Delegate Rowe: Requesting the Joint Committee on Government and Finance to study the long-term needs for maintenance and construction of local public libraries and methods for providing adequate funding to meet those needs.	2347	2595		2595		2346, 2595
153	By Delegates Westfall and Rowe: Requesting the Joint Committee on Government and Finance to study the methods of handling "zero dollar claims" in regard to property and casualty insurance and the impacts of such methods upon consumers of commercial and domestic property and casualty insurance.	2906					2906
154	By Delegates Reynolds, Pushkin, Byrd, Hornbuckle, Sponaule, Caputo, Eldridge, Ferro, Fleischauer, Fluharty, Folk, Guthrie, Hartman, Howell, Longstreth, Manchin, Moore, Morgan, Pasdon, Perdue, Rowe, Skinner, Storch, Trecost and H. White: Requesting the Joint Committee on Government and Finance to study the financial implications and benefits of the cultivation and sales of marijuana to be sold only in states where sales are legal.	2907					2907
155	By Delegates Fleischauer, Arvon, Border, Campbell, Fluharty, Guthrie, Hartman, Kessinger, Longstreth, Marcum, Moore, Pushkin, Rowan, Sobonya and Sponaule: Requesting the Joint Committee on Government and Finance to study the reporting, investigation and prosecution of sexual assault cases in the West Virginia National Guard, and determine the need, if any, to adopt investigative procedures independent of the military justice system.	3060					3060



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Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by House	Adopted by Senate	OTHER PROCEEDINGS
1	By Delegates Anderson, E. Nelson and Gearheart: Manufacturing Inventory Amendment.	162					162
2	By Delegates Romine, Walters and Rowan: Super-Majority Required for Passage of Tax Bill Amendment.	162					163
3	By Delegate Lane: Homestead Exemption Increase Amendment.	163					163
4	By Delegates Caputo, Manchin and Longstreth: The "Homestead Exemption Increase Amendment".	178					178
5	By Delegates Rodighiero, Hicks, Perdue, Marcum, Reynolds, Eldridge and Moye: The "Homestead Exemption Increase Amendment".	184					185
6	By Delegate L. Phillips: The "Disabled Veteran's Property Tax Exemption Amendment".	185					185
7	By Delegate Lane: The "Manufacturing Inventory Amendment".	185					185
8	By Delegates Overington, Walters, Deem, Gearheart, Householder, Sobonya, Moffatt, Cadle, Foster, Frich and Blair: The "Initiative, Referendum, and Recall Amendment".	185					186
9	By Delegates Overington, Walters, Householder, Moffatt, Butler, Frich, Gearheart, Blair, Deem, R. Phillips and Foster: The Super-Majority Required for Passage of Tax Bill Amendment.	210					210
10	By Delegates Overington, Walters, Householder, Kelly, Foster, Gearheart, Upson, Deem, R. Phillips, Shott and McGeehan: Prohibiting the Governmental Taking of Private Property for Private Use Amendment.	210					210
11	By Delegates Longstreth, Hamilton, Guthrie and Sponaule: The Homestead Exemption Increase Amendment.	283					283

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by House	Adopted by Senate	OTHER PROCEEDINGS
12	By Delegates Sponaugle, Longstreth, Hartman, H. White, Marcum, Hicks, Byrd, Hamilton, Perdue, Guthrie and R. Phillips: The Right to Hunt and Fish in West Virginia Amendment.	314					314
13	By Delegates Overington, Householder, Moffatt, Espinosa, Upson, Frich, R. Phillips, Perdue, Hanshaw, Border and Miller: The Homestead Exemption Increase Amendment.	369	1292, 1384	1544	1646		370, 1292, 1486, 1540, 1645, 1648
14	By Delegates Hamrick, Sobonya, Miller, Butler, Rohrbach and J. Nelson: The School Board Election Amendment.	370					370
15	By Delegates Campbell, Eldridge, Householder, Marcum and Ashley: The Homestead Exemption Increase Amendment.	405					406
16	By Delegates Kurcaba, Hill, Faircloth, Wagner and Ihle: The Term Limitations Amendment.	550					550
17	By Delegates Kurcaba, Householder, McGeehan, Folk, Waxman, Fast and Ihle: The Balanced Budget Amendment.	550					550
18	By Delegates Reynolds, Pushkin, Perry, H. White, Hornbuckle, L. Phillips, Campbell, Byrd, Rohrbach, Pasdon and Bates: The Removal of Governor's veto power for education spending in budget and appropriations bills.	550					551
19	By Delegate McCuskey: Attorney General Term Limit Amendment.	718					718
20	By Delegates Reynolds, Moffatt, Rodighiero, Hicks, Lynch, Trecost and Bates: Term Limitation Amendment.	719					719
21	By Delegate Rodighiero: The Citizens' Redistricting Commission Amendment.	781					781

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by House	Adopted by Senate	OTHER PROCEEDINGS
22	By Delegates Hamilton, O'Neal, Hanshaw, Kessinger, Blair, Weld, Foster, Hill, Ireland, Campbell and Marcum: The Right to Hunt, Fish and Harvest Wildlife Amendment.	812					812
23	By Delegates Sponaugle, Perdue, Hornbuckle, Marcum, Pushkin, L. Phillips, Williams, Lynch, Hartman, R. Phillips and Campbell: The Volunteer Emergency Service Personnel Property Tax Exemption Amendment.	842					842
24	By Delegates Sponaugle, Perdue, Fluharty, Hornbuckle, Trecost, Marcum, Pushkin, L. Phillips, Byrd, Williams and Lynch: The Veteran's Property Tax Exemption Amendment.	842					843
25	By Delegate Cowles: The Disabled Veteran Exemption From Ad Valorem Property Taxation Amendment.	968					968
26	By Delegates Lane and Shott: The Constitutional Officers Term Limit Amendment.	968					969



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Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by House	OTHER PROCEEDINGS
1	By Mr. Speaker (Mr. Armstead): Adopting Rules of the House of Delegates.	31			42	31
2	By Mr. Speaker (Mr. Armstead): Authorizing the publication of the Legislative Manual.	111			113	113
3	By Mr. Speaker (Mr. Armstead): Authorizing printing and distribution of Acts of the Legislature and Journals of the House of Delegates.	114			115	115
4	By Mr. Speaker (Mr. Armstead): Authorizing the appointment of employees for this, the First Regular Session of the Eighty-second Legislature, two thousand fifteen.	116			122	122
5	By Delegate Lane: Amending the rules of the House of Delegates, relating to requiring that a Jobs Impact Statement be attached to proposed legislation affecting employment or taxes in the state.	186				186
6	By Delegates Rowan, A. Evans and Sponaugle: Proclaiming August 28, 2015, and every August 28 thereafter to be designated as Teachers' Day in Hardy, Grant and Hampshire counties of West Virginia.	370	1858		1953	370
7	By Mr. Speaker (Mr. Armstead): Commemorating the life of Morris E. "Mike" Mowery, Jr..	439			443	443
8	By Mr. Speaker (Mr. Armstead) and Delegate Miley: Amending the rules of the House of Delegates, relating to allowing a Delegate to remove from or add his or her name to any bill or resolution introduced by request to the Clerk in writing.	551			552	551
9	By Mr. Speaker (Mr. Armstead): Authorizing the Committee on Rules to arrange a Special Calendar and providing for making public the vote on certain questions in connection with the preparation thereof.	675	705		762	675

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by House	OTHER PROCEEDINGS
10	By Delegates McGeehan, Householder, Hamilton, Storch and Faircloth: Requesting that the President and Congress of the United States of America take no action to call the West Virginia National Guard into active duty combat.	843				843
11	By Delegates Williams, H. White, Boggs, Eldridge, Hartman, Longstreth, Pethel, Campbell, Hicks, Rodighiero, Frich, Anderson, Ashley, Bates, Butler, Byrd, Caputo, A. Evans, Faircloth, Ferro, Fleischauer, Fluharty, Gearheart, Guthrie, Hamilton, Hornbuckle, Howell, Lynch, McCuskey, Miley, Morgan, Moye, E. Nelson, J. Nelson, Perry, L. Phillips, Pushkin, Reynolds, Romine, Rowan, Rowe, Shott, Skinner, P. Smith, R. Smith, Sponaule, Trecost, Wagner and Westfall: For the Lottery Commission to implement creative methods for selling Veterans' Lottery tickets to help fund the West Virginia Veterans Home.	845	1734, 2594		2595	845, 1734, 2595
12	By Mr. Speaker (Mr. Armstead), Delegate Morgan, Romine, Miller, Sobonya, Campbell, Perry, L. Phillips, Rohrbach, Reynolds, R. Phillips, Hicks, H. White, Householder, Perdue, Ashley, Anderson, B. White and Arvon: Recognizing and honoring Stephen J. Kopp, Ph.D., President of Marshall University.	910			912	910, 912
*13	By Delegate Perdue: Self Injury Awareness Day.	1174	1638		1645	1174
14	By Delegates J. Nelson, R. Smith, R. Phillips, Folk, McGeehan, Faircloth, Moffatt, Ihle, Householder, Kessinger and Butler: Urging in the strongest manner that the Bureau of Alcohol, Tobacco, Firearms and Explosives of the United States Department of Justice not to trample on the Second Amendment to the United States Constitution by banning common .223 and 5.56 mm ammunition.	1231				1231



Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by House	OTHER PROCEEDINGS
15	By Delegate Rowe: Honoring Booker Taliaferro Washington, author, educator, orator and advisor to United States presidents, on the 100 <sup>th</sup> anniversary of his death.	1299	2106		2208	1299
16	By Delegates Romine, Hamilton, Azinger, Kelly, A. Evans and Lynch: Heroes Day.	1952	2106		2208	1952
17	By Delegate Walters: Expressing concern about the erosion of Freedom of the Press in the Republic of Turkey.	2206				2206
18	By Delegates Hamilton, P. Smith, Wagner, Lynch, Ashley, Overington, Ambler, Anderson, Mr. Speaker (Mr. Armstead), Arvon, Azinger, Bates, Blair, Boggs, Border, Butler, Byrd, Cadle, Campbell, Canterbury, Caputo, Cooper, Cowles, Deem, Duke, Eldridge, Ellington, Espinosa, A. Evans, D. Evans, Faircloth, Fast, Ferro, Fleischauer, Fluharty, Folk, Foster, Frich, Gearheart, Guthrie, Hamrick, Hanshaw, Hartman, Hicks, Hornbuckle, Hill, Householder, Howell, Ihle, Ireland, Kelly, Kurcaba, Lane, Longstreth, Manchin, Marcum, McCuskey, McGeehan, Kessinger, Miley, Miller, Moffatt, Moore, Morgan, Moye, E. Nelson, J. Nelson, O'Neal, Pasdon, Perdue, Perry, Pethtel, L. Phillips, R. Phillips, Pushkin, Reynolds, Rodighiero, Rohrbach, Romine, Rowan, Rowe, Shott, Skinner, R. Smith, Sobonya, Sponaugle, Stansbury, Statler, Storch, Summers, Trecost, Upson, Walters, Waxman, Weld, Westfall, B. White, H. White, Williams, Zatezalo: Memorializing the life of the Honorable Charles Raymond Shaffer.	2185			2187	2185, 2187
19	By Mr. Speaker, Mr. Armstead, and All Members of the House of Delegates: Extolling the life and lamenting the death of Mrs. Shelley Riley Moore, former First Lady of West Virginia.	2341			2343	2341, 2343

Number	SPONSOR AND SYNOPSIS	Introduced	Reported from Committee	Amended	Adopted by House	OTHER PROCEEDINGS
20	By Mr. Speaker, Mr. Armstead, and All Members of the House of Delegates: Memorializing the life and lamenting the death of the Honorable Arch Alfred Moore, Jr..	2343			2345	2343, 2345
21	By Delegate McCuskey: Recognizing the importance of self-care and over-the-counter medicines in the improvement of West Virginian's overall health and in the preservation and appropriate use of the state's healthcare resources.	2909				2909
22	By Delegates Ambler, Anderson, Mr. Speaker (Mr. Armstead), Arvon, Ashley, Azinger, Bates, Blair, Boggs, Border, Butler, Byrd, Cadle, Campbell, Canterbury, Caputo, Cooper, Cowles, Deem, Duke, Eldridge, Ellington, Espinosa, Evans, A., Evans, D., Faircloth, Fast, Ferro, Fleischauer, Fluharty, Folk, Foster, Frich, Gearheart, Guthrie, Hamilton, Hamrick, Hanshaw, Hartman, Hicks, Hornbuckle, Hill, Householder, Howell, Ihle, Ireland, Kelly, Kurcaba, Lane, Longstreth, Lynch, Manchin, Marcum, McCuskey, McGeehan, Kessinger, Miley, Miller, Moffatt, Moore, Morgan, Moye, E. Nelson, J. Nelson, O'Neal, Overington, Pasdon, Perdue, Perry, Pethtel, L. Phillips, R. Phillips, Pushkin, Reynolds, Rodighiero, Rohrbach, Romine, Rowan, Rowe, Shott, Skinner, E. Nelson, P. Smith, R. Smith, Sobonya, Sponaule, Stansbury, Statler, Storch, Summers, Trecost, Upson, Wagner, Walters, Waxman, Weld, Westfall, B. White, H. White, Williams, Zatezalo: Commemorating the life of H. Laban White.	2591			2594	2591, 2594

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\*Denotes Committee Substitute

Number	SPONSOR AND SYNOPSIS	Comm-unicated to House	Reported from Com-mittee	Amended	Passed House	OTHER PROCEEDINGS
*1	By Senators Cole (Mr. President), Boley, Carmichael, Ferns, Gaunch, D. Hall, Karnes, Leonhardt, Maynard, Mullins, Nohe, Sypolt, Trump, Walters, Blair, Plymale, Kirkendoll, Stollings and Takubo: Repealing Alternative and Renewable Energy Portfolio Act; creating net metering of customer-generators.	229				229
3	By Senators Palumbo, Leonhardt, Boley, Ferns, D. Hall, Karnes, Maynard, Nohe, Sypolt, Trump, Blair, Williams, Plymale, Kirkendoll, Stollings and Cole (Mr. President): Relating to real property possessor's liability for trespasser harm. (Chapter 3, Acts, Regular Session, 2015)	230	298		435	230, 394, 420, 434, 435, 565, 654
*6	By Senators Ferns, Boley, Carmichael, Gaunch, Leonhardt, Mullins, Nohe, Trump, Blair, Plymale, Stollings, Cole (Mr. President) and Takubo: Relating to medical professional liability. (Chapter 168, Acts, Regular Session, 2015)	495, 1892, 2047	738	852, 876, 1082, 1894, 1895	876, 1082, 1083, 1895	495, 790, 825, 852, 875, 876, 877, 1082, 1082, 1083, 1084, 1295, 1892, 1893, 1896, 3218, 3575
*7	By Senators Stollings, Boley, Ferns, Gaunch, D. Hall, M. Hall, Walters, Blair, Plymale, Unger, Kirkendoll, Kessler, Facemire, Cole (Mr. President), Takubo and Williams: Requiring CPR and care for conscious choking instruction in public schools. (Chapter 75, Acts, Regular Session, 2015)	495, 776	599	691, 693, 723	723	496, 599, 648, 691, 722, 724, 983, 1165
*8	By Senators Blair, Boley, Carmichael, Ferns, Gaunch, Karnes, Leonhardt, Maynard, Nohe, Sypolt, Trump, Walters and Cole (Mr. President): Providing for DOH performance and efficiency audit.	427				427

Number	SPONSOR AND SYNOPSIS	Communi- cated to House	Reported from Com- mittee	Amended	Passed House	OTHER PROCEEDINGS
*12	By Senators Carmichael, Boley, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Mullins, Sypolt, Nohe, Trump, Blair and Cole (Mr. President): Relating to payment of separated employee's outstanding wages. (Chapter 152, Acts, Regular Session, 2015)	310, 2608	957, 2024	2351, 2356	2356	310, 957, 2137, 2244, 2245, 2351, 2356, 2357, 3550, 3576
*13	By Senators Nohe, Boley, Ferns, D. Hall, Karnes, Maynard, Mullins, Sypolt, Trump, Blair, Williams and Cole (Mr. President): Reinstating open and obvious doctrine for premises liability. (Chapter 4, Acts, Regular Session, 2015)	399, 637, 918	443	504, 559, 918	559, 920	399, 487, 504, 559, 560, 637, 710, 793, 918, 919, 920, 1189, 1689
*14	By Senators Sypolt, Walters, Blair, Cole (Mr. President) and Takubo: Creating Public Charter Schools Act of 2015.	1504	1750, 2031			1506, 1750, 2137, 2245, 2340
*17	By Senators Stollings, Beach, Plymale, Kirkendoll, Facemire and Romano: Permitting all-terrain vehicle operation on roadway under certain conditions; defining off-road motorcycle.	1455	1858			1455, 1858
*19	By Senator Plymale: Specifying minimum early childhood education program instruction days.	776, 2608	1856	2049, 2213	2213	776, 1997, 2049, 2212, 2213, 3550, 3569
*30	By Senators D. Hall, Trump, Blair, Williams and Karnes: Permitting shared animal ownership agreement to consume raw milk.	1051, 2271	1731	1811, 2271	1955, 2272	1051, 1766, 1811, 1954, 1955, 2271, 2272, 3550, 3571
*37	By Senator Palumbo: Creating Revised Uniform Arbitration Act. (Chapter 8, Acts, Regular Session, 2015)	710, 2585	1734	1955, 3141	1957, 3144	711, 1766, 1813, 1955, 1956, 1957, 2586, 2967, 3141, 3144, 3145, 3552, 3576
*42	By Senators Beach and Williams: Relating to sale of alcoholic beverages on Sundays prior to 1 p.m.	997				998

Number	SPONSOR AND SYNOPSIS	Communi- cated to House	Reported from Com- mittee	Amended	Passed House	OTHER PROCEEDINGS
*43	By Senator Palumbo: Limiting tolling of statute of limitations for third-party complaints.	343				343
*60	By Senators Williams and Sypolt: Regulating food handlers. (Chapter 121, Acts, Regular Session, 2015)	741, 3207	916, 1079	2371, 2372, 2911	2911	741, 916, 1152, 1163, 2371, 2911, 2912, 3549, 3576
63	By Senators Stollings and Kirkendoll: Redefining facilities eligible for funding assistance from Courthouse Facilities Improvement Authority.	1354	2031			1354, 2031
*88	By Senators Stollings and Plymale: Creating WV Clearance for Access: Registry and Employment Screening Act. (Chapter 119, Acts, Regular Session, 2015)	1197, 3208	2109	2373, 2912	2912	1198, 2268, 2373, 2912, 2913, 3552, 3576
89	By Senators Laird and Miller: Relating to compensation for certain public officials. (Chapter 214, Acts, Regular Session, 2015)	1158, 2201	1736	1958, 1960	1959	1158, 1766, 1813, 1957, 1959, 1960, 3219, 3575
*94	By Senators Laird, Miller, Stollings, Facemire and Romano: Establishing driver's license restoration program.	1447				1447
106	By Senator Carmichael: Excepting professional engineer member from sanitary board when project engineer is under contract. (Chapter 215, Acts, Regular Session, 2015)	496	1688, 1772		2213	496, 1688, 1997, 2059, 2213, 2214, 3539, 3575
*109	By Senators Blair and Leonhardt: Relating to local indoor smoking prohibitions.	1198				1198
122	By Senators Snyder, Facemire and Romano: Adopting federal definition for disabled veterans' preference in civil service hiring and state contract vendor bidding.	1447				1448
*140	By Senators Snyder, Romano and Facemire: Amending State Administrative Procedures Act. (Chapter 9, Acts, Regular Session, 2015)	1198, 2927	1372, 1870	2059	2214	1199, 1372, 1997, 2059, 2214, 2927, 3552, 3576
*142	By Senator Snyder: Authorizing Department of Administration promulgate legislative rules. (Chapter 155, Acts, Regular Session, 2015)	835, 3208	2112	2386	2395	836, 2268, 2386, 2395, 2396, 3552, 3576

Number	SPONSOR AND SYNOPSIS	Communi- cated to House	Reported from Com- mittee	Amended	Passed House	OTHER PROCEEDINGS
*170	By Senator Snyder: Authorizing Bureau of Commerce promulgate legislative rules. (Chapter 163, Acts, Regular Session, 2015)	1052, 3209	1871	2060, 2357	2350	1053, 1997, 2060, 2214, 2215, 2217, 2357, 2358, 2359, 3549, 3576
*175	By Senator Snyder: Authorizing DHHR promulgate legislative rules. (Chapter 157, Acts, Regular Session, 2015)	543, 1448	916, 1048	1241, 1243	1301	544, 917, 922, 1074, 1149, 1161, 1241, 1301, 1302, 1688, 2200
*182	By Senator Snyder: Authorizing Department of Military Affairs and Public Safety promulgate legislative rules. (Chapter 158, Acts, Regular Session, 2015)	1053, 2608	1773	2061	2216	1053, 1997, 2061, 2215, 2216, 3550, 3576
*187	By Senator Snyder: Authorizing Department of Revenue promulgate legislative rules. (Chapter 159, Acts, Regular Session, 2015)	663, 1448	1101	1245	1302	664, 1182, 1245, 1302, 1303, 1688, 1736
*192	By Senator Snyder: Authorizing Department of Transportation promulgate legislative rules. (Chapter 160, Acts, Regular Session, 2015)	1054, 2925, 3015, 3145	1871	2062, 2066, 3146	2217, 3147	1054, 1997, 2062, 2216, 2217, 2925, 3145, 3147, 3552, 3576
195	By Senator Snyder: Authorizing Conservation Committee promulgate legislative rule relating to financial assistance programs. (Chapter 161, Acts, Regular Session, 2015)	1506, 3209	2199	2396	2913	1506, 2199, 2396, 2913, 3552, 3576
*199	By Senator Snyder: Authorizing miscellaneous agencies and boards promulgate legislative rules. (Chapter 162, Acts, Regular Session, 2015)	1199, 3209	1871	2066, 2067, 2218	2218	1201, 1998, 2066, 2069, 2217, 2218, 2219, 3549, 3576
*234	By Senators Trump, M. Hall, Blair and Plymale: Relating to operation and regulation of certain water and sewer utilities owned by political subdivisions. (Chapter 196, Acts, Regular Session, 2015)	1690, 3208	2111	2397, 2914	2914	1690, 1998, 2269, 2397, 2913, 2914, 2915, 3552, 3576
*237	By Senators D. Hall, Romano, Snyder, Facemire and Williams: Creating Captive Cervid Farming Act. (Chapter 43, Acts, Regular Session, 2015)	461, 804	633	762, 763	764	461, 701, 728, 729, 762, 764, 983, 1295

Number	SPONSOR AND SYNOPSIS	Communi- cated to House	Reported from Com- mittee	Amended	Passed House	OTHER PROCEEDINGS
238	By Senators D. Hall, Nohe and Stollings: Limiting certain county board of education liability arising from unorganized recreation. (Chapter 97, Acts, Regular Session, 2015)	741	994		1175	741, 1074, 1149, 1175, 1634, 1736
*242	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Creating criminal penalties for certain automated telephone calls during state of emergency or preparedness. (Chapter 195, Acts, Regular Session, 2015)	741	2105		2919	742, 2269, 2447, 2919, 3549, 3575
*243	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Relating to school nutrition standards during state of emergency or preparedness. (Chapter 194, Acts, Regular Session, 2015)	776, 2608	1856	2067	2219	776, 2067, 2219, 2220, 3550, 3575
*248	By Senator Williams: Requiring certain insurance and owner information be provided following car accident. (Chapter 238, Acts, Regular Session, 2015)	1448, 3208	1730, 2111	2448, 2449	2450	1448, 1731, 2269, 2448, 2449, 2450, 3549, 3575
*249	By Senators Trump, Blair, Ferns, M. Hall and Walters: Prohibiting straight party voting in general election. (Chapter 104, Acts, Regular Session, 2015)	544, 2201	1729, 2199	1960, 1983	1986	544, 1766, 1814, 1960, 1986, 2199, 3219
250	By Senators Trump, Blair, Carmichael, M. Hall, Leonhardt, Miller, Snyder, Unger, Williams and Plymale: Relating to Conservation Agency financial assistance applications from district supervisors. (Chapter 61, Acts, Regular Session, 2015)	637, 3209	1635	2919	2920	637, 1635, 2450, 2919, 2920, 3549, 3575
*254	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Relating to Fire, EMS and Law-Enforcement Officer Survivor Benefit Act.	1507				1507
*255	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Eliminating certain boards, councils, committees, panels, task forces and commissions. (Chapter 53, Acts, Regular Session, 2015)	711	831		1019	712, 940, 977, 1019, 1375, 1689

Number	SPONSOR AND SYNOPSIS	Communi- cated to House	Reported from Com- mittee	Amended	Passed House	OTHER PROCEEDINGS
*261	By Senators D. Hall, Miller, Snyder, Beach and Facemire: Clarifying definition of “owner” of dam. (Chapter 83, Acts, Regular Session, 2015)	638, 3208	1635, 2105	2450	2451	638, 1635, 2269, 2450, 2451, 3540, 3575
262	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Transferring CHIP and Children’s Health Insurance Agency from Department of Administration to DHHR. (Chapter 48, Acts, Regular Session, 2015)	713	773		928	713, 827, 883, 928, 1189, 1295
267	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Repealing code relating to Governor’s Office of Health Enhancement and Lifestyle Planning. (Chapter 54, Acts, Regular Session, 2015)	713	957, 2104		2452	713, 957, 2269, 2451, 2452, 3540, 3575
*273	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Relating to brewer, resident brewer, brewpub, Class A and B retail dealer, private club and Class A and B retail licensee licensing and operations. (Chapter 13, Acts, Regular Session, 2015)	1201, 3208	1733, 2046	2452, 2471	2471	1202, 1733, 2269, 2452, 2470, 2471, 2472, 3547, 3575
*274	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Relating to TANF program sanctions. (Chapter 138, Acts, Regular Session, 2015)	921	2044		2921	921, 2269, 2472, 2920, 2921, 3552, 3576
*277	By Senators Miller, D. Hall, Laird, Williams and Kirkendoll: Requiring issuance of certificate of birth resulting in stillbirth. (Chapter 241, Acts, Regular Session, 2015)	951	1687		1800	951, 1747, 1758, 1800, 1801, 3218, 3576
278	By Senator Kames: Relating to lawful and unlawful methods of hunting.	1448	1636			1449, 1637
*280	By Senators Cole (Mr. President), Boley, Ferns, Mullins, Nohe, Sypolt, Prezioso, Facemire, D. Hall, Williams, Kessler, Palumbo and Beach: Allowing well work permit transfers. (Chapter 110, Acts, Regular Session, 2015)	310	397		398	310, 397, 398, 399, 489, 572



Number	SPONSOR AND SYNOPSIS	Communi- cated to House	Reported from Com- mittee	Amended	Passed House	OTHER PROCEEDINGS
283	By Senators Nohe, Gaunch and Plymale: Relating to state banking institutions. (Chapter 39, Acts, Regular Session, 2015)	1158, 2202	1750	1986	1986	1159, 1750, 1766, 1814, 1986, 1987, 3219, 3575
*284	By Senators Nohe, Plymale, Sypolt, Walters, Blair, Williams, Prezioso and D. Hall: Relating to chief law-enforcement officer's requirement to certify transfer or making of certain firearms. (Chapter 79, Acts, Regular Session, 2015)	572	1872		2220	572, 1998, 2069, 2220, 3539, 3576
285	By Senators Nohe, Gaunch and Plymale: Relating to primary and subordinate mortgage loans.	1159				1159
*286	By Senators Ferns, Trump, D. Hall, Blair, Boley, Gaunch, Leonhardt, Mullins and Karnes: Relating to compulsory immunizations of students; exemptions. (Chapter 123, Acts, Regular Session, 2015)	951, 3195, 3268	1365, 2045	2472, 2922, 3270	2922, 3195, 3271	952, 1366, 2269, 2472, 2921, 2923, 3195, 3228, 3268, 3552, 3576
*287	By Senators Takubo, Boley, Carmichael, Gaunch, Stollings, Walters, Williams, Trump and Blair: Providing posthumous high school diplomas. (Chapter 94, Acts, Regular Session, 2015)	664, 2608, 3272	1769	2069, 2221, 3273	2220, 3274	664, 1998, 2069, 2220, 2221, 3228, 3272, 3273, 3274, 3552, 3576
*291	By Senators Ferns, D. Hall, Karnes and Leonhardt: Clarifying power of Attorney General to contract for outside legal services.	1355				1355
292	By Senators Nohe and Gaunch: Relating to licenses for business of currency exchange, transportation or transmission. (Chapter 82, Acts, Regular Session, 2015)	1159	1749		1987	1159, 1749, 1766, 1814, 1987, 3218, 3575
294	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Eliminating certain unnecessary, inactive or redundant councils, committees and boards. (Chapter 40, Acts, Regular Session, 2015)	981	1363		1517	982, 1417, 1468, 1507, 2025, 2200
295	By Senators Ferns and Trump: Establishing appeal process for DHHR Board of Review and Bureau for Medical Services decisions. (Chapter 137, Acts, Regular Session, 2015)	713, 3208	2111	2480	2923	713, 2269, 2480, 2923, 3552, 3576

Number	SPONSOR AND SYNOPSIS	Communi- cated to House	Reported from Com- mittee	Amended	Passed House	OTHER PROCEEDINGS
298	By Senators Gaunch and Trump: Clarifying funds within Public Employees Retirement Fund. (Chapter 206, Acts, Regular Session, 2015)	804	944		1023	804, 979, 1023, 1024, 1376, 1689
299	By Senators Gaunch and Trump: Clarifying start date of State Police duty-related and nonduty related disability payments. (Chapter 212, Acts, Regular Session, 2015)	804, 1084	945	1024	1025	804, 979, 1024, 1025, 1376, 1689
302	By Senators Gaunch and Trump Relating to state retirement plans. (Chapter 208, Acts, Regular Session, 2015)	804	944		1026	805, 979, 1025, 1026, 1376, 1689
304	By Senators Miller, Williams, Beach, D. Hall, Nohe, Sypolt, Snyder and Stollings: Relating to farmers markets. (Chapter 114, Acts, Regular Session, 2015)	1202, 3208	1636, 2110	2480, 2485	2485	1202, 1636, 2269, 2480, 2484, 2485, 3552, 3576
310	By Senators Sypolt, Williams and Nohe: Exempting nonprofit public utility companies from B&O tax. (Chapter 231, Acts, Regular Session, 2015)	1676, 3208	2105		2924	676, 2269, 2485, 2923, 2924, 3540, 3576
312	By Senators Nohe, Boley, Leonhardt, Palumbo and D. Hall: Relating to disqualification of general election nominees for failure to file campaign finance statements. (Chapter 106, Acts, Regular Session, 2015)	572, 3163	2046	2485, 3164	2489, 3164	572, 2269, 2485, 2488, 2489, 3164, 3552, 3576
*315	By Senator Mullins: Relating to civil actions filed under Consumer Protection Act. (Chapter 64, Acts, Regular Session, 2015)	805, 3208	2046	2489	2924	805, 2269, 2489, 2924, 3549, 3576
*316	By Senators D. Hall, Leonhardt, Trump, Stollings, Plymale, Kirkendoll and Nohe: Exempting new veteran-owned business from certain fees paid to Secretary of State. (Chapter 240, Acts, Regular Session, 2015)	1054, 3208	2244	2490	2925	1054, 2244, 2490, 2924, 2925, 3553, 3576
318	By Senators Trump, Karnes, Carmichael and Blair: Relating to payment of wages by employers. (Chapter 153, Acts, Regular Session, 2015)	602	2044		2955	602, 2269, 2490, 2954, 2955, 3549, 3576

Number	SPONSOR AND SYNOPSIS	Communi- cated to House	Reported from Com- mittee	Amended	Passed House	OTHER PROCEEDINGS
*320	By Senators D. Hall and Trump: Standardizing notification process for revocation of certificates of authority.	1691				1691
322	By Senators Nohe, Boley, Palumbo, Leonhardt and Trump: Eliminating mandatory electronic recount of ballots in recounts. (Chapter 105, Acts, Regular Session, 2015)	573	1752		1988	573, 1766, 1814, 1987, 1988, 3218, 3575
*323	By Senator Blair: Relating to Municipal Home Rule Pilot Program. (Chapter 176, Acts, Regular Session, 2015)	573, 3164	1497, 2025	2245, 2360, 3165	2359, 3166	573, 1497, 2137, 2245, 2264, 2359, 2360, 2361, 3165, 3166, 3553, 3576
*325	By Senators Nohe, Boley, Leonhardt, Sypolt, Palumbo, Trump and Blair: Relating to filing of candidates' financial disclosure statements.	1691	2046	2959	2963	1691, 2270, 2490, 2955, 2959, 2963
326	By Senators Nohe, Boley, Leonhardt, Sypolt, Palumbo, Trump and Blair: Eliminating campaign finance reporting by candidates for delegate to national convention.	573				573
332	By Senator M. Hall: Relating to administrative fees for Tax Division, Department of Revenue. (Chapter 230, Acts, Regular Session, 2015)	1455	1736		1988	1456, 1766, 1814, 1988, 3218, 3575
*334	By Senator Ferns: Relating to practice of medicine and surgery or podiatry.	1054				1055
*335	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Creating Access to Opioid Antagonists Act. (Chapter 127, Acts, Regular Session, 2015)	496, 776, 1278	598	694, 724, 1280	724, 1281	497, 648, 694, 724, 725, 983, 1279, 1280, 1281, 1634, 1937
*336	By Senators Ferns and Takubo: Eliminating Health Care Authority's power to apply certain penalties to future rate applications. (Chapter 126, Acts, Regular Session, 2015)	1507	1755		2048	1507, 1854, 1997, 2048, 2049, 3539, 3575

Number	SPONSOR AND SYNOPSIS	Communi- cated to House	Reported from Com- mittee	Amended	Passed House	OTHER PROCEEDINGS
341	By Senators 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.	461				461
*342	By Senators Gaunch, Trump and Plymale: Clarifying scope, application and requirements for error corrections by CPRB. (Chapter 207, Acts, Regular Session, 2015)	1456	1773		2221	1456, 1998, 2070, 2221, 3539, 3575
*343	By Senators Blair, Snyder and Nohe: Exempting chiropractors from continuing education requirement on mental health conditions common to veterans.	1055	1372	1468		1055, 1417, 1468, 1517, 1641
*344	By Senators Trump, Carmichael and Blair: Relating to duty to mitigate damages in employment claims. (Chapter 6, Acts, Regular Session, 2015)	1055	1752		1989	1055, 1766, 1814, 1988, 1989, 3218, 3576
*347	By Senators Sypolt, Beach, Blair, Gaunch, D. Hall, Karnes, Leonhardt, Maynard, Williams and Ferns: Creating Firearms Act of 2015.	1355, 2609, 3208	1770	2112, 2137, 2222	2222	1355, 1998, 2035, 2112, 2221, 2222, 2223, 3540, 3556
350	By Senators D. Hall, Beach, Blair, Facemire, Ferns, Gaunch, M. Hall, Kessler, Kirkendoll, Laird, Mullins, Plymale, Prezioso, Snyder, Stollings, Trump, Walters, Romano, Nohe, Williams and Leonhardt: Establishing criminal penalties for assault or battery on utility workers.	1056				1056
*351	By Senator Ferns: Relating to charitable organization contribution levels requiring independent audit reports. (Chapter 44, Acts, Regular Session, 2015)	1202	1492		1741	1203, 1673, 1717, 1741, 2025, 2200
*352	By Senator Walters: Expanding scope of cooperative associations to goods and services including recycling. (Chapter 68, Acts, Regular Session, 2015)	1691, 2609, 3208	1772	2264	2360	1692, 1998, 2070, 2264, 2359, 2360, 3550, 3575
*353	By Senators Walters and Nohe: Designating State Police Superintendent administrator and enforcer of motor vehicle inspection program.	1203	1937			1203, 1937

Number	SPONSOR AND SYNOPSIS	Communi- cated to House	Reported from Com- mittee	Amended	Passed House	OTHER PROCEEDINGS
*357	By Senators Mullins, Blair, Boley, Boso, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Carmichael, Kirkendoll, Leonhardt, Maynard, Nohe, Plymale, Prezioso, Stollings, Sypolt, Takubo, Trump, Walters and Williams: Creating Coal Jobs and Safety Act of 2015. (Chapter 52, Acts, Regular Session, 2015)	714, 1508	1157	1246, 1508	1304, 1510	715, 1158, 1182, 1246, 1303, 1304, 1508, 1509, 1510, 1772
360	By Senators Miller, Beach, Carmichael, D. Hall, Mullins, Nohe, Sypolt, Williams, Woelfel, Laird, Plymale and Facemire: Repealing code sections relating to book indexes and claims reports required by court clerks. (Chapter 57, Acts, Regular Session, 2015)	1203	1872		2224	1203, 1998, 2070, 2223, 2224, 3539, 3576
*361	By Senator Blair: Eliminating prevailing hourly wage requirement for construction of public improvements. (Chapter 183, Acts, Regular Session, 2015)	777, 1676	1189	1308, 1310, 1400	1400	777, 1271, 1308, 1399, 1401, 1676, 1772, 2200
363	By Senator Cole (Mr. President): Establishing maximum rates and service limitations for reimbursement of health care services by Court of Claims. (Chapter 50, Acts, Regular Session, 2015)	1692	1732, 2111		2964	1692, 1732, 2270, 2491, 2963, 2964, 3553, 3576
364	By Senators M. Hall, Snyder, D. Hall, Plymale and Facemire: Exempting State Police Forensic Laboratory from state purchasing guidelines.	1056				1056
*366	By Senators Ferns, Stollings, Walters and D. Hall: Creating Patient Protection and Transparency Act. (Chapter 182, Acts, Regular Session, 2015)	1692, 2202, 3207	1731	1993	1989	1692, 1766, 1814, 1989, 1993, 3219, 3575
370	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Reorganizing Governor's Committee on Crime, Delinquency and Correction and certain subcommittees. (Chapter 81, Acts, Regular Session, 2015)	1160, 2609, 3208	2030	2265	2361	1161, 2030, 2138, 2265, 2361, 3547, 3576

Number	SPONSOR AND SYNOPSIS	Communicated to House	Reported from Committee	Amended	Passed House	OTHER PROCEEDINGS
*373	By Senators Nohe, Gaunch, D. Hall, Karnes and Blair: Allowing wireless communication image serve as proof of motor vehicle insurance. (Chapter 175, Acts, Regular Session, 2015)	1203	1730, 2104		2492	1203, 1730, 2270, 2491, 2492, 3540, 3575
*374	By Senators Trump and D. Hall: Permitting in absentia parole hearings in certain instances. (Chapter 184, Acts, Regular Session, 2015)	638	1498		1742	638, 1673, 1717, 1741, 1742, 2025, 2599
*375	By Senator Trump: Specifying who receives parole hearing notices via regular or certified mail. (Chapter 185, Acts, Regular Session, 2015)	638	1498		1743	638, 1673, 1717, 1742, 1743, 2025, 2599
*377	By Senators Boso and Gaunch: Limiting civil liability of pharmaceutical manufacturers or sellers providing warning to learned intermediary.	1356				1356
*378	By Senators Snyder, Blair, Miller, Kessler, Kirkendoll and Gaunch: Relicensing electricians without retesting under certain circumstances. (Chapter 108, Acts, Regular Session, 2015)	836	942		1026	836, 1026, 1027, 1376, 1689
382	By Senators M. Hall and Walters: Declaring claims against state. (Chapter 51, Acts, Regular Session, 2015)	921			1402	921, 1271, 1311, 1401, 1689, 1736
*384	By Senators D. Hall, Prezioso, Takubo, Stollings and Beach: Permitting wine sales by specialty shop located in dry county, magisterial district or municipality.	1056				1056
386	By Senators Ferns, Stollings and D. Hall: Excluding mobile x-ray services from health care provider tax.	1510	2029			1510, 2029
389	By Senators Blair, Yost, Maynard, Facemire, Leonhardt, Williams, Walters, Boso, Palumbo, Mullins, Gaunch, Miller, Ferns and Snyder (Originating in Senate Government Organization): Relating to Board of Registration for Professional Engineers license renewals and reinstatements. (Chapter 191, Acts, Regular Session, 2015)	602, 982, 1449, 2609	734	821, 877, 1450, 2610	877, 1451, 2611	603, 790, 821, 877, 878, 1190, 1449, 1452, 1865, 2610, 2611, 2612, 3553, 3576

Number	SPONSOR AND SYNOPSIS	Comm- icated to House	Reported from Com- mittee	Amended	Passed House	OTHER PROCEEDINGS
*390	By Senator Trump: Authorizing PSC approve expedited cost recovery of natural gas utility infrastructure projects. (Chapter 198, Acts, Regular Session, 2015)	1056, 2612	1771	2225	2225	1057, 1998, 2070, 2224, 2225, 2226, 3550, 3575
*393	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Reforming juvenile justice system. (Chapter 150, Acts, Regular Session, 2015)	1356, 3062	2030	2265, 3062	2362, 3063	1358, 2031, 2138, 2265, 2361, 2362, 3062, 3063, 3553, 3576
*395	By Senators Sypolt, Facemire, Gaunch, Prezioso, Stollings, Plymale, Palumbo and Williams: Modifying definitions of “battery” and “domestic battery”.	1510				1510
398	By Senators Ferns, D. Hall and Stollings: Extending expiration date for health care provider tax on eligible acute care hospitals. (Chapter 236, Acts, Regular Session, 2015)	1057, 1358	1079	1180	1233	1057, 1153, 1179, 1233, 1634, 1736
399	By Senator Ferns: Relating to hospitals owned or operated by nonprofit corporations or associations or local governmental units.	1204	1637			1204, 1637
403	By Senators Walters and Nohe: Increasing period during which recorded and refiled motor vehicle liens are valid. (Chapter 166, Acts, Regular Session, 2015)	1204	1492, 1872		2226	1204, 1492, 1998, 2071, 2226, 3539, 3575
*407	By Senator Plymale: Implementing state safety oversight program. (Chapter 223, Acts, Regular Session, 2015)	1510,	1858, 2021		2363	1511, 1858, 2138, 2266, 2362, 2363, 3547, 3575
*409	By Senators Carmichael, Blair, Boso, Gaunch, M. Hall, Walters and Williams: Establishing Fair and Open Competition in Governmental Construction Act. (Chapter 116, Acts, Regular Session, 2015)	1358	1872		2227	1358, 1998, 2071, 2226, 2227, 3539, 3576
*411	By Senators Takubo, Carmichael, Ferns, Gaunch and Mullins: Creating Asbestos Bankruptcy Trust Claims Transparency Act and Asbestos and Silica Claims Priorities Act. (Chapter 36, Acts, Regular Session, 2015)	1358, 2202	1735	1815	1990	1359, 1766, 1815, 1989, 1990, 3219, 3575

Number	SPONSOR AND SYNOPSIS	Communi- cated to House	Reported from Com- mittee	Amended	Passed House	OTHER PROCEEDINGS
412	By Senator Blair: Relating to Real Estate Commission complaint filings. (Chapter 200, Acts, Regular Session, 2015)	982	1078, 1873		2227	983, 1078, 1998, 2071, 2227, 3539, 3575
*413	By Senator D. Hall: Relating to commercial pesticide control licensing requirements.	1359	1637			1359, 1637
415	By Senator Trump (Originating in Senate Judiciary): Relating to circuit judges. (Chapter 73, Acts, Regular Session, 2015)	1084	1770, 1854, 2021		2363	1084, 1855, 2138, 2267, 2363, 3550, 3575
*416	By Senators D. Hall, M. Hall, Prezioso, Boley, Woelfel, Plymale and Beach: Relating to hotel occupancy tax.	1359	1731			1359, 1732
418	By Senators Nohe and Gaunch: Relating to trustee real estate sale under deed of trust. (Chapter 167, Acts, Regular Session, 2015)	1204	2044		2493	1204, 2270, 2492, 2493, 3540, 3575
420	By Senators Boley, Carmichael, Karnes, Kessler, Mullins, Plymale, Sypolt, Unger and Kirkendoll: Relating to retirement benefits for certain employees in kindergarten programs.	1511				1511
*421	By Senators Trump, Carmichael, Blair and Gaunch: Relating to punitive damages in civil actions. (Chapter 5, Acts, Regular Session, 2015)	982, 2047	1689	1801	1803	983, 1747, 1758, 1801, 1802, 1803, 3218, 3576
*423	By Senators M. Hall, Blair, Carmichael, Facemire, D. Hall, Kirkendoll, Mullins, Plymale, Romano, Trump, Woelfel, Williams and Stollings: Amending Aboveground Storage Tank Act. (Chapter 1, Acts, Regular Session, 2015)	1452	2031	2363	2370	1453, 2138, 2267, 2363, 2370, 3547, 3576
425	By Senators Plymale, M. Hall, Prezioso, Leonhardt, Walters, Williams, Carmichael, Laird, Kessler, Stollings, Miller and D. Hall: Relating to investments by MU, WVU and WVSOM. (Chapter 148, Acts, Regular Session, 2015)	1057	1734, 2110		2964	1057, 1734, 2270, 2493, 2964, 3553, 3576



Number	SPONSOR AND SYNOPSIS	Communi- cated to House	Reported from Com- mittee	Amended	Passed House	OTHER PROCEEDINGS
429	By Senators Trump, Williams, D. Hall, Stollings, Miller, Palumbo and Kessler: Relating to one-day special charitable event license to sell nonintoxicating beer.	921				921
*430	By Senator Trump: Permitting mutual protective orders enjoining certain contact between parties to domestic relations actions. (Chapter 89, Acts, Regular Session, 2015)	777, 2612	1771	2071, 2228	2228	777, 1998, 2071, 2228, 2229, 3547, 3575
434	By Senators Carmichael, D. Hall, Kirkendoll and Stollings: Relating to horse racing.	1360	2030	2267, 2915, 2918	2918	1360, 2138, 2267, 2370, 2913, 2915, 2918, 2919
*435	By Senators Blair, D. Hall, Boso, Carmichael, Kirkendoll, Laird, Stollings, Trump, Williams, Prezioso, Plymale, Gaunch and Walters: Creating WV Sheriffs' Bureau of Professional Standards. (Chapter 219, Acts, Regular Session, 2015)	1057, 1692, 2927	1363	1472, 2929	1518, 2931	1058, 1417, 1471, 1518, 1865, 2928, 2931, 3553, 3576
*436	By Senator Nohe: Relating to State Athletic Commission. (Chapter 221, Acts, Regular Session, 2015)	1511, 2612	1750	1841, 1990, 2612	1990, 2613	1512, 1766, 1841, 1990, 1991, 2613, 3553, 3576
*439	By Senators Prezioso, Carmichael, Gaunch, D. Hall, Kessler, Leonhardt, Walters, Williams and Plymale: Relating to higher education personnel. (Chapter 135, Acts, Regular Session, 2015)	1512, 3166	1874, 2110	2493, 2964, 3167	2964, 3167	1513, 1874, 2270, 2493, 2964, 2965, 3167, 3553, 3576
445	By Senators M. Hall, Stollings, Boley, Boso, Snyder, Facemire and Plymale: Relating to investment of RJCFA funds.	1161	1736		1992	1161, 1767, 1853, 1991, 1992, 3218, 3558
*446	By Senators Kessler, Beach and Stollings: Increasing number of terminals authorized by limited video lottery retailer license.	1693				1693

Number	SPONSOR AND SYNOPSIS	Communi- cated to House	Reported from Com- mittee	Amended	Passed House	OTHER PROCEEDINGS
447	By Senators Karnes, Boley, Gaunch and Leonhardt: Allowing issuance of diploma by public, private or home school administrator. (Chapter 99, Acts, Regular Session, 2015)	1513, 3207	2045	2966	2966	1513, 2270, 2500, 2966, 3553, 3576
*453	By Senators Woelfel, Blair, Ferns, Gaunch, M. Hall, Leonhardt, Mullins, Nohe, Plymale, Prezioso, Snyder, Takubo, Trump, Walters, Williams and Karnes: Relating to motor vehicle dealers, distributors, wholesalers and manufacturers. (Chapter 172, Acts, Regular Session, 2015)	1693, 3209	2109	2500, 2543	2967	1694, 2270, 2500, 2966, 2967, 3553
454	By Senators Prezioso, Beach, D. Hall, Kessler, Leonhardt, Plymale, Walters, Woelfel, Facemire and Stollings: Criminalizing trademark counterfeiting. (Chapter 201, Acts, Regular Session, 2015)	1453	1752		1992	1453, 1767, 1853, 1992, 3219, 3575
*455	By Senators Prezioso, Carmichael, D. Hall, Kessler, Leonhardt, Plymale, Walters, Williams, Palumbo and Stollings: Relating to public higher education procurement and payment of expenses. (Chapter 134, Acts, Regular Session, 2015)	1456, 3173	1735, 2110	2545, 2561, 3173	2968, 3174	1457, 1735, 2270, 2544, 2967, 2968, 3173, 3174, 3228, 3575
457	By Senators Plymale, Walters and Nohe: Relating to selection of school athletic coaches or other extracurricular activities coaches.	1513				1514
463	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Making supplementary appropriation to DHHR, DHS, Health Care Provider Tax, Medicaid State Share Fund. (Chapter 26, Acts, Regular Session, 2015)	1205	1372		1518	1205, 1417, 1472, 1518, 1519, 2025, 2200
466	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Making supplementary appropriation of federal funds to Department of Commerce. (Chapter 27, Acts, Regular Session, 2015)	1205	1372		1519	1205, 1417, 1472, 1519, 1865, 2200

Number	SPONSOR AND SYNOPSIS	Communi- cated to House	Reported from Com- mittee	Amended	Passed House	OTHER PROCEEDINGS
467	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Making supplementary appropriation of federal funds to Department of Agriculture, State Conservation Committee. (Chapter 28, Acts, Regular Session, 2015)	1205	1373		1520	1206, 1417, 1472, 1520, 1865, 2200
469	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Making supplementary appropriation of federal funds to DEP, Division of Environmental Protection. (Chapter 29, Acts, Regular Session, 2015)	1206	1373		1521	1206, 1417, 1472, 1520, 1521, 1865, 2200
471	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Making supplementary appropriation of federal funds to DHHR, Human Rights Commission, and DHHR, DHS. (Chapter 30, Acts, Regular Session, 2015)	1206	1368		1522	1206, 1417, 1521, 1522, 1865, 2200
472	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Making supplementary appropriation to DOT, DMV, Motor Vehicle Fees Fund. (Chapter 31, Acts, Regular Session, 2015)	1222	1491		1743	1222, 1673, 1717, 1743, 1744, 2025, 2200
473	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Making supplementary appropriation of federal funds to DMAPS, WV State Police. (Chapter 32, Acts, Regular Session, 2015)	1207	1286		1461	1207, 1351, 1415, 1460, 1461, 1473, 1865, 2200
475	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Making supplementary appropriation to DMAPS, Division of Corrections, Parolee Supervision Fees, and WV State Police, Motor Vehicle Inspection Fund. (Chapter 33, Acts, Regular Session, 2015)	1207	1491		1744	1207, 1673, 1718, 1744, 1745, 2025, 2200
476	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Making supplementary appropriation to Department of Administration, Division of Purchasing, Purchasing Improvement Fund. (Chapter 34, Acts, Regular Session, 2015)	1207	1286		1461	1208, 1352, 1415, 1461, 1462, 1865, 2200

Number	SPONSOR AND SYNOPSIS	Communi- cated to House	Reported from Com- mittee	Amended	Passed House	OTHER PROCEEDINGS
477	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Supplementing, amending, decreasing and increasing appropriation from State Road Fund to DOH. (Chapter 35, Acts, Regular Session, 2015)	1208, 1694	1366	1473	1522	1208, 1417, 1473, 1522, 1523, 1865, 2200
479	By Senators Trump, Carmichael, Maynard, Miller, Woelfel, Snyder, Ferns, Palumbo, Nohe, Beach, Gaunch, Karnes, D. Hall, Kirkendoll, Romano, Williams and Leonhardt (Originating in Senate Judiciary): Adding additional family court judges. (Chapter 74, Acts, Regular Session, 2015)	1514	1770, 1873, 2021		2371	1514, 1770, 1873, 2138, 2268, 2370, 2371, 3550, 3575
481	By Senators Gaunch, D. Hall, Karnes, Maynard, Plymale, Sypolt and Woelfel: Relating to municipal policemen's and firemen's pension and relief funds' investment. (Chapter 210, Acts, Regular Session, 2015)	1457, 2613	1729, 1855	2229	2229	1457, 1730, 1998, 2073, 2229, 2230, 3550, 3576
483	By Senators Gaunch, D. Hall, Karnes, Maynard, Plymale, Sypolt and Woelfel: Relating to municipal policemen's and firemen's pension and relief funds' trustees. (Chapter 209, Acts, Regular Session, 2015)	1058, 2613	1855	2073	2230	1058, 1999, 2073, 2230, 3550, 3576
484	By Senator Carmichael: Relating to procedure for removal of certain county, school district and municipal officers.	1208				1208
*486	By Senators Leonhardt, Boso, D. Hall, Karnes, Maynard, Mullins, Nohe, Romano and Walters: Authorizing special license plates for Civil Air Patrol vehicles. (Chapter 171, Acts, Regular Session, 2015)	1360	1936		2371	1360, 1936, 2138, 2268, 2371, 3547, 3576
*488	By Senators Williams, Prezioso and Stollings: Creating Broadband Enhancement Council. (Chapter 41, Acts, Regular Session, 2015)	1454, 2614	1772	2076, 2231	2231	1454, 1999, 2076, 2230, 2231, 3550, 3576
489	By Senator Carmichael: Imposing statute of limitations on civil actions derived from surveying of real property. (Chapter 2, Acts, Regular Session, 2015)	1208	1749		1993	1208, 1767, 1853, 1992, 1993, 3218, 3575

Number	SPONSOR AND SYNOPSIS	Communi- cated to House	Reported from Com- mittee	Amended	Passed House	OTHER PROCEEDINGS
498	By Senators Sypolt, Boso, Carmichael, Kessler, Snyder, Prezioso and Facemire: Clarifying tax map rules apply to paper and electronic documents.	1209	1771			1209, 1999, 2035
499	By Senators Williams, Beach, Facemire, Kessler, Kirkendoll, Laird, Miller, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings and D. Hall: Creating Tourist-Oriented Directional Signs Program.	1514				1514
502	By Senators Sypolt, Ferns, Gaunch, Kirkendoll, Leonhardt, Plymale, Prezioso and Stollings: Relating to eligibility for certain reclamation or remediation tax credit. (Chapter 226, Acts, Regular Session, 2015)	1454, 2331		1546, 2049	2049	1454, 1545, 1641, 2035, 2049, 3540, 3575
503	By Senators Kirkendoll, Beach, Facemire, D. Hall, Kessler, Laird, Stollings, Yost, Romano and Palumbo: Permitting sheriff hire outside attorneys for tax collection assistance.	1454				1454
507	By Senators Trump and Plymale: Relating to monitoring inmates' electronic communications. (Chapter 69, Acts, Regular Session, 2015)	1209	1499		1745	1209, 1674, 1718, 1745, 1746, 2025
508	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Reorganizing Hatfield-McCoy Regional Recreation Authority. (Chapter 117, Acts, Regular Session, 2015)	1209, 1514		1311	1403	1210, 1269, 1311, 1402, 1403, 2044, 2200, 2599
510	By Senator Ferns: Amending Uniform Interstate Family Support Act. (Chapter 239, Acts, Regular Session, 2015)	1457	2045		2562	1458, 2270, 2561, 2562, 3548, 3576
514	By Senators Gaunch and Plymale: Relating to investments of local policemen's and firemen's pension and relief funds. (Chapter 142, Acts, Regular Session, 2015)	1458, 2614	1730, 1855	2086, 2232	2232	1458, 1730, 1999, 2086, 2231, 2232, 3548, 3575
515	By Senators Gaunch and Plymale: Relating to Municipal Pensions Oversight Board fund investments. (Chapter 177, Acts, Regular Session, 2015)	1459, 2614	1732, 1855	2233	2233	1459, 1732, 1999, 2086, 2232, 2233, 3550, 3575

Number	SPONSOR AND SYNOPSIS	Communi- cated to House	Reported from Com- mittee	Amended	Passed House	OTHER PROCEEDINGS
518	By Senators Blair, Carmichael, Snyder, Trump and Unger: Permitting county and municipal economic development authorities invest certain funds. (Chapter 70, Acts, Regular Session, 2015)	1360, 2925, 3014, 3171	1497, 1855	2086, 2234, 3171	2234, 3173	1361, 1498, 1999, 2086, 2233, 2234, 2926, 3171, 3173, 3553, 3576
*523	By Senators Cole (Mr. President) and Kessler [By Request of the Executive]: Creating Alcohol and Drug Overdose Prevention and Clemency Act. (Chapter 128, Acts, Regular Session, 2015)	1210, 3209	1733, 2112	2562	2968	1211, 1733, 2270, 2562, 2968, 3553, 3576
*529	By Senators Gaunch and Carmichael: Relating to PERS, SPRS and TRS benefits and costs. (Chapter 204, Acts, Regular Session, 2015)	1515, 3064, 3274	2160	3004, 3019, 3023, 3276	3023, 3281	1515, 2270, 2562, 3004, 3006, 3010, 3019, 3023, 3025, 3064, 3228, 3275, 3281, 3283, 3553
530	By Senators Yost, Ferns, Kessler, Snyder and Romano: Extending income tax exemption for retirees receiving pensions from certain defined pension plans.	1459	1730			1459, 1730
532	By Senators Trump, Woelfel, Plymale, Stollings, Takubo, Prezioso, Carmichael, Ferns and Beach: Relating to civil liability immunity for clinical practice plans and medical and dental school personnel. (Chapter 165, Acts, Regular Session, 2015)	1361, 2273	1687	1758, 2273	1803, 2273	1361, 1688, 1747, 1758, 1803, 2273, 3550, 3575
*537	By Senators D. Hall and Boso: Changing mandatory school instructional time from days to minutes.	1361	2105	2563	3010	1361, 2270, 2563, 3010, 3013, 3014
*541	By Senators Carmichael, Blair and D. Hall: Relating to regulation and control of elections.	1694	2105			1695, 2270, 2340
*542	By Senators D. Hall, Carmichael, M. Hall, Gaunch, Trump, Blair and Nohe: Clarifying provisions of Consumer Credit and Protection Act relating to debt collection. (Chapter 63, Acts, Regular Session, 2015)	1695, 3209	2046	2568	3011	1696, 2271, 2568, 3010, 3011, 3554, 3576
545	By Senators Nohe, Walters, Palumbo and Gaunch: Removing certain prior bank overdraft approval by director or executive officer. (Chapter 38, Acts, Regular Session, 2015)	1459	1749		1994	1459, 1749, 1767, 1853, 1993, 1994, 3218, 3575

Number	SPONSOR AND SYNOPSIS	Communicated to House	Reported from Committee	Amended	Passed House	OTHER PROCEEDINGS
*548	By Senators Blair, Karnes and Leonhardt: Changing procedure for filling U. S. Senator vacancies.	1459	2109	2569		1460, 2271, 2569, 3011
549	By Senators M. Hall, Blair, Kessler, Unger and D. Hall: Establishing classifications and salary schedules for State Police forensic lab civilian employees.	1515, 3207	1855	2235	2234	1515, 1999, 2087, 2234, 2235, 3548, 3573
550	By Senators Kirkendoll, Kessler, Stollings and Unger: Authorizing agreements between county commissions and municipalities regarding structures unfit for human habitation.	1676				1677
559	By Senators M. Hall and Ferns: Relating to social work provisional licensing. (Chapter 220, Acts, Regular Session, 2015)	1362, 1892	1498	1718, 1746	1746	1362, 1674, 1718, 1746, 1747, 3218, 3575
560	By Senators Trump and D. Hall: Establishing special revenue fund for use of certain Supreme Court advanced technology.	1516				1516
574	By Senators Trump, Miller, Woelfel, Snyder, Beach, Gaunch, Karnes, D. Hall, Kirkendoll and Williams (Originating in Senate Judiciary): Relating to liquor sales by distilleries and mini-distilleries. (Chapter 14, Acts, Regular Session, 2015)	1460, 2614	1733, 1752	1994, 2614	1994, 2615	1460, 1733, 1767, 1853, 1994, 2614, 2615, 3554, 3576
576	By Senators Blair, Walters, Williams, Leonhardt, Facemire, Maynard, Yost, Snyder, Ferns, Miller, Gaunch, Mullins, Palumbo and Boso (Originating in Senate Government Organization): Relating to internet protocol-enabled service and voice over internet protocol-enabled service. (Chapter 197, Acts, Regular Session, 2015)	1455	1751		1996	1455, 1767, 1853, 1995, 1996, 3219, 3576
577	By Senators D. Hall, Boley, Karnes, Laird, Plymale, Romano, Stollings, Takubo and Sypolt (Originating in Senate Education): Allowing higher education governing boards invest certain funds with nonprofit foundations. (Chapter 149, Acts, Regular Session, 2015)	1516, 3209	2110	2571	3011	1516, 2271, 2571, 3011, 3012, 3554, 3576

Number	SPONSOR AND SYNOPSIS	Communi- cated to House	Reported from Com- mittee	Amended	Passed House	OTHER PROCEEDINGS
578	By Senators Trump, Carmichael, Ferns, Gaunch, D. Hall, Karnes, Leonhardt, Maynard, Nohe and Williams: Relating to occupational disease claims. (Chapter 244, Acts, Regular Session, 2015)	1516	1751		1997	1516, 1767, 1854, 1996, 1997, 3219, 3575
579	By Senators Trump, Carmichael, Ferns, D. Hall, Karnes, Kirkendoll, Leonhardt, Maynard, Miller, Nohe, Palumbo, Snyder, Williams and Woelfel (Originating in Senate Judiciary): Clarifying restriction on limited video lottery location near business selling petroleum products.	1517				1517
580	By Senators Trump, Carmichael, Gaunch, D. Hall, Karnes, Kirkendoll, Leonhardt, Maynard, Miller, Nohe, Palumbo, Romano, Snyder, Williams and Woelfel (Originating in Senate Judiciary): Relating to statute of limitations on health care injury claims for minors.	1677	1873	2088	2235	1677, 1999, 2088, 2235, 2236
581	By Senators M. Hall, Walters, Blair, Boley, Boso, Facemire, Kessler, Laird, Mullins, Plymale, Stollings, Sypolt, Takubo, Unger and Yost (Originating in Senate Finance): Relating to courtesy patrol program. (Chapter 72, Acts, Regular Session, 2015)	1677, 2615	1855	2089, 2236	2236	1677, 1999, 2089, 2236, 2237, 3548, 3576
582	By Senators Trump, Beach, Carmichael, Ferns, Gaunch, D. Hall, Karnes, Kirkendoll, Leonhardt, Maynard, Miller, Nohe, Palumbo, Romano, Snyder, Williams and Woelfel (Originating in Senate Judiciary): Relating to Herbert Henderson Office of Minority Affairs.	1696, 3209	2111	3012	3012	1696, 2271, 2572, 3012, 3013, 3554, 3560
583	By Senators M. Hall, Walters, Blair, Boso, Facemire, Laird, Mullins, Plymale, Prezioso, Stollings, Sypolt and Takubo (Originating in Senate Finance): Increasing tax rate on providers of certain nursing facility services. (Chapter 235, Acts, Regular Session, 2015)	1696, 2615	1856	2091, 2338	2338	1696, 1999, 2090, 2237, 2238, 3551, 3576



Number	SPONSOR AND SYNOPSIS	Communi- cated to House	Reported from Com- mittee	Amended	Passed House	OTHER PROCEEDINGS
584	By Senators M. Hall, Walters, Blair, Boso, Carmichael, Facemire, Laird, Mullins, Plymale, Prezioso, Stollings, Sypolt and Takubo (Originating in Senate Finance): Transferring Cedar Lakes Camp and Conference Center to private, nonstock, not-for-profit corporation.	1696, 3167	2110	2573, 2585, 3167	3168	1697, 2271, 2573, 3167, 3168, 3554, 3574
585	By Senators Trump, Beach, Carmichael, Ferns, Gaunch, Karnes, Kirkendoll, Leonhardt, Maynard, Miller, Nohe, Palumbo, Romano, Snyder, Williams and Woelfel (Originating in Senate Judiciary): Relating to regulation of transportation network and taxicab companies.	1697	2045			1697, 2271, 2349



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\*Denotes Committee Substitute

Number	SPONSOR AND SYNOPSIS	Communicated to House	Reported from Committee	Amended	Adopted by House	OTHER PROCEEDINGS
1	By Senators Cole, M. Hall and Kessler: Authorizing payment of supplies, services, printing and other expenses.	161			162	162
3	By Senators Palumbo, Blair and Stollings: Requesting DOH name portion of Rt. 25 in Kanawha County "U. S. Army Sgt. James Lawrence Taylor Memorial Road".	1790	2108		2211	1790, 2212
6	By Senators D. Hall and Stollings: Requesting DOH name bridge in Raleigh County "John Thomas Scott II Memorial Bridge".	1211				1211
8	By Senators Trump, Blair, M. Hall, Leonhardt, Mullins, Unger, Williams, Kirkendoll, Romano, Snyder, Facemire, Stollings and D. Hall: Urging US EPA withdraw and/or rescind proposed definition of "waters of the United States".	425				424
10	By Senators Trump, Kessler, Unger, Nohe, D. Hall and Prezioso: Designating September each year as US Constitution Month.	805	2597		2597	805, 2597
12	By Senators Cole (Mr. President), Carmichael and Kessler: Adopting Joint Rules of Senate and House of Delegates.	343			363	363, 364
13	By Senators Ferns, D. Hall and Sypolt: Urging Congress propose balanced budget amendment.	2321				2321
*14	By Senators Beach, Kessler, Leonhardt, Prezioso, Unger, Stollings, Miller and Yost: Requesting DOH erect signs in Marion County designated "Home of Francis H. Pierpont, Father of West Virginia and Governor of Restored Virginia".	1213	1638		1645	1213, 1645

Number	SPONSOR AND SYNOPSIS	Communicated to House	Reported from Committee	Amended	Adopted by House	OTHER PROCEEDINGS
*18	By Senators Kessler, Leonhardt, Yost, Plymale and Beach: Requesting DOH name bridge in Wetzel County "U. S. Army COL William L. Glover Memorial Bridge".	1215	1493, 1857		1953	1215, 1493, 1954
*19	By Senators Maynard, Plymale, Kirkendoll and Stollings: Requesting DOH name stretch of road in Wayne County "Darrell W. Sanders Memorial Highway".	1217	1493, 1857		1953	1217, 1493, 1954
*20	By Senators Maynard, Plymale, D. Hall and Stollings: Requesting DOH name stretch of road in McDowell County "U. S. Army 1SG Joe C. Alderman Memorial Road".	1698	1859, 2108		2211	1698, 1860, 2212
22	By Senators Stollings and Plymale: Requesting DOH name portion of U. S. Rt. 119 in Boone County "U. S. Army SGT Mark Andrew Messer Memorial Road".	1699	1859, 2108		2211	1699, 1860, 2212
23	By Senators Maynard, Plymale and Stollings: Requesting DOH name bridge in McDowell County "U. S. Army SFC Anthony Barton Memorial Bridge".	1791	2108		2211	1791, 2212
25	By Senators Prezioso, D. Hall, Plymale, Williams and Stollings: Requesting DOH name bridge in Harrison County "U. S. Army PFC Nick A. Cavallaro Memorial Bridge" and "U. S. Army SSG Benjamin T. Portaro Memorial Bridge".	1701	1859, 2108		2211	1701, 1860, 2212
29	By Senators Palumbo, Boley, Gaunch, Takubo, Walters, Stollings, Prezioso and D. Hall: Requesting DOH name bridge in Kanawha County "Rosie the Riveter Memorial Bridge".	1703	1936, 2109		2212	1703, 1937, 2212
31	By Senator Cole (Mr. President): Authorizing meeting of Joint Select Committee on Tax Reform.	1678	1857		1953	1677, 1954

Number	SPONSOR AND SYNOPSIS	Communicated to House	Reported from Committee	Amended	Adopted by House	OTHER PROCEEDINGS
33	By Senators Carmichael, M. Hall, Trump, Walters, Blair, Kessler, Laird, Miller, Unger, Facemire and Yost: Requesting Joint Committee on Government and Finance study undeveloped land preservation and conservation tax credit program.	2324	2595		2595	2324, 2595
*34	By Senators Woelfel, Miller, Laird, Unger and Stollings: Requesting DOH name bridge in Greenbrier County "U. S. Army Air Corps LT William H. Corkrean, Jr., Memorial Bridge".	1705	1859, 2109		2212	1705, 1860, 2212
*35	By Senators Stollings and Unger: Requesting DOH name bridge in McDowell County "U. S. Army CPL Zane Joseph Gero and U. S. Marine Corps CPL John Anthony 'Tony' Gero Memorial Bridge".	1706	1859, 2109		2212	1706, 1860, 2212
*36	By Senator Maynard: Requesting DOH name bridge in McDowell County "Homer Hopkins Bridge".	3199			3207	3199, 3207
37	By Senators Nohe, Gaunch, Prezioso and Ferns (Originating in Senate Banking and Insurance): Requesting Joint Committee on Government and Finance study pharmaceutical benefits management industry.	1679	2597		2597	1678, 2597
38	By Senators Snyder, Trump, Beach, Carmichael, Ferns, Gaunch, D. Hall, Karnes, Kirkendoll, Leonhardt, Maynard, Miller, Nohe, Palumbo, Romano, Williams and Woelfel (Originating in Senate Judiciary): Requesting transfer of WV from EPA Region III to EPA Region IV.	1282				1282
39	By Senators Carmichael, M. Hall, Nohe, Plymale and Stollings: Requesting Joint Committee on Government and Finance study Cedar Lakes Camp and Conference Center.	1680				1680
40	By Senators M. Hall and Stollings: Requesting DOH name bridge in Putnam County "U. S. Army Sgt. Deforest Lee Talbert Memorial Bridge".	1710				1710

Number	SPONSOR AND SYNOPSIS	Communicated to House	Reported from Committee	Amended	Adopted by House	OTHER PROCEEDINGS
41	By Senators Blair, Trump and Stollings: Requesting DOH name bridge in Berkeley County "W. C. Honaker and Clyde Spies Memorial Bridge".	1712	1859, 2109		2212	1711, 1860, 2212
42	By Senators Laird, Miller, Carmichael and Stollings: Requesting DOH name bridge in Fayette County "Tygrett Brothers Seven Veterans Bridge".	1794	2109		2212	1794, 2212
43	By Senators Boso and Stollings: Requesting DOH name bridge in Nicholas County "U. S. Army SPC Richard Nesselrotte Bridge".	1796	2109		2212	1795, 2212
44	By Senators Boso and Stollings: Requesting DOH name bridge in Randolph County "U. S. Navy PO2 Robert Paul Laderach Memorial Bridge".	1797	2109		2212	1797, 2212
45	By Senators Carmichael and Stollings: Requesting DOH name bridge in Jackson County "James P. Spano, Jr., Memorial Bridge".	1798	2109		2212	1798, 2212
47	By Senators Cole (Mr. President) and Kessler: Amending Joint Rules of Senate and House relating to printing enrolled bills.	1681	1857		1953	1681, 1954
48	By Senator Stollings: Requesting Joint Committee on Government and Finance study agreements between county commissions and municipalities regarding demolition of buildings unfit for human habitation.	2325				2325
50	By Senators M. Hall, Walters, Blair, Boley, Boso, Facemire, Kessler, Laird, Mullins, Plymale, Stollings, Sypolt, Takubo, Unger and Yost (Originating in Senate Finance): Providing for issuance of refunding bonds pursuant to Safe Roads Amendment of 1966.	1502	1751		1758	1502, 1758
51	By Senators Stollings and Kirkendoll: Requesting DOH name bridge in Boone County "U. S. Army PFC Samuel C. Ball Memorial Bridge".	2310	2597		2597	2310, 2597

Number	SPONSOR AND SYNOPSIS	Communicated to House	Reported from Committee	Amended	Adopted by House	OTHER PROCEEDINGS
52	By Senators Sypolt, Beach, Boley, Boso, Ferns, Gaunch, Kames, Plymale and Stollings: Requesting Board of Education study teacher preparation programs.	2311				2311
53	By Senators Boso and Stollings: Requesting DOH name bridge in Randolph County "U. S. Army PFC Samuel Reed Summerfield Memorial Bridge".	2312	2597		2597	2312, 2597
54	By Senators Kirkendoll and Stollings: Requesting DOH name stretch of road in Logan County "USMC LCpl Larry G. Williamson Memorial Highway".	2313	2597		2597	2313, 2597
55	By Senators Kirkendoll and Stollings: Requesting DOH name section of road in Logan County "U. S. Army SP4 Terry Robert Albright Memorial Road".	2315	2597		2597	2315, 2597
56	By Senators Kirkendoll and Stollings: Requesting DOH name section of road in Logan County "U. S. Army Colonel Anna M. Butcher Road".	2316	2597		2597	2316, 2597
59	By Senators Plymale, Gaunch, Yost and Stollings: Requesting Joint Committee on Government and Finance study expansion of outcomes of MU Luke Lee Listening, Language and Learning Lab.	2326	2598		2599	2326, 2599
60	By Senators Kirkendoll and Stollings: Requesting DOH name bridge in Logan County "U. S. Army SGT Bernard C. Maynard Memorial Bridge".	3201			3207	3201, 3207
62	By Senators M. Hall, Snyder, Prezioso, D. Hall and Stollings: Requesting Joint Committee on Government and Finance study racing and gaming industries.	3202			3207	3202, 3207
63	Originating in Senate Rules: Urging Board of Coal Mine Health and Safety develop regulations governing movement of underground mining equipment.	2328	2598		2599	2328, 2599

Number	SPONSOR AND SYNOPSIS	Communicated to House	Reported from Committee	Amended	Adopted by House	OTHER PROCEEDINGS
66	By Senators Walters, Leonhardt, Gaunch, Mullins and Woelfel (Originating in Senate Transportation and Infrastructure): Requesting Joint Committee on Government and Finance study highway and bridge revenue sources.	3196			3207	3196, 3207
68	By Senators Palumbo and Stollings: Requesting Joint Committee on Government and Finance study public library funding.	3197			3207	3197, 3207



**TOPICAL INDEX TO ALL HOUSE BILLS  
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**Bill  
Number****ACTIONS, SUITS AND LIENS:**

- 2034. Providing immunity from civil liability hospital volunteers who in good faith render emergency care at a hospital.
- 2088. Relating to limitations of actions and suits.
- 2091. False Claims Act.
- 2153. The Pain-Capable Unborn Child Protection Act.

**AGRICULTURE:**

- 2033. Captive Cervid Farming Act.
- 2448. Permitting the sale of raw milk.
- 2449. Permitting co-owners of cows to receive raw milk from those cows.
- 2467. Establishing a farmers market vendor permit and its scope and fees.
- 2529. Requiring the Commissioner of Agriculture to develop a pilot program for the cultivation of marijuana to be sold in states where sales are legal.
- 2657. Allowing members of the Livestock Care Standards Board to be reimbursed for expenses consistent with the West Virginia Department of Agriculture Travel Policy and Procedure.
- 2658. Relating to the inspection and slaughter of nontraditional agriculture.
- 2714. Altering the method of determining when the Department of Agriculture must deposit into the General Revenue Fund funds it collects.
- 2767. Making a supplementary appropriation to the Department of Agriculture, State Conservation Committee.
- 2807. Expanding the list of persons the Commissioner of Agriculture may license to grow or cultivate industrial hemp.
- 2966. Relating to the Senior Farmers' Market Nutrition Program.
- 3007. Exempting from food related laws or rules for certain individually produced agricultural products.

**ALCOHOLIC LIQUORS AND BEERS:**

- 2069. Providing for career development and establishing a pay scale for Alcohol Beverage Commission inspectors, enforcement agents and supervisors.

- 2385. Relating to brewer, resident brewer and brewpub licensing and operations.
- 2466. Exempting valid nonprofit organizations from licensing requirements of the West Virginia Alcoholic Beverage Control Authority during certain events.
- 2479. Relating to the powers and authority of state and local law enforcement to enforce underage drinking laws at private clubs.
- 2633. Funding for substance abuse services through increased taxes on beer, wine and liquor.
- 2664. Creating “Andrea and Willy’s Law”; increasing certain penalties for driving under the influence of alcohol, controlled substances or drugs.
- 2684. Creating a one-day special license for charitable events to sell nonintoxicating beer and wine.
- 2756. Authorizing appointees or employees of the Alcohol Beverage Control Commissioner to carry concealed handguns.
- 2803. Relating to the sale of alcohol by licensed manufacturers.
- 2804. Relating to the sale of alcoholic beverages on Sundays by private licensees.
- 2915. Relating generally to wholesale sales of liquor.
- 2937. Designating 5 million dollars per year for 4 years from beer, wine, and liquor tax revenue to the Fight Substance Abuse Fund.
- 2944. Allowing restaurants, retailers, private clubs, mini-distilleries and wineries to sell alcohol at 10:00 a.m. on Sundays.
- 2957. Relating to sales of liquor by distilleries and mini-distilleries.
- 2958. Removing the requirement that distillery or mini-distilleries submit to the commissioner ten percent of the gross sales price.

**APPROPRIATIONS:**

- 2016. Budget Bill, making appropriations of public money out of the treasury in accordance with section fifty-one, article six of the Constitution.
- 2220. Providing a limit on consulting fees.
- 2933. Making a supplementary appropriation to the Department of Administration, Public Defender Services.

**BANKING AND FINANCE:**

- 2379. Simplifying the process by which a bank may adjust the hours of operation for branch offices.
- 2398. Prohibiting the number of inquiries reflected in a credit report, credit score report or CLUE report from adversely affecting an application for insurance.

**BOARDS AND COMMISSIONS:**

- 2082. Requiring county boards of education to employ a certified library media specialist in each county school.
- 2096. Giving the Insurance Commissioner the power to regulate and penalize self-insured employers.
- 2103. Relating generally to boards of examination and registration.

- 2140. Building governance and leadership capacity of county board during period of state intervention.
- 2156. Relating to the State Board of Education.
- 2160. WV Schools for the Deaf and Blind eligible for School Building Authority funding.
- 2202. Relating to more equitable disbursement of funds to county boards.
- 2217. Relating to qualifications of the Commissioner of Labor.
- 2227. Relating to the National Coal Heritage Area Authority.
- 2236. Abolishing the West Virginia Diesel Equipment Commission.
- 2239. Creating a logistical advisory committee.
- 2267. Authorizing a county school board to adopt a policy that allows an inspirational message.
- 2271. Relating to state control of county schools.
- 2272. Relating to the authority of the Board of Pharmacy.
- 2370. Increasing the powers of regional councils for governance of regional education service agencies.
- 2431. Creating a board for review of officer-involved deaths.
- 2469. Eliminating unnecessary, inactive, or redundant councils, committees and boards.
- 2489. Relating to supervision of works by a sanitary board.
- 2492. Repealing the requirement that an entity charging admission to view certain closed circuit telecast or subscription television events needs to obtain a permit from the State Athletic Commission.
- 2512. Requiring the consent of the Public Service Commission before an electric utility subject to this chapter may retire or permanently shut-down an electric generating plant.
- 2561. Requiring the Commissioner of Highways to contract with private providers or contractors for necessary emergency maintenance operations.
- 2577. Consolidating purchasing by county boards of education.
- 2589. Establishing an appeal process for decisions issued by the West Virginia Department of Health and Human Resources Board of Review and the Bureau for Medical Services.
- 2732. Relating to the Real Estate Commission and licenses issued by the commission.
- 2738. Relating to the Women's Commission and placing it in the Department of Commerce.
- 2739. Requiring regional airport authority board members to include persons of area expertise.
- 2827. Abolishing the James "Tiger" Morton catastrophic illness fund and commission.
- 2836. Requiring the clerk of a county commission to maintain a county ordinance book.
- 2849. Creating the West Virginia Sentencing Commission.

2970. Authorizing county commissions and municipalities to cooperate and enter into agreements removing or demolishing dwellings or buildings unfit for human habitation.
2983. Prohibiting a county parks commission from rule-making authority as it regards firearms.

**BONDS:**

2193. Providing the Parkways Authority with the power to issue \$500 million worth of bonds.
2194. Relating to the School Building Authority.

**COMPACTS:**

2011. Relating to disbursements from the Workers' Compensation Fund where an injury is self inflicted or intentionally caused by the employer.
2027. Requiring circuit courts to review foreign court judgments for jurisdiction before such orders may be enforced.
2028. Relating generally to purchasing.
2041. Establishing requirements for prior review of all privatization proposals.
2054. Relating to the right of the landlord of commercial premises to terminate the lease under certain circumstances.
2199. Relating to the surcharge on fire and casualty insurance policies.
2223. 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".
2234. Requiring a court to permit a party in a divorce proceeding to resume using the name he or she used prior to the marriage.
2237. Prohibiting project labor agreements on state-funded construction contracts.
2241. Relating to licenses for the business of currency exchange, transportation or transmission.
2430. Updating the Uniform Common Interest Ownership Act.
2561. Requiring the Commissioner of Highways to contract with private providers or contractors for necessary emergency maintenance operations.
2579. Allowing a tax deduction for all prepaid tuition contracts or college savings plan.
2697. Allowing a home improvement transaction to be performed under an oral contract.
2745. Requiring an exempt spending unit to obtain authorization from the director of purchasing before entering into a contract for an amount equal to or exceeding ninety percent of the value of the largest contract.
2860. Relating to copayments required in certain policies, provisions, contracts, plans or agreements to provide health care benefits.

**CONSUMER PROTECTION:**

- 2063. Prohibiting the use of a credit score in casualty insurance rate filings.
- 2232. Relating to consumer credit and protection.
- 2395. Storm Scammer Consumer Protection Act.
- 2551. Prohibiting internet service providers from advertising or offering to provide high speed internet service that is not at least ten megabytes per second.
- 2552. Permitting utility consumers to use the consumer protection laws when concerning billing issues are in question.
- 2660. Relating to health insurance exchange navigators and nonnavigator assisters.
- 2661. Providing for the protection and privacy of persons seeking health insurance assisted by navigators and nonnavigator assisters under the federal Affordable Care Act.
- 2662. Eye Care Consumer Protection Law.
- 2710. Requiring the Public Service Commission to establish rates which ensure that the future customers to be served by the new project are solely responsible only for the debt costs associated for that specific project.
- 2854. Relating to protection of consumers from price gouging and unfair trade practices.

**CORPORATIONS:**

- 2050. Relating generally to the accountability of a corporation's political activities.
- 2086. Relating to the accountability of a corporation's political activities.
- 2090. Relating to the accountability of a corporation's political activities.
- 2182. Relating to examination of Potomac Highlands Airport Authority accounts by Chief Inspector and Tax Commissioner.
- 2444. Providing for the assignment of economic development office representatives to serve as Small Business Allies as facilitators to assist small business entities and individuals.
- 2490. Establishing a tax credit for new businesses that locate in the state.
- 2587. Creating tax credits for new small businesses created in this state and operating entirely within West Virginia.

**CORRECTIONS:**

- 2137. Changing the way counties pay for regional jail inmates.
- 2191. Work/Incarceration Prison pilot program.
- 2245. Relating to salary increase for Regional Jail Authority employees.
- 2254. Allowing the Executive Director of the West Virginia Regional Jail and Correctional Facility Authority to establish a work program.
- 2274. Authorizing the Commissioner of Corrections to enter into mutual aid agreements.
- 2375. Providing civil service status for certain employees of the Regional Jail and Correctional Facility Authority.
- 2396. Changing the way that the costs of incarcerating inmates in regional jails is collected.

- 2406. Changing the way the cost of incarcerating inmates in regional jails is collected.
- 2456. Changing the way that the cost of incarcerating inmates in regional jails is collected.
- 2473. Relating to the excise tax on the privilege of transferring real property and using the tax to reimburse counties for regional jail fees.
- 2482. Authorizing immediate discharge and transportation to a regional jail for aggressive and violent behavior of persons committed to state hospitals.
- 2731. Increasing salaries and creating longevity pay increases for all employees of the Division of Corrections, the Regional Jail Authority and the Division of Juvenile Services.
- 2759. Making a supplementary appropriation to the Department of Military Affairs and Public Safety, West Virginia Division of Corrections, and to the Department of Military Affairs and Public Safety, West Virginia State Police.
- 2805. Transferring to an adult correctional facility any juvenile whose sentence runs beyond his or her eighteenth birthday.
- 2869. Making the Department of Corrections and the Division of Health, and their respective workplaces, subject to the Occupational Safety and Health Act.
- 2928. Allowing inmates to perform the community service of providing upkeep to cemeteries.
- 2964. Allowing e-mails and other types of electronic communications to and from regional jail inmates be monitored, intercepted, recorded and disclosed.

**COUNTIES:**

- 2603. Allowing certain county or regional solid waste authorities in growth areas to designate common carriers of solid waste exempt from the requirement for a certificate of convenience.
- 2683. Adding an additional magistrate court deputy clerk position for Lewis County.
- 2711. Providing for a scratch-off game to fund a drug treatment facility on post-mine land in Mingo and Logan Counties.
- 2801. Permitting county commissions and municipalities to designate areas of special interest which will not affect the use of property in those areas.
- 2847. Permitting sheriffs to hire outside attorneys to assist with collection of taxes.
- 2865. Providing county commissioners an ongoing mechanism to consider compensation increases for elected officials every two years.
- 2895. Requiring the assessor of each county, within three months of a deed filing in the county clerk's office of each county, to prepare a new property tax ticket.
- 2904. Requiring the clerk of a county commission to maintain a county ordinance book.
- 2906. Relating to county budget stabilization funds.

2969. Requiring that a county itemize and publish all activity related to budget stabilization funds.

**COUNTY OFFICIALS:**

2577. Consolidating purchasing by county boards of education.

**COURTS:**

2369. Creating an additional magistrate court deputy clerk position for Marion County.
2380. Requiring the issuance of a search warrant before a driver of a motor vehicle can be made to submit to a secondary blood test.
2411. Authorizing the Secretary of State to prosecute election violations.
2461. Relating to delinquency proceedings of insurers.
2494. Creating a provisional plea process in criminal cases.
2584. Allowing a judge to excuse a potential juror from jury duty until a later date based on seasonal employment.
2600. Fair Trial Act.
2683. Adding an additional magistrate court deputy clerk position for Lewis County.
2703. Permitting in absentia parole hearings in certain instances.
2721. Specifying who receives notice of parole hearings via regular or certified mail.
2781. Allowing a medical power of attorney representative or surrogate to waive the incapacitated person's right to a trial by jury.
2782. Adjusting the judicial circuits of West Virginia.
2795. 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.
2828. Modifying the requirements that allow a child witness to testify by closed circuit television.
2833. Establishing the Court Advanced Technology Subscription Fund.
2858. Creating a public campaign financing program for circuit judges elections.
2862. Adding additional magistrate court deputy clerks.
2882. Increasing the number of magistrates in Monongalia County by one.
2898. Requiring each judicial circuit to have a court appointed special advocate program.
2938. Requiring the West Virginia Supreme Court of Appeals to maintain a searchable, criminal database containing copies of all arrests and convictions by all the courts in the state.
2955. Increasing the hourly rate for attorneys providing Public Defender Services for in court and out of court work.
2989. Requiring each judicial circuit to have a court-appointed special advocate program and each county to have a special advocate for children in abuse and neglect proceedings.

2994. Prohibiting courts from using, implementing, referring to or incorporating a tenet of any body of religious sectarian law into any decision.

**CRIME:**

2081. Including journalists as a protected profession within the definition of crimes of violence against certain categories of workers.
2130. Including law-enforcement officers among those professionals the assault or battery of which leads to enhanced criminal penalties.
2240. Providing that an act of domestic violence or sexual offense by strangling is an aggravated felony offense.
2251. Making it a criminal offense to disturb the peace.
2252. Relating to replacing the present crime of burglary with the crime of home invasion.
2255. Increasing the felony criminal penalties for exposing children to methamphetamine manufacturing.
2366. Relating generally to the solicitation of minors.
2402. Creating a criminal felony offense of aggravated assault or battery of a child or a person who is mentally incapacitated.
2411. Authorizing the Secretary of State to prosecute election violations.
2427. Increasing penalties for destruction or theft of election campaign advertising.
2554. Relating to protection of utility workers from crimes against the person.
2605. Removing the limitation on actions against the perpetrator of sexual assault or sexual abuse upon a minor.
2606. Clarifying the potential sentence for disorderly conduct.
2607. Relating to the violation of interfering with emergency services communications and clarifying penalties.
2608. Cleaning up redundant language in the statute relating to misdemeanor offenses for violation of protective orders.
2627. Providing protection against property crimes committed against coal mines, utilities and other industrial facilities.
2664. Creating "Andrea and Willy's Law"; increasing certain penalties for driving under the influence of alcohol, controlled substances or drugs.
2719. Increasing the criminal penalties for participating in an animal fighting venture.
2779. Creating the crime of trademark counterfeiting.
2868. Making it a felony to knowingly housing drug traffickers.
2939. Relating to requirements for mandatory reporting of sexual offenses on school premises involving students.
2942. Modifying the definition of child abuse or neglect to exclude accidental injury.
2963. Expanding the definition of kidnaping.
2965. Providing that a person using an object that reasonably appears to be a firearm or other deadly weapon, during a robbery or attempted robbery is guilty of robbery in the first degree.



- 3009. Removing criminal penalties applicable to midwives.
- 3016. Creating a meth offender registry.

**DOMESTIC RELATIONS:**

- 2040. Adding domestic violence and fraud to the list of crimes for which conviction would bar a person from holding public office.
- 2234. Requiring a court to permit a party in a divorce proceeding to resume using the name he or she used prior to the marriage.
- 2240. Providing that an act of domestic violence or sexual offense by strangling is an aggravated felony offense.
- 2251. Making it a criminal offense to disturb the peace.
- 2258. "Parents' Bill of Rights".
- 2264. Establishing a bill of rights for foster parents.
- 2460. Relating to the effect of adoption on grandparent visitation rights.
- 2520. Relating to domestic violence victims' eligibility for unemployment compensation benefits.
- 2586. Allowing for an alternative form of service of process in actions against nonresident persons by petitioners seeking domestic violence or personal safety relief.

**ECONOMIC DEVELOPMENT:**

- 2176. Creating a tax credit for certain businesses that locate within a twenty-mile radius of a Hatfield-McCoy recreation area trail head.
- 2531. Good Jobs Internet Reporting Act.
- 2580. Creating the Economic Fairness Act of 2015.
- 2908. Prohibiting shifting future development costs onto existing public service district customers.
- 2936. Relating to the West Virginia Economic Development Authority.

**EDUCATION (HIGHER):**

- 2412. Relating to disclosure of sex offender registration to public and private elementary and secondary schools and institutions of higher education.
- 2413. Providing pay rates for teachers and other personnel employed by county boards of education and institutions of higher education for work assignments outside of regular school days.
- 2446. Permitting the possession of firearms on the grounds of higher education institutions by all persons with valid licenses.
- 2594. Requiring that all higher education institutions in the state award credit to transfer students for similar courses completed at a different institution.
- 2617. Lengthening the residency requirement necessary to be eligible for the PROMISE Scholarship.
- 2622. Relating to deductions from personal income tax for contributions to state-administered prepaid college tuition contracts or college savings plans.
- 2690. Relating to student safety on higher education campuses.

- 2780. Enhancing the ability of campus police officers at public colleges to perform their duties.
- 2815. Authorizing certain state institutions of higher education to invest unlimited funds with their respective nonprofit foundations.
- 2867. Requiring recommendations for higher education course credit transfer.
- 2935. Relating to public education higher education personnel generally.
- 2950. Providing for a \$1,000 tax credit against personal income tax in tax years 2016-2017 for recent graduates of higher education programs.
- 2954. Expanding the promise scholarship to technical and community college students.
- 2973. Relating to public higher education procurement and payment generally.
- 2976. Expanding the eligible master's and doctoral level programs for which a Nursing Scholarship may be awarded.

**ELECTIONS:**

- 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.
- 2040. Adding domestic violence and fraud to the list of crimes for which conviction would bar a person from holding public office.
- 2085. Relating to the solicitation of public employees by a candidate for an elective office.
- 2086. Relating to the accountability of a corporation's political activities.
- 2089. All relating to the disclosure of information on campaign contributions and spending .
- 2092. Relating to voter photo identification.
- 2116. Eliminating straight ticket voting; and updating language on write-in candidates.
- 2157. Relating to absentee ballot fraud.
- 2159. Relating to the nonpartisan election of justices to the Supreme Court of Appeals.
- 2229. Relating to elections for vacancies in county offices.
- 2247. Prohibiting a chief deputy sheriff from engaging in certain political activities.
- 2365. Relating to voting procedures.
- 2457. Prohibiting the use of the name or likeness of elected or appointed officials on publicly-owned vehicles.
- 2465. Authorizing the election of and specifying qualifications for nonappointed members of the West Virginia Board of Education.
- 2477. Relating to voting procedures.
- 2483. Requiring the three commissioners of the Public Service Commission be elected from the three congressional districts for six-year terms.
- 2537. Requiring that the chairperson of the Public Service Commission be elected on a nonpartisan ballot.

- 2563. Requiring the State Superintendent of Schools to be elected on a nonpartisan basis.
- 2567. Electing members of county school boards on a nonpartisan basis in general elections only.
- 2588. Relating to the filing of financial statements with the Secretary of State.
- 2602. Requiring a voter to present an identifying document issued by the State of West Virginia or a United States military identification card that contains the name, address and a photograph of the person desiring to vote.
- 2624. Relating to voter registration photo cards.
- 2628. Changing the date of filing announcements of candidacies.
- 2694. Requiring all local special elections to be held on the days and hours of general or primary elections.
- 2788. Providing school days to register and transport students to vote.
- 2798. Requiring a voter to present an identifying document which contains the name, address and a photograph of that person.
- 2808. Providing that members of the House of Delegates in districts having more than one delegate be elected from numbered divisions.
- 2858. Creating a public campaign financing program for circuit judges elections.

**ENERGY:**

- 2001. Repealing portions of the Alternative and Renewable Energy Portfolio Act.
- 2062. Establishing the Legislative Oversight Commission on Energy Workers Safety.
- 2106. Relating to the Alternative and Renewable Energy Portfolio Act.
- 2409. Repealing all of the Alternative and Renewable Energy Portfolio Act.
- 2945. Authorizing local units of government to adopt local energy efficiency partnership programs and to create districts to promote the use of energy efficiency improvements by owners of certain real property.
- 2946. Relating to the spacing of shallow horizontal wells on a multiwell pad.
- 2982. Relating to net metering.
- 3005. Prohibiting blasting within six hundred twenty-five feet of an occupied dwelling.
- 3013. Relating generally to horizontal well control standards.

**ESTATES AND TRUSTS:**

- 2053. Relating to the form of trust deeds.
- 2266. Relating to the publication requirements of the administration of estates.
- 2655. Providing that a defendant in a civil action to recover a deficiency after a sale under a deed of trust may not assert as a defense that fair market value was not obtained for the property.

**ETHICS:**

- 2023. Requiring the reporting and publication of all compensation, including the source of that compensation, paid to lobbyists.

- 2028. Relating generally to purchasing.
- 2050. Relating generally to the accountability of a corporation's political activities.
- 2235. Prohibiting chairmen of state political parties during or up to one year after the termination of their employment as chairmen of those political parties from registering as lobbyists.
- 2547. Removing certain officials from office for misconduct or neglect of official duties.
- 2737. Prohibiting licensure board from hiring or contracting with lobbyist.

**FINANCE AND ADMINISTRATION:**  
**(See Governmental Agencies)**

**GOVERNOR -- BILLS REQUESTED BY:**

- 2016. Budget Bill, making appropriations of public money out of the treasury in accordance with section fifty-one, article six of the Constitution.
- 2114. Updating the meaning of federal adjusted gross income and certain other terms used in the West Virginia Personal Income Tax Act.
- 2115. Updating the meaning of the term "federal taxable income" and certain other terms used in the West Virginia Corporation Net Income Tax Act.
- 2117. Providing criminal penalties for using automated telephone calls to disseminate false, misleading or deceptive information during a proclaimed state of emergency.
- 2118. Relating to school nutrition standards during a state of emergency or state of preparedness.
- 2177. Eliminating unnecessary, inactive, or redundant boards, councils, committees, panels, task forces and commissions.
- 2209. Repealing of article creating the Governor's Office of Health Enhancement and Lifestyle Planning.
- 2210. Transferring the Children's Health Insurance Program and Children's Health Insurance Agency.
- 2211. Eliminating the consumers sales and service tax exemption on purchases of certain materials by a second party in construction or maintenance of a highways project.
- 2212. Changing the amount of severance tax revenue annually dedicated to the West Virginia Infrastructure General Obligation Debt Service Fund.
- 2213. Reducing the distributions to the West Virginia Infrastructure Fund.
- 2226. Eliminating dedication of corporation net income tax revenues to and deposits of such revenues into the Special Railroad Intermodal Enhancement Fund.
- 2382. Relating to the temporary assistance to needy families program.
- 2385. Relating to brewer, resident brewer and brewpub licensing and operations.
- 2462. Relating to certain deposits of tax proceeds.
- 2469. Eliminating unnecessary, inactive, or redundant councils, committees and boards.

- 2478. Relating to public school finance.
- 2525. Relating to the West Virginia Fire, EMS and Law-Enforcement Officer Survivor Benefit Act.
- 2543. Access to Opioid Antagonists Act.
- 2562. Relating to sales tax increment financing.
- 2565. Reorganizing the Governor's Committee on Crime, Delinquency and Correction and its subcommittees.
- 2612. Relating to the transfer of certain powers and programs of the West Virginia Affordable Housing Trust Fund to the West Virginia Housing Development Fund.
- 2631. Alcohol and Drug Overdose Prevention and Clemency Act.
- 2641. Relating generally to juvenile justice reform.
- 2645. Expanding the availability of the Underwood-Smith Teacher Loan Assistance Program.
- 2691. Making a supplementary appropriation to the Department of Commerce.
- 2692. Supplementing, amending, decreasing, and increasing items of the existing appropriations from the State Road Fund to the Department of Transportation, Division of Highways.
- 2698. Making a supplementary appropriation from the State Fund, State Excess Lottery Revenue Fund, to the Division of Human Services.
- 2757. Supplementing, amending, decreasing, and increasing items of the existing appropriations from the State Road Fund to the Department of Transportation, Division of Highways.
- 2758. Making a supplementary appropriation to the Department of Administration, Division of Purchasing - Purchasing Improvement Fund.
- 2759. Making a supplementary appropriation to the Department of Military Affairs and Public Safety, West Virginia Division of Corrections, and to the Department of Military Affairs and Public Safety, West Virginia State Police.
- 2760. Making a supplementary appropriation to the Bureau of Senior Services - Lottery Senior Citizens Fund.
- 2761. Making a supplementary appropriation of federal funds to the Department of Military Affairs and Public Safety, West Virginia State Police.
- 2762. Making a supplementary appropriation to the Department of Transportation, Division of Motor Vehicles - Motor Vehicle Fees Fund.
- 2763. Supplementary appropriation to the Department of Health and Human Resources.
- 2764. Making a supplementary appropriation to the State Department of Education - School Building Authority.
- 2765. Supplementary appropriation to the Department of Environmental Protection.
- 2766. Expiring funds to the unappropriated balance in the State Fund, General Revenue from the Joint Expenses, and from the Department of Health and Human Resources.

- 2767. Making a supplementary appropriation to the Department of Agriculture, State Conservation Committee.
- 2768. Making a supplementary appropriation to the Department of Commerce.
- 2769. Expiring funds to the unappropriated surplus balance in the State Fund, General Revenue from various agencies.
- 2770. Making a supplementary appropriation from the State Fund, State Excess Lottery Revenue Fund, to the Division of Human Services.
- 2771. Making a supplementary appropriation to the Department of Health and Human Resources, Division of Human Services - Health Care Provider Tax.
- 2772. Expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, from the Auditor's Office - Purchasing Card Administration Fund.
- 2835. Reorganizing the Hatfield-McCoy Regional Recreation Authority.

**HEALTH:**

- 2009. Allowing State Police, police, sheriffs and fire and emergency service personnel to possess naloxone or other approved opioid antagonist.
- 2021. Implementing drug testing for recipients of federal-state and state assistance.
- 2026. Allowing terminally ill patients to have access to investigational products that have not been approved by the federal food and drug administration.
- 2046. Relating to treatment for sexually transmitted diseases.
- 2100. Caregiver Advise, Record and Enable Act.
- 2215. Establishing certain protections for individuals seeking health care coverage through the WV Health Benefit Exchange.
- 2260. Prohibiting the Department of Health and Human Resources from expanding the managed care population without authorization from the Legislature.
- 2269. Requiring rules of the Department of Environmental Protection, Department of Health and Human Resources, Division of Natural Resources and Department of Commerce be no more stringent than corresponding federal laws.
- 2373. Prohibiting the establishment of new methadone treatment programs and clinics; providing exceptions.
- 2376. Creating the Save the Hospitals Act.
- 2386. Exempting cosmetologists who have been licensed for twenty years or more from continuing education requirements.
- 2390. Relating to public health.
- 2393. Requiring recipients of Supplemental Nutrition Assistance Program be issued a photo identification card.
- 2397. Prohibiting the establishment of methadone treatment programs and clinics in this state; providing exceptions.
- 2408. Relating to collaborative practice.
- 2443. Relating to required instruction in cardiopulmonary resuscitation and first aid in public school health education subjects.
- 2496. Adopting the Interstate Medical Licensure Compact.

- 2497. Rewriting the licensing requirements for the practice of medicine and surgery or podiatry.
- 2500. Allowing local boards of health to appoint physician assistants as local health officers.
- 2509. Determining federal health care legislation invalid in this state.
- 2511. Health Care Sharing Ministries Freedom to Share Act.
- 2544. Clarifying that optometrists may continue to exercise the same prescriptive authority which they possessed prior to hydrocodone being reclassified.
- 2589. Establishing an appeal process for decisions issued by the West Virginia Department of Health and Human Resources Board of Review and the Bureau for Medical Services.
- 2595. Relating to certificates of need for the development of health facilities in this state.
- 2614. Relating generally to health care provider taxes.
- 2623. Establishing guidelines and materials to inform and educate students, parents and coaches about the nature and warning signs of sudden cardiac arrest.
- 2648. Allowing authorized entities to maintain a stock of epinephrine auto-injectors to be used for emergency.
- 2652. Reducing the assessment paid by hospitals to the Health Care Authority.
- 2662. Eye Care Consumer Protection Law.
- 2670. Relating to prescription authority for physician assistants.
- 2705. Providing a pay increase for certain employees of the Department of Health and Human Resources.
- 2708. Requiring various professionals who provide mental health-related services, complete course work in suicide assessment, treatment and management.
- 2711. Providing for a scratch-off game to fund a drug treatment facility on post-mine land in Mingo and Logan Counties.
- 2727. Exempting certain health care professionals from licensure requirements while performing charity care.
- 2728. Relating to risk-based capital reporting for health organizations.
- 2746. Requiring that athletic trainers be licensed, instead of registered, by West Virginia Board of Physical Therapy.
- 2754. Relating to uncompensated care.
- 2763. Supplementary appropriation to the Department of Health and Human Resources.
- 2810. Implementing the West Virginia Property Rescue Initiative to reduce the number of properties posing a threat to public health and safety.
- 2825. Requiring the Department of Health and Human Resources to review rates it pays to care providers and to increase direct care rates.
- 2827. Abolishing the James “Tiger” Morton catastrophic illness fund and commission.
- 2829. Defining “midwife”, “certified midwife” and “midwifery”.
- 2860. Relating to copayments required in certain policies, provisions, contracts, plans or agreements to provide health care benefits.

- 2869. Making the Department of Corrections and the Division of Health, and their respective workplaces, subject to the Occupational Safety and Health Act.
- 2880. Creating an addiction treatment pilot program.
- 2885. The Youth Mental Health Protection Act.
- 2888. Allowing the use of rotary drum composters to destroy or dispose of the carcass of any animal to prevent the spread of disease.
- 2909. Compassionate Use Act for Medical Cannabis.
- 2910. Preserving employment and promoting health and safety in the coal industry.
- 2920. Vesting the Public Employees Insurance Agency with the authority to negotiate and executing all health care and ancillary contracts for the Medicaid program.
- 2924. Directing the Health Care Authority to establish a council to investigate and recommend to the authority pricing guides for pharmaceuticals that exclude advertising costs.
- 2999. Relating to neonatal abstinence centers.
- 3008. Relating to certificates of need for certain skilled nursing facilities.

**HUMAN SERVICES:**

- 2011. Relating to disbursements from the Workers' Compensation Fund where an injury is self inflicted or intentionally caused by the employer.
- 2021. Implementing drug testing for recipients of federal-state and state assistance.
- 2147. Requiring the circuit court , when appointing counsel for alleged protected persons, to make appointments from a listing of all interested and qualified attorneys in the circuit.
- 2161. Adopting the Uniform Act on Prevention of and Remedies for Human Trafficking.
- 2203. Redefining the parameters for the offense of human trafficking.
- 2436. Increasing the number of child protective service workers.
- 2535. Relating generally to suicide prevention training, "Jamie's Law".
- 2553. Relating to human trafficking.
- 2586. Allowing for an alternative form of service of process in actions against nonresident persons by petitioners seeking domestic violence or personal safety relief.
- 2724. Requiring benefit access devices to benefits provided by the Department of Human Services, to have a photograph of the person to whom a device was issued.
- 2729. Relating to welfare system integrity.
- 2948. Clarifying the exemptions provided by statute for Social Work Licensing.
- 2949. Relating to requirements for provisional social worker licenses.

**INSURANCE:**

- 2051. Limiting the use of credit information in connection with the declination and termination of property insurance.
- 2063. Prohibiting the use of a credit score in casualty insurance rate filings.



2096. Giving the Insurance Commissioner the power to regulate and penalize self-insured employers.

**JUVENILES:**

(See **Child Welfare** or See **Human Services**)

**LABOR:**

2041. Establishing requirements for prior review of all privatization proposals.  
2052. Relating to the labor-management relations act for the private sector.  
2093. Creating the Valued Employee Retention program.  
2096. Giving the Insurance Commissioner the power to regulate and penalize self-insured employers.  
2237. Prohibiting project labor agreements on state-funded construction contracts.  
2273. Relating to prevailing wages.  
2643. Establishing the West Virginia Right to Work Law.

**LEGISLATURE:**

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.  
2022. Prohibiting certain political fund-raising activities for members of the Legislature during certain periods of time.  
2129. Providing for the redistricting office of the Joint Committee on Government and Finance to propose redistricting plans during census years.  
2222. Relating to certain members of the Legislature and certain service by members of the Legislature.  
2235. Prohibiting chairmen of state political parties during or up to one year after the termination of their employment as chairmen of those political parties from registering as lobbyists.  
2424. Providing a procedure for West Virginia to select delegates to an Article V convention for proposing amendments to the Constitution of the United States of America.  
2747. Prohibiting the expenditures for meals and beverages for members of the Legislature and their staff by lobbyists.

**LOCAL AND SPECIAL LAWS:**

2099. Extending the time of meetings of local levying bodies when meetings are delayed.

**MAGISTRATES:**

(See **Courts**)

**MOTOR VEHICLES:**

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.
2171. Relating to rules governing the operation of motorboats on lakes.
2196. Authorizing the Division of Motor Vehicles to issue special Hatfield-McCoy Trail license plates.
2225. Relating to roof-mounted off-road light bar lighting devices.
2380. Requiring the issuance of a search warrant before a driver of a motor vehicle can be made to submit to a secondary blood test.
2401. Authorizing the issuance of special "In God We Trust" motor vehicle registration plates.
2405. Providing a maximum repair cost for insured owners of motor vehicles if a collision with a deer caused the damage.
2495. Relating to the written examination of applicants for a license to operate a motor vehicle.
2503. Relating to appraisal value of certain motor vehicles for purposes of ad valorem property taxes.
2540. Requiring automobile liability insurance providers must give a policyholder fourteen days notice of an intent to cancel the policy if the reason for cancellation is nonpayment.
2548. Authorizing incorporated Class IV municipalities to enforce speed limits by use of any device designed to measure and indicate or record speed by means of microwaves or reflected light.
2569. Relating to the Dealer Recovery Program.
2601. Adding motor fuel to the list of products exempted from unfair trade practices.
2616. Updating the criteria by which the Division of Motor Vehicles must deny a motor vehicle salesperson license.
2621. Relating to liens on vehicles.
2638. Exempting motor vehicles from personal property tax.
2665. Relating to participation in Motor Vehicle Alcohol Test and Lock Program.
2673. Relating to liens on vehicles.
2693. Relating to commercial motor carriers.
2701. Relating to motor vehicle dealers, distributors, wholesalers and manufacturers.
2753. Removing the requirement for vehicles operated by the West Virginia Wing of the Civil Air Patrol to display front license plates with white lettering on a green background bearing the words "West Virginia" in one line and the words "State Car".
2790. Relating to minimum responsibility limits of car insurance.
2857. Relating to operating a motor vehicle in the left lane of a controlled-access highway.
2861. Relating to evidence of speed by the use of a device designed to measure and indicate the speed of a motor vehicle.

- 2887. Prohibiting the Division of Motor Vehicles from issuing instruction permits to applicants who have not successfully passed drug tests.
- 2967. Providing that the appraised value of an antique motor vehicle is a maximum of \$3,000 for purposes of ad valorem property taxes.
- 2978. Relating to inspection of vehicles and providing that defects in windshields and windows that do not obscure vision are not unsafe conditions.

**MUNICIPALITIES:**

- 2070. Providing meetings and conference rights for members of municipal fire departments.
- 2384. Removing prohibition of municipalities that are participating in the Municipal Home Rule Pilot Program to pass ordinances, acts, rules or regulations pertaining to municipal pension plans.
- 2507. Relating to membership provisions in the West Virginia Municipal Police and Firefighters Retirement System.
- 2539. Increasing by seven the number of participants in the Home Rule Pilot Program.
- 2548. Authorizing incorporated Class IV municipalities to enforce speed limits by use of any device designed to measure and indicate or record speed by means of microwaves or reflected light.
- 2583. Removing the publication requirements of financial statements for municipalities.
- 2720. Increasing the amount a person receiving a disability benefit from a municipal policemen's or firemen's pension and relief fund may earn from employment or self employment without penalty.
- 2801. Permitting county commissions and municipalities to designate areas of special interest which will not affect the use of property in those areas.
- 2913. Terminating the Municipal Home Rule Pilot Program and Municipal Home Rule Board.
- 2970. Authorizing county commissions and municipalities to cooperate and enter into agreements removing or demolishing dwellings or buildings unfit for human habitation.

**NATURAL RESOURCES:**

- 2018. Providing a fee discount for certain nonresident hunting, fishing and trapping licenses for native nonresidents.
- 2033. Captive Cervid Farming Act.
- 2067. Relating to pension benefits exempt from state income taxation.
- 2071. Providing an increase in compensation for natural resources police officers.
- 2072. Increasing compensation for conservation officers.
- 2143. Creating a hunting license permitting crossbow hunting.
- 2144. Permitting crossbow hunting.
- 2269. Requiring rules of the Department of Environmental Protection, Department of Health and Human Resources, Division of Natural Resources and

Department of Commerce be no more stringent than corresponding federal laws.

- 2515. Relating to elk restoration.
- 2529. Requiring the Commissioner of Agriculture to develop a pilot program for the cultivation of marijuana to be sold in states where sales are legal.
- 2581. Relating to the Chesapeake Bay watershed; and establishing a comprehensive nutrient reduction credit trading program.
- 2585. Requiring leaseholders of mineral interests to notify the owners of the minerals when there is an assignment of the lease to another party.
- 2590. Providing that residents sixty-five years of age or older are not required to have a license to hunt, trap or fish.
- 2596. Providing that all hunting and fishing licenses are valid for one year from the date issued.
- 2845. Requiring persons who are in the business of purchasing precious metals and precious gems to photograph those purchases and to transmit the photographs to law-enforcement.
- 2890. Streamlining the process of abandoned mineral interests.
- 2977. Providing that rents and royalties from leases of the minerals under the state's rivers and streams shall be expended for road paving and maintenance.

**PROFESSIONS AND OCCUPATIONS:**

- 2011. Relating to disbursements from the Workers' Compensation Fund where an injury is self inflicted or intentionally caused by the employer.
- 2012. Relating to the payment of wages by employers and when final wages are required to be paid.
- 2023. Requiring the reporting and publication of all compensation, including the source of that compensation, paid to lobbyists.
- 2081. Including journalists as a protected profession within the definition of crimes of violence against certain categories of workers.
- 2098. Authorizing those health care professionals to provide services to patients or residents of state-run veterans' facilities without obtaining an authorization to practice.
- 2100. Caregiver Advise, Record and Enable Act.
- 2151. Making the West Virginia state teacher of the year an ex officio, nonvoting member of the West Virginia Board of Education.
- 2163. Increasing salaries for school service personnel.
- 2164. Providing pay increases for teachers and counselors.
- 2195. Making changes to the definition of electrical contractor.
- 2378. Prohibiting chairmen of state political parties during or up to one year after the termination of their employment as chairmen of those political parties from registering as lobbyists.
- 2454. Adding pharmacist and pharmacy to the definition of "health care provider" as used in the Medical Professional Liability Act.

- 2475. Relating to the requirements for and scope of practice for registered veterinary technicians.
- 2489. Relating to supervision of works by a sanitary board.
- 2513. Relating to school personnel, employment term and class titles of service personnel and definitions.
- 2528. Providing scholarships for certain former coal miners.
- 2545. Relating to reimbursement of certification fee for National Board for Professional Teaching Standards certification.
- 2554. Relating to protection of utility workers from crimes against the person.
- 2584. Allowing a judge to excuse a potential juror from jury duty until a later date based on seasonal employment.
- 2637. Clarifying that insurance adjusters are not considered insurers for the purposes of the unfair trade practices act.
- 2643. Establishing the West Virginia Right to Work Law.
- 2702. Redefining service personnel class titles of early childhood classroom assistant teacher.
- 2708. Requiring various professionals who provide mental health-related services, complete course work in suicide assessment, treatment and management.
- 2752. Deregulating persons who perform work on heating, ventilating and cooling systems and fire dampers.
- 2755. Relating to service and professional employee positions at jointly established schools.
- 2777. Relating to licensing of barbers, cosmetologists, and hairstylists, and revising the membership requirements of the Board of Barbers and Cosmetologists.
- 2794. Making changes to the definition of contractor for purposes of the West Virginia Contractor Licensing Act.
- 2841. Allowing a person to be both a limited video lottery operator and retailer.
- 2843. Requiring school bus aides, who are trained in preventing bullying and providing a safe environment for students while being transported on a school bus, to be present on school buses.
- 2862. Adding additional magistrate court deputy clerks.
- 2900. Exempting certified professional estimator services from consumer sales and service tax.

**PUBLIC SAFETY:**  
**(See Law Enforcement)**

**PUBLIC SERVICE COMMISSION:**

- 2201. Requiring the Public Service Commission to adopt certain net metering and interconnection rules and standards.
- 2238. Relating to appointment of Public Service Commissioners.
- 2483. Requiring the three commissioners of the Public Service Commission be elected from the three congressional districts for six-year terms.

- 2537. Requiring that the chairperson of the Public Service Commission be elected on a nonpartisan ballot.
- 2710. Requiring the Public Service Commission to establish rates which ensure that the future customers to be served by the new project are solely responsible only for the debt costs associated for that specific project.
- 2743. Relating to additional duties of the Public Service Commission.
- 2744. Preempting any local law, rule, regulation, ordinance, or policy regulating the environmental or operational aspects of any public utility within the jurisdiction of the Public Service Commission; providing exceptions.

**REAL AND PERSONAL PROPERTY:**

- 2003. Relating to the liability of a possessor of real property for harm to a trespasser.
- 2051. Limiting the use of credit information in connection with the declination and termination of property insurance.
- 2055. Exempting from excise taxation the transfer of real property from an individual to a wholly-owned subsidiary.
- 2076. Allowing quarterly payment of real and personal property taxes.
- 2087. Permitting surface owners to purchase the mineral interests that lay below the property in certain circumstances.
- 2223. 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”.
- 2225. Relating to roof-mounted off-road light bar lighting devices.
- 2430. Updating the Uniform Common Interest Ownership Act.
- 2519. Creating the Uniform Real Property Electronic Recording Act.
- 2593. Creating the Private Property Protection Act.
- 2638. Exempting motor vehicles from personal property tax.
- 2750. Abolishing the adverse possession of land.
- 2783. Modifying procedures available to persons to address bears causing property damage or destruction.
- 2810. Implementing the West Virginia Property Rescue Initiative to reduce the number of properties posing a threat to public health and safety.
- 2826. Requiring the Commissioner of the Division of Highways to approve points of access to and from state highways to real property used or to be used for commercial, industrial or mercantile purposes; “Sarah Nott’s Law”.

**RETIREMENT:**

- 2067. Relating to pension benefits exempt from state income taxation.
- 2113. Increasing the amount of retirement income to be excluded from the gross income of individuals receiving retirement benefits under the West Virginia Public Employees Retirement System.

- 2222. Relating to certain members of the Legislature and certain service by members of the Legislature.
- 2253. Reducing state income taxes for state and federal retirees by increasing the exemption on retirement income.
- 2389. Granting all public employees, all teachers, all service employees, all public employee retirees, all teacher retirees and all service employee retirees a \$1,000 per year permanent pay increase.
- 2459. Requiring state agencies to issue photographic identification cards to qualified retired law-enforcement officers.
- 2504. Relating to the Public Employees Retirement System Fund.
- 2505. Relating to retirement system participation and concurrent employment provisions.
- 2506. Relating to duty-related disability retirement in the West Virginia State Police Retirement System.
- 2521. Clarifying the scope, application and methods for error correction required by the CPRB.
- 2560. Relating to disqualification for public retirement plan benefits when a participant is determined to have rendered less than honorable service.
- 2597. Exempting all monetary benefits derived from military retirement from personal income tax obligations.
- 2656. Establishing a retired teachers instant lottery scratch-off game.
- 2791. Increasing benefits of retired state personnel and retired teachers.
- 2812. Clarifying use of subsistence allowance in determining compensation for purposes of calculating pension benefits for natural resources police officers.
- 2817. Providing for security of private, employer-sponsored insurance and/or retirement plans.
- 2929. Relating to availability of military service credit for members of the West Virginia Public Employees Retirement System.
- 2981. Relating to purchase of service credit following transfer to the State Teachers Retirement System.
- 2995. Giving an annual 1% annuity adjustment to all eligible retired deputy sheriffs.
- 3003. Continuing the personal income tax adjustment to the gross income of certain retirees.

**SALARIES:**

- 2032. Increasing salary increments paid to principals and assistant principals.
- 2043. Granting all public employees a \$1,000 per year permanent pay increase.
- 2057. Requiring that State Police officers be compensated for time when they are required to be on standby and providing a stipend for housing cost for certain officers.
- 2065. Increasing compensation of membership of the West Virginia State Police.
- 2066. Increasing the amount of annual and incremental salary increases for eligible state employees.

- 2069. Providing for career development and establishing a pay scale for Alcohol Beverage Commission inspectors, enforcement agents and supervisors.
- 2071. Providing an increase in compensation for natural resources police officers.
- 2072. Increasing compensation for conservation officers.
- 2075. Establishing a minimum number of troopers to provide basic law enforcement services, and providing members of the West Virginia State Police a \$580 salary increase at the end of two years of service.
- 2162. Relating to payment of employees separated from payroll before paydays.
- 2197. Removing the compensation caps entirely for secretary-clerks and case coordinators.
- 2438. Increasing the educational increment for school service personnel.

**SENIOR CITIZENS:**

- 2039. Raising the maximum personal income tax exemption for persons over the age of sixty-five and for persons who are totally disabled.
- 2079. Creating the Seniors Helping Seniors Fund.
- 2083. Relating to Class XS senior resident lifetime licenses.
- 2204. Eliminating the motor fuels tax on heating oil for residential use by eligible seniors.
- 2221. Clarifying that a valid West Virginia identification card is an acceptable form of ID to prove age and residency for purposes of obtaining a senior citizen campground rental discount.
- 2404. Providing one-time supplements to all annuitants when they reach the age of seventy.
- 2463. Increasing the maximum personal income tax exemption for persons over the age of sixty-five and for persons who are totally disabled.
- 2534. Prohibiting discrimination based upon age or sexual orientation.
- 2590. Providing that residents sixty-five years of age or older are not required to have a license to hunt, trap or fish.
- 2760. Making a supplementary appropriation to the Bureau of Senior Services - Lottery Senior Citizens Fund.
- 2984. Creating a Silver Alert program for senior citizens.

**TAXATION:**

- 2080. Reallocating and dedicating up to \$30 million to the natural gas and oil severance tax revenues annually to the natural gas and oil-producing counties of origin.
- 2104. Terminating the Tax Commissioner's authority to issue business licenses to sell paraphernalia for use with controlled substances.
- 2127. Relating to corporation net income tax for manufacturers of medical devices.
- 2142. Exempting recreational vehicles from taxable personal property.
- 2165. Creating a tax credit for certain businesses with more than twenty-five employees that relocate to reclaimed mountaintop removal land.
- 2167. Providing a \$500 tax credit to volunteer firefighters.



- 2182. Relating to examination of Potomac Highlands Airport Authority accounts by Chief Inspector and Tax Commissioner.
- 2249. Requiring the assessor of each county to, within three months of a deed filing in the county clerk's office of each county, prepare a new property tax ticket.
- 2253. Reducing state income taxes for state and federal retirees by increasing the exemption on retirement income.
- 2360. State Tax Department, appointment of special assessors by the State Tax Commissioner.
- 2394. Repealing the additional tax on the privilege of severing coal.
- 2400. Relating to quarterly payment of real and personal property taxes.
- 2407. Reallocating and dedicating three percent of oil and gas severance tax revenues up to \$20 million annually to the oil and gas producing counties of origin.
- 2462. Relating to certain deposits of tax proceeds.
- 2463. Increasing the maximum personal income tax exemption for persons over the age of sixty-five and for persons who are totally disabled.
- 2490. Establishing a tax credit for new businesses that locate in the state.
- 2498. Allowing taxpayers to make partial payments of real and personal property taxes.
- 2503. Relating to appraisal value of certain motor vehicles for purposes of ad valorem property taxes.
- 2522. Exempting State Teachers Retirement System pension benefits from West Virginia personal income taxation.
- 2538. Relating to administrative fees for the Tax Division of the Department of Revenue.
- 2558. Providing a \$500 credit against state personal income tax for certain members of volunteer fire departments.
- 2559. Increasing the excise tax on cigarettes.
- 2570. Relating to a tax deduction allowed for capital expenditures from the corporate net income tax.
- 2587. Creating tax credits for new small businesses created in this state and operating entirely within West Virginia.
- 2599. Exempting personal income earned by individuals working as teachers at primary and secondary schools from personal income tax.
- 2614. Relating generally to health care provider taxes.
- 2622. Relating to deductions from personal income tax for contributions to state-administered prepaid college tuition contracts or college savings plans.
- 2629. Creating tax credits for small business economic impact.
- 2630. Creating the West Virginia Earned Income Tax Credit.
- 2639. Abolishing the Personal Income Tax.
- 2647. Allowing an employer to extend workers' compensation insurance coverage to an employee engaged in volunteer fire fighting and allowing employers a tax credit.
- 2649. Exempting social security benefits from personal income tax.

- 2675. Reducing certain severance taxes that are dedicated to the Workers' Compensation Debt Reduction Fund.
- 2687. Relating to personal income taxes.
- 2695. Relating to gasoline and fuel excise tax.
- 2704. Increasing sales and use taxes by one percent.
- 2709. Exempting a percentage of social security benefits from personal income tax.
- 2713. Providing taxpayers repaying their own student loans a modification reducing federal adjusted gross in the amount of the interest paid.
- 2771. Making a supplementary appropriation to the Department of Health and Human Resources, Division of Human Services - Health Care Provider Tax.
- 2773. Relating to the West Virginia Film Industry Investment tax credit.
- 2792. Relating to the business and occupation tax.
- 2816. Relating to the eligibility of a mine operator to receive a tax credit for performing reclamation or remediation at a bond forfeiture site.
- 2821. Implementing a surcharge on licensed exotic entertainment facilities and adult bookstores to provide funding for rape information and prevention services and rape crisis centers.
- 2823. Eliminating the street and interurban and electric railways tax.
- 2832. Reducing the motor fuel excise tax.
- 2838. Relating to the reproduction, distribution and sale of tax maps.
- 2847. Permitting sheriffs to hire outside attorneys to assist with collection of taxes.
- 2851. Eliminating exemption from hotel occupancy taxes on rental of hotel and motel rooms for thirty or more consecutive days.
- 2870. Granting tax credits for parents and legal guardians whose children are in a home schooling program or private school.
- 2877. Relating to electronic filing of tax returns and electronic funds transfers in payment of taxes.
- 2893. Clarifying that complimentary hotel rooms provided without charge to guests are not subject to the hotel occupancy tax.
- 2894. Providing tax breaks for employers assisting employees paying student loans.
- 2895. Requiring the assessor of each county, within three months of a deed filing in the county clerk's office of each county, to prepare a new property tax ticket.
- 2900. Exempting certified professional estimator services from consumer sales and service tax.
- 2903. Providing a tax credit for first time home buyers.
- 2917. Establishing a Hotel and Restaurant Renovation Tax Credit.
- 2947. Relating to provider tax on hospitals to fund health care cost review fund.
- 2950. Providing for a \$1,000 tax credit against personal income tax in tax years 2016-2017 for recent graduates of higher education programs.
- 2953. Increasing the excise tax on cigarettes and other tobacco products.
- 2967. Providing that the appraised value of an antique motor vehicle is a maximum of \$3,000 for purposes of ad valorem property taxes.

- 2968. Exempting from property tax certain properties in this state owned by nonprofit youth organizations.
- 2988. Authorizing the Tax Commissioner to collect tax, interest and penalties due and owing from payments to vendors and contractors from the Auditor and other state, county, district or municipal officers and agents.
- 3000. Establishing a Hotel and Restaurant Renovation Tax Credit.
- 3003. Continuing the personal income tax adjustment to the gross income of certain retirees.
- 3006. Relating to the determination of the adjusted rate established by the Tax Commissioner for the administration of tax deficiencies.
- 3015. Enabling legislation for the “Nonprofit Youth Organization Tax Exemption Support Amendment” to Article X of the Constitution of the State of West Virginia.

**UNEMPLOYMENT COMPENSATION:**

- 2011. Relating to disbursements from the Workers’ Compensation Fund where an injury is self inflicted or intentionally caused by the employer.
- 2520. Relating to domestic violence victims’ eligibility for unemployment compensation benefits.
- 2735. Changing the date the unemployment fund reaches a certain level to reduce the threshold wage.

**UNIFORM LAWS:**

- 2145. Relating to exceptions to prohibitions against carrying one or more concealed deadly weapons and reciprocity agreements.
- 2430. Updating the Uniform Common Interest Ownership Act.

**UTILITIES:**

- 2201. Requiring the Public Service Commission to adopt certain net metering and interconnection rules and standards.
- 2512. Requiring the consent of the Public Service Commission before an electric utility subject to this chapter may retire or permanently shut-down an electric generating plant.
- 2552. Permitting utility consumers to use the consumer protection laws when concerning billing issues are in question.
- 2554. Relating to protection of utility workers from crimes against the person.
- 2627. Providing protection against property crimes committed against coal mines, utilities and other industrial facilities.
- 2744. Preempting any local law, rule, regulation, ordinance, or policy regulating the environmental or operational aspects of any public utility within the jurisdiction of the Public Service Commission; providing exceptions.
- 2802. Relating to public sewage services.

**WORKERS COMPENSATION:**

2426. Relating to the Volunteer Fire Departments Workers' Compensation Subsidy Program and the Volunteer Fire Department Workers' Compensation Premium Subsidy Fund.

**DISPOSITION OF BILLS ENACTED**

The first column gives the number of the bill and the second column gives the chapter assigned to it.

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House Bills = 4 Digits

Senate Bills = 2, 3 Digits

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House Bills = 4 Digits

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### COM. SUB. FOR H. B. 2001

#### REMARKS

of

#### MEMBERS

*January 22, 2015*

DELEGATE MARCUM. Thank you, Mr. Speaker. I rise in support of H. B. 2001 even though we don't know, friends, if this bill is going to work or not to get coal miners back to work. If it has a chance, I will vote for this bill. We don't know if it is going to work but if there is that slight hint that one coal miner in the State of West Virginia will get his job back, I support this bill. Let's be clear. This is not a Democrat or Republican agenda. This is not a labor or industry issue. This is about the West Virginia coal miner.

Sometimes we forget that when we debate these issues. This is about the West Virginia coal miner. So today, I rise in support of this bill in hopes we might get some coal miners back to work. With that said, I am hopeful that it will. That it will work to put our coal miners back to work. However, we all know this bill may, and I stress may, get coal miners back to work but what is needed is the immediate help that we can provide.

We all know that the Obama administration has killed the coal industry and I stand here, today, proudly, to say we have to fight back against his administration and what he has done to our coal industry, but what we need is immediate help, not maybe help that we get from this bill. So, I hope this body as a group of legislators, Democrat, Republican, conservative, liberal, whatever you want to call yourself or... define ways we can get that immediate help to get our coal miners back to work.

I have worked in the mines and I stand here today with my coal miner friends who are still at work, those who are laid off, I stand here today, and I will vote green on this bill to repeal this in honor of them. I have been there. I've seen them. I've seen the struggles. I have been there through the coal booms. I have been there through the bust. I stand here with the coal miners today...but back to what we need...we need that immediate help. That is why I

cosponsored some bills that will do that and I hope this body will take those up. Let's give some tax credits for companies that use coal here in the State of West Virginia. Let's give some tax breaks to West Virginia coal companies who sell their coal to West Virginians. Let's quit exporting our coal and use it right here. Let's do anything we can do to get these coal miners back to work. So take a look at H. B. 2166 when you consider voting for this bill. Again, we are here today to focus on the West Virginia coal miner and I urge passage of H. B. 2001 because it is for the coal miners.

DELEGATE GEARHEART. Thank you, Mr. Speaker. Ladies and gentlemen, I entered the Legislature four years ago with the bill we are considering today more or less in my hands and I don't mind telling you that I was pretty uptight about what had come to be known as H. B. 103. The idea that our state would limit the amount of coal we could use to make electricity here, where coal is the mainstay of our livelihood and of the state budget, was patently absurd. I frankly couldn't imagine who cooked up such a scheme. I still think the idea is absurd. But maybe, just maybe, all the arm twisting and special session work that was used to pass West Virginia's cap and trade law was just simply a bad idea. A bad idea intended to appease a new administration just in office on the coattails of rhetoric like, and I quote, "You can build a coal fired power plant but it will bankrupt you."

It was a bad idea because appeasement or not, since 2009, the EPA has appeared to take an environmental dose of steroids and has targeted the coal industry for destruction, cap and trade law or not. With passage in 2009, we told the country that our product was bad. Coal was bad. We told West Virginians that coal was so bad that we should all pay more for a less efficient source of power. We told the 7,000 miners that don't have mining jobs today, that did have mining jobs in 2009, that what they do for a living isn't important and we decided not to use the best product at the best price to provide our energy.

We decided to let big brother tell us what was best. Ladies and gentlemen, that may have been the position of the legislature then but there is a re-emergence of who we are and with a vote today in favor of this repeal bill, we assert our

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faith in the free market, our faith in the coal we produce and those that produce it. We assert that the coal we produce is the best value and the most efficient method of producing electricity on the market.

In closing, over the last couple of years and here on this House floor last year, I repeated three questions that I have asked over and over and over and over in the Finance Committee, to all the committee, to all the administration office officials that have come to us, including the Department of Energy. Those three questions are simply, "Does this section of code mean that West Virginians are going to pay more for their power; all West Virginians? Does this section of code mean here in West Virginia we will mine less coal? Does this section of code mean that we are going to burn less coal?"

Every single individual, some with a little hesitation, but every person has answered yes to each of those questions. All the other things that we can say probably go out the window when we recognize that not repealing this bill is damaging to West Virginians. I urge passage. Thank you.

DELEGATE J. NELSON. Thank you, Mr. Speaker. I am from Boone County, West Virginia and I am a coal miner by trade. I went into the coal mines like a lot of people, out of necessity. I had a pregnant wife and I needed a good paying job, and I still remember the first time that I went into a portal and breathed that air in, just like my dad and granddad and his dad, which is a story of pretty much most of southern West Virginia.

I came out of Allegiance Coal Mine and I spoke to the foreman. We had a long conversation...it is about an hour ride back to the working section...about this bill and legislation just like it. He asked me if I would go to file to run for public office and it was the last day to file to run and he talked me into it. So I came to the Capitol, still covered in coal in my stripes and filed to run for public office and came here to fight for repealing legislation just like this.

You know the facts have already been spoken. Coal production is going to go from 96% down to 75% and only 10% of the electricity can be produced from other means is going to come

from natural gas, which is another very vital important industry in the State of West Virginia. Since 2012, six plants have shut down, partially due to anticipation from increased scrutiny from bills like this, and from the EPA and the anti-coal, anti-coal miner climate that exists in Washington, D.C.

From 2011-2014, we have lost 7,000 coal jobs in the State of West Virginia and that is completely unacceptable and almost solely due to market manipulation. This floor session that is happening right now is live streaming. Coal miners all across the State of West Virginia are watching. As I sat in Energy Committee and we have had debate about this piece of legislation, I looked at Bill Rainey, president of the Coal Association and, I asked him straight up, "Bill, if this piece of legislation is left intact, is it safe to say that at least a handful of coal miners are going to lose their jobs because of it?" And, he looked me straight in my eyes and said, "Absolutely."

You know, a lot of reference has been made to, "Well, this was due to...appease the federal government" and what have you, and that may have been the case, but, I can tell you that in grade school, the answer to a bully is to not keep on giving them your lunch money. That is just going to bring on more bullying.

In closing, I just want to say that a vote against repealing this legislation is essentially the very same as handing another coal miner a pink slip in the State of West Virginia. I strongly urge passage repealing this cap and trade law that is going to kill coal jobs and is going to further ruin southern West Virginia, which is something I don't think anybody in this body wants. Thank you.

DELEGATE R. PHILLIPS. Thank you, Mr. Speaker. First of all, I'd like to commend you and the Chairman for running this bill. If I were here in 2009, I would have been red. Thank you for sponsoring it. Thank you for running it through the proper process through the committees. A friend of mine told me the other day he went to Ellis Island to look up his family, where they came from, but he noticed a poster in nine different languages...at the bottom of it..."Mine more coal". He saw another poster

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had a soldier holding a gun, a miner back to back with him holding a pick.... "Support our men in the trenches, mine more coal".

Our country was built on coal. It gave us our freedom. Coal has made this country. It is one of the lowest costs of energy in the country, in the world. I am not sure where we rank in West Virginia. I am sure in the top five of lowest cost of energy. Solar, .46%...less than a half percent solar; wind, 4.3%; coal right now I think it around 38-40, not more than eight years ago it was around 54. That is a drop. Our budget has depended on our coal mines. Our coal miners have fixed our budget for many, many years. We all know what we are facing right now. I don't want to dip in the rainy day fund. None of us does, but if we had more coal miners mining coal...fighting the EPA. We have over 100 years of coal left in West Virginia if we will mine it. Our coal mines, they do it right, safe and responsible. So, Mr. Speaker, thank you again and I do urge passage on this bill.

DELEGATE R. SMITH. Thank you, Mr. Speaker. I am standing, today, in support of House Bill 2001, not as a member of this Body, not as a delegate but as an active underground coal miner in this great State of West Virginia. I have been in the coal mines. This year makes 36 years. A week ago Friday, I was underground, five miles underground, mining coal before I came down here on Sunday to start. When I leave this body at the end of session, I will go back underground to mine coal. I can assure you that I am not standing here, today, apologizing to anyone that I am a coal miner or apologizing for any of my colleagues, my fellow miners in this state. West Virginia has benefited from the coal industry for decades and it will continue to benefit from the coal industry. No other industry in this state has contributed as much to this state's economy as what the coal industry has. Times are changing. Everyone knows and realizes that they are changing. Our state has lost, just in the last couple of years, my colleague had said, 7,000 jobs in the last couple of years...4,000 jobs and another 20,000 jobs ended directly because of this.

When this H. B. 103 was introduced, I will be up front and honest with you right now, H. B. 103 is the reason I am standing on this floor

today, because I was a coal miner when this bill passed. I took offense to it and I had a long heart to heart with myself. Yes, I talk to myself quite a bit, and said, "Randy, you know it is time you quit sitting around complaining about it to everybody and do something. Try to do something to help your industry. Help your friends, your colleagues." So, like my colleague here on the last day, after discussing with my wife and praying about it, I decided to run for the House of Delegates. So, because of H. B. 103, I am here today. So to say I am not overwhelmingly proud of my colleagues in this body, on both sides, for stepping up the plate and getting rid of this, would be an understatement. Has this particular bill 103... has it cost any jobs yet? Some say no, because it hasn't taken effect but it has dictated how companies, how power companies look to the future, their business program for the future. So we can't say this hasn't impacted our state because it has. When our then Governor, which this is a Governor's bill, pressed for this, to be honest with you the Coal Association and others were more or less bullied into this because they agreed to the lesser of two evils. They didn't completely agree with this but they knew if they didn't agree with this they was going to get something was going to be a lot worse, so they compromised and that is the way things are supposed to work. But the day after this bill, the day after this Body passed this bill in 2009, our then Governor went to Washington, D.C. to showcase this bill to our current administration who, it's no secret, is anti-coal. There is not a person in this building can honestly look at me with a straight face and say our present President is not anti-coal. Even his EPA has admitted there is a war on coal but the day after this was passed, he went to Washington to showcase this bill. What did that say to the coal miners in the State of West Virginia? What did that tell us, me, my colleagues here? There is a lot of us here, the retired coal miners, the laid off coal miners who went into a different field. What did this bill say to us, say to us coal miners? Did it say we are behind you? We got your back. No, that is not what it said. It said, "We are on your side, Mr. President." But I can tell you one thing right now, I am not on his side and I am glad a lot of you have woke up and seen just what this is worth. It is a slap in the face to us coal miners and for that reason we have a set here that is getting tired of hearing about the

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southern coalfields. The southern coalfields... you go look...they have contributed more to this state than probably any area of the state. Look at the shape they are in now. Look at the shape the southern coalfields are in now. I am ashamed of us as a state, letting this happen to our southern coalfields. The northern coalfields are booming now but guess what, one of these days it is going to be the same thing unless we step up as a Body and make sure this doesn't happen. We are not here to pick winners or losers. We are not here to give one group the advantage over another group. We are here to make a fair... and let the market dictate what wins and what loses. It is not up to us to give solar an advantage over gas, or gas an advantage over coal. It is here for us. We are here to make sure that we give industry the same respect, and, like I said, I will not apologize for being a coal miner and for how I stand on this. I had to almost laugh, I am trying to be professional about this...what I really want to say I can't say on this floor...but I am going to be professional. I almost had to laugh, which I did chuckle to myself, when the Lady from the 51<sup>st</sup>...if we pass this bill we are in danger of the federal EPA taking over the state. What do we have now? What has the EPA done to this state but take over this state? So for that reason, I urge you to pass this bill. Thank you, Mr. Speaker.

DELEGATE HOWELL. Thank you, Mr. Speaker. That is a tough act to follow. We are talking about this black rock right here. The Gentlelady from Kanawha County said that this is yoke hanging around the neck of West Virginia but beauty is in the eye of the beholder. This is made of carbon and there is something else made out of carbon and that is diamonds. I see this as the diamond necklace hanging around the neck of West Virginia and when we repeal this bill that gives us the ability to diversify our economy, not the other way around, because cheap electricity means manufacturers will want to locate here. Aluminum is one of the most expensive items to manufacture and very electric intensive. That means the plant up in Ravenswood can expand because we have cheaper electric than our neighbors do. That is why we must repeal this bill to make West Virginia's economy diversified. Thank you.

DELEGATE B. WHITE. Yeah, I'm the new guy here, the new representative from the 36<sup>th</sup>, and I

heard the lady over here...and I want it to be known that I am not running, so I will not bring up my supporters who back me or whatever, so... but anyway, the reason I am standing in front of you today...and I want to thank my colleagues on the other side of the aisle that are in support of this...growing up from coal mines my whole life, you know, it was proud and it was their heritage and I haven't been back to my home town but I did want to be on record today. For when I called home and talked to some of my friends that I grew up with, you know our main thing is, you know that we don't want handouts. We just want to work, and that is what I hope that this does...and I want them to know that I am here for them and I gave them my word that I would support them and do anything possible to help them and I wanted to be noted today. And I thank you again for the ones across the aisle...and support this bill and standing up for West Virginia and our miners. So, thank you, Mr. Speaker.

DELEGATE P. SMITH. Thank you, Mr. Speaker. I think I am an anomaly this morning because there is no coal extracted from Lewis County, the county that I live in, and there hasn't been for years, but I don't consider coal an albatross around my neck or around the neck of the Legislators in this room. I want to stand here and say that I support our coal counties. I support the residents of the counties that extract coal. I support our coal miners and I urge you to vote for this bill. Thank you.

DELEGATE FOLK. Thank you, Mr. Speaker. I had no intentions of speaking today but I can join the lady that just spoke...that I don't think there has ever been coal mined in Berkeley County to my knowledge. This is really a free market principle and to bring up the name mentioned...the professor from WVU...earlier, James von Nostrand, when asked in Judiciary about the cost to the country and the state from mandates like this, he stated they were considerable. I repeat, that he stated they were considerable. So to say that there was no cost involved in this type of legislation is ludicrous. Economically, practicality, common sense, everybody knows that regulation costs something. He, also, was asked, "Have you ever heard the concept that there is no such thing as a free lunch?" and he had. More importantly, you



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need to know that gentleman was not just an attorney. He had two degrees in economics. So, he knew a little bit about what he was talking about and, when asked further, after he said the costs were considerable, I asked who pays those costs? Who bears those costs? His answer was actually surprising to me because I was surprised he was so blunt. He said the ratepayers. The ratepayers that use electric.

In addition, the PSC was asked a question. There had been a lot of conversation that we have already complied with this legislation and there is no additional cost to the ratepayers. When asked, as matter of fact, about non-generated utilities and their customers...because there are credits involved here this year, those non-generating utilities are going to...because they don't generate electric...are going to go out...have to go out in this market and buy credits. And, because of the provisions in this law that allow for the utilities to recover their costs, he admitted freely that their rates would increase. So you have heard from the other argument side that there are no costs involved but the simple concept of economics is very simple, there is no such thing as a free lunch and I urge passage of this bill. Thank you.

DELEGATE STORCH. Thank you, Mr. Speaker. I wanted to give a different perspective on the cost that could be associated. Many of my colleagues know I was in structural steel fabrication for twenty-one years. In 2006, we had an opportunity to expand the work we were doing at the gypsum plant, which was BP America or something at the time, that was building a gypsum plant in Marshall County across the street from the Cameron Mitchell Plants. This was private sector. They were taking the opportunity from the scrubbers that had been installed at the Mitchell plant and using the bi-product to build drywall, which could then be used in construction across the country. It was fantastic for us. Fantastic for the area. Great construction project and it is a great employer now; it is a pretty sizeable plant. They took one hill and took it down and another and brought it up and had a nice big place to build this new plant. A lot of drywall comes out of there that is used in construction. That lasted from about 2006 to 2008. Coming off the tails of that project we were looking for another good industrial

project. Two thousand nine, those dried up. January 2009, I laid off my entire shop because when this administration took office there were a lot of uncertainties with our typical customer base so a lot of people weren't really sure and weren't really ready to make those investments in those type of capital improvements. Two thousand ten, because the market hadn't decided to rebound yet and start doing great construction projects, I decided to bid on a project for state government. I am no longer in structural steel fabrication and I would work for the private sector any day.

DELEGATE ELDRIDGE. Thank you, Mr. Speaker. I was debating whether to get up or not to get up. I always like to listen to what people have to say. You know, when it comes to legislation here, I represent...two, three, four counties, I represent produce coal...not so much Lincoln County. We are more rural. When it comes to legislation here, you know anytime a governor introduces legislation, I always get worried. I worry on how it is going to affect my working class people in my district. The bill was very in-depth. It was, I don't know, one hundred pages long. I served on Finance. I always...people would ask me, "What did you vote for?" I would say, you know, I always listen to the experts. I admit to this day I am not the smartest one in the room...wasn't the smartest one in the Finance room. I am not the smartest here on this floor. So therefore, I do take pride on listening to the experts. I am not going to stand here and pat myself on the back and say I am proud that I voted for this legislation or I voted against it. In 2009, twenty-five people voted against this bill. It wasn't a party issue. It wasn't a Democrat issue. It wasn't a Republican issue. I served on Finance. You know I asked for the Coal Association to come up and give testimony because they are the experts. They represent coal. I asked for the UMWA to step up forward and asked some questions...because I had questions...because, again, it was a Governor's bill.

I worry how it is going to affect my workers. Two thousand nine I was here. I asked questions. I had a lot of questions. I listened to a lot of testimony. Not one person, not one association, not one lobbyist in all the meetings it was in, spoke negative about this legislation. They were

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all for it. For whatever reason, they were all for it. Now, were they strong held? You know somebody grabs me and wants to twist me in the arm. I don't lay down and let them twist my arm. I fight back. Now did they fight back? I don't know. I don't know what happened behind closed doors. All I do know is they spoke very favorably for this legislation. Therefore, I supported it in the end. If everybody is for it, it must be a good thing. I didn't have emails telling me...don't vote for this, this is a bad bill, speak up. I would have.

I worry about my coal miners. I worry about their families. Today, I am going to stand up here and I am going to talk a few minutes about it. If the smart people are telling me, now we've got to repeal this, then that is what I am going to do. I am going to repeal this. Is... going to put our coal miners back to work? This Delegate from down here spoke. You know this bill hasn't even went into effect yet. If I remember correctly, in 2009, I think, we got a bunch of stimulus money for just passing this legislation. Are we going to have to pay that stimulus money back because we repeal it? I don't know the answer to that. Maybe somebody in the smart room here can enlighten me on that. Hopefully, we don't have to pay millions back to the federal government because we repeal this. However, if this is a great bill...of repealing this and putting our coal miners back to work, I am all for it. Until we learn how to mine coal at \$24-\$25 a ton, where we can buy coal...from Illinois at \$24-\$25 a ton and ship it across our country instead of driving our coal over Sylvester Mountain, Lens Creek Mountain and dumping it off over here at the barge at \$50 some a ton? Now, we do have good coal here in West Virginia. You know, in Illinois they scrape a little dirt off and go to scooping. Our coal miners have to drive a mile, mile and half, back in the mine before they even get started to work. I have been around mines all my life and I respect the people that go in the mines. To me it is a scary place. You go into a mine and you don't know whether you are coming back at the end of the day. You don't know if you are going to get to see your kids. So anything we can do here at this body to help our coal miners, that is what we've got to do. If it is keeping them working, that is what we got to do. So, I urge passage on this. Thank you.

DELEGATE HILL. Thank you, Mr. Speaker. I have to take offense from the comments from the Gentlelady from the 36<sup>th</sup> saying that we should apologize for this...that we are playing politics with this. It is not about playing politics. It is not about politics. This is about West Virginia. It is about West Virginia families. It is about the coal miners who have lost their jobs, jobs that we continue to lose daily because of the policies from Washington. So why would we do it right here at home to our own families? I am not going to apologize for my vote. In fact, I want an apology to my friends living in Wyoming now because they had to move out-of-state to find work. That is the apology I want to see. So, when we have people out of work, we are just not going to repeal a bill that could keep them from working, trying to feed their families, and, oh, by the way, your electricity bills are going to go up because of this. I urge passage of the bill.

DELEGATE RODIGHIERO. I, too, support the repeal. Several reasons...one reason, I pull out of my driveway of the mornings heading this way, I can count twenty-five to thirty houses empty within a three-mile radius. Those houses were occupied by coal miners. If this repeal saves one job, one coal mining job, it is worth it to me. I urge passage, thank you.

### COM. SUB. FOR H. B. 2001

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#### REMARKS

of

#### MEMBERS

January 23, 2015

DELEGATE GUTHRIE: Thank you, Mr. Speaker. Ladies and gentlemen, I rise to oppose the repeal of this bill. Here is why. Every year, in the Finance Committee, the financial guys come to us and say, "How do we get our bond rating to increase, to triple-A?" The answer is always the same. We will never have a bond rating that is triple-A until we diversify our economy. For the life of me, what I can't understand... why this body that wants to make a name for itself, that wants to move this state forward, isn't embracing every possible energy source at our fingertips. In the eastern panhandle, we have geothermal that we could be tapping into. We have an abundant supply of

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water. People who are using solar are, municipalities included, are saving on their energy costs and a lot of those municipalities were hard pressed to pay the light bill. Customers are saving money because they have incorporated solar into their portfolio and are selling back. So rates are coming down for those folks who are smart enough to get away from just one source. We need coal but market forces don't have anything to do with what has been advanced so far. We are running out of coal, it is that simple. That's why we have so many layoffs in the coalfields. Instead of working with the Department of Energy the way Mississippi did to put a billion dollar investment in their state for carbon sequestration, we picked a fight with the EPA. A fight we have already lost. I want this state of mine and yours to succeed, but until we can open our eyes and realize that coal amounts to 6% of the GDP and it is sucking up 93 or 94% of the air in the room, we are going to wear coal around our neck like a yolk that will drag all of us down. I am proud to be a union endorsed UMW Delegate. I am proud of that, and, most of these endorsements come from companies that are the good actors. Not the ones that are always running around breaking the rules, treating their workforce badly. Those are the players that I want. That is the future that I want. We all know, and I expect actually an apology from the other side, that this is just political theater, this piece of legislation, because if not, you would have had to apologize for all of the nasty, negative mailers that you sent out against all of us calling us Obama lovers. I wonder, and I apologize if the EPA had been...the EPA was created by Richard Nixon and I wonder, if we had danced down this same path with Richard Nixon whether or not West Virginia would be so adamantly opposed to this bill. I don't think it would. I think that we probably would have discovered that we need to diversify our economy. That is pure and simple. This doesn't do anything but just flame the fans and make everybody unhappy that wants to move forward. I think this is a wrongheaded approach. I think that we all should be ashamed of ourselves for not trying to be a little more progressive and it is a bill that I think takes us backwards rather than forward. Thank you, Mr. Speaker.

DELEGATE FLEISCHAUER. Thank you, Mr. Speaker. I also rise to urge rejection of this bill.

I am going to talk a little bit about the purpose of the bill and the effect of repealing it. The point of this bill was to encourage our state to expand and diversify our energy portfolio and I think I am going to talk a little bit more about the word portfolio. To have our state not to put our eggs in one basket as we have been doing for years and years, and it includes the use of coal, and we had testimony in the Judiciary Committee from Professor James Van Nostrand. He is a lifelong Republican. He explained that the 2009 bill helps us to meet the four building blocks of the EPA clean power plan regulation, and, that if we repeal this, we risk the federal takeover of some of the functions that our DEP performs. That ability of the federal government to take over our state enforcement of environmental protection is not in the regulation that is in the law, and it is not going to change anytime soon. Professor Van Nostrand also testified that nothing in the 2009 bill caused utility bills to increase and nothing will cause them to decrease. In fact, Sammy Gray from First Energy had to admit First Energy has already met their 2025 targets. We have fulfilled the purposes of the bill already. This also has, this repealing, this has nothing to do with increasing or decreasing jobs. I am kind of offended that anyone would suggest that this, that people who urge rejection, are opposed to coal miners, and I am also tired of talking about the southern coalfields. We have some of the most productive counties in the north that mine coal, and I am very proud to spend five years as general counsel for the United Mine Workers. I am tired of the coal miners being used to promote for a message that they don't necessarily agree with. Professor Van Nostrand also clarified that it is not a cap and trade bill because it does not meet the definition of cap and trade. I am very disappointed that all these miss...(1) that it is a job bill, (2) that it is going to increase utility rates and, (3) that it is cap and trade. Those are all missed. They are being circulated as if they were facts, repeated over and over again, and the last election, those misses...were used as a club, and I believe that is the purpose of this bill...for the hopes of using it again as a club.

I think it is about time we stop pandering and being bullied into hiding our heads in the sand. This 2009 statute was a baby step towards admitting that our climate is changing and that we need to take some action. Ninety-nine

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percent of all the scientists tell us our climate is changing and there can be negative repercussions. The Allegheny Highlands report that was done said that our highlands are endangered, that we are going to be invaded by animals that are retreating from the increased temperature and that our animals and birds and going to be moving north and this is going to affect our trees...whether or not they can germinate under these changed temperatures. There are issues that are coming and this bill only takes this statute that we had, only takes a baby step towards dealing with those issues. I think it is very interesting that it is called portfolio and that it is about diversification. I also think that this talk about the free market is interesting. In 1928 and 1929, we had an economic system that was booming and everyone was putting all their eggs in one basket, the stock market, and you would think that we would have learned that it is important to diversify our portfolio, that we would have learned a little bit from history but, you know, when it sounds too good to be true it probably is not true. Well it wasn't true in 1929. We had an enormous catastrophe when we relied only on the free market system and we didn't diversify our portfolio, and it isn't true now. We should learn from history. We should diversify, and repealing this bill only takes a baby step, and it does not harm coal miners, and I urge rejection of this bill. It is not in the best direction for our state to go.

### DRUG PREVENTION IN WHEELING

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REMARKS  
of  
**HON. ERIKKA STORCH**  
*January 29, 2015*

DELEGATE STORCH. Thank you, Mr. Speaker. I was not going to speak but I wanted to share something that our community has been doing. In July of 2014, they started a drug task force that was kind of modeled after a program that was used in Cleveland. I am honored to chair the business and legislative committee but there is also an educational component. There is also law enforcement. There are prosecutors. There are different sheriff's departments from Hancock, Brooke and Ohio Counties. Basically, our intent is to get the message out to make sure people realize that we are not going to let our

communities be taken over by the drugs that are occurring. We are working on bringing dynamic speakers to our area like Chris Herren. If any of you haven't heard Chris Herren, I would encourage you to look on YouTube or on Twitter follow The Herren Project and see what happened to a guy who had a wonderful promising future as a high school basketball star, college basketball athlete, a professional NBA athlete, who because of his addiction problems, now has by the grace of God not lost everything. His wife and his four beautiful children have stood behind him and helped him get to where he goes and shares this message.

When I had the opportunity to hear Chris provide his message at the Capitol Music Hall in December, kid after kid after kid, or child, or high school, or young person after young person after young person, came forward and shared their story with them about how they cut themselves and how they do drugs and how they have parents that told them they are a mistake and how just different tragic awful circumstances have happened in their lives. But they saw him as a person that would make them feel comfortable enough to come share this horrific story in front of hundreds of other kids that were in this room and you would expect middle school, high school kids to laugh or snicker or, you know, judge. I personally think you would have ripped the head off any kid that would have done that but the compassion of all the kids in this room when they watched this little girl come forward and say, "My mom is thirty years old and I have five brothers and sisters. My mom likes to hook up with men that like to do mean things to children, and because of this, I cut myself, and because of this, I have done heroin and my dad uses me to get heroin for him." The most tragic, sad stories you could possibly ever hear and sadly we are not going to fix it in this room and that is probably a good thing because we don't need more laws or more...there are already laws that exist to deal with what's happening in the community. But I think their communities need to wake up and say, "Look, we are taking back our communities and you are not going to exist here and do drugs. We are going to hold you accountable and that is just where the buck is going to stop", and I am glad that the Ohio Valley has been one of the places that has decided to do that. Thank you.

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### USE OF ILLEGAL DRUGS IN WEST VIRGINIA

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#### REMARKS

of

**HON. BILL ANDERSON**

*January 29, 2015*

DELEGATE ANDERSON. Thank you, Mr. Speaker. We have many new members in this Chamber. Mr. Speaker, I ask unanimous consent to address the House. A number of years ago, I was a cosponsor with Democratic members and Republican members of this House on a bill to help require prescriptions for the purchase of pseudoephedrine. Probably, it is a long time ago, but I would say two-thirds of the members of this House, both Republicans and Democrats, courageously stood up and passed that bill and sent it to the State Senate. It died on the 17 – 17 tie. We considered this bill in the past again and it met a similar fate. We are accused of trying to force people to go to the doctor to get a prescription for pseudoephedrine. So many things that people have said today are reflected. Former Delegate Larry Border was a primary sponsor of that bill. Upon his passing, his wife, the Lady from the 9<sup>th</sup>, worked on the bill again. It has met a similar fate, and you will hear your constituents come to you and tell you, “You are going to increase people’s medical cost. People can’t afford to go to a doctor to get that prescription.” But ladies and gentlemen, sometimes it just plain takes courage. The problem is increasing, not just in southern West Virginia. For those of you who were not here in the past, I apologize to those of you who were here in the past. Within 100 yards of my classroom where I taught at Williamstown High School, a former student of mine was cooking meth. She caught the house on fire. Her newborn baby was in there. The house has since been demolished. Another house has been rebuilt on the lot. She endangered the lives of possibly students at Williamstown High School. She endangered the lives of the volunteer firemen who responded to that fire. She endangered the lives of her neighbors, and I read the statistics the other day, and they are not completed yet, between 300-400 meth labs busted.

I talked to employers in Ohio Valley, and one plant manager told me when he has a chance to

hire a veteran in a chemical plant, he gets permission from his corporate headquarters even to hire them two or three months before he really needs them because, generally, they are testing drug free and the company is willing to bear the extra expense of carrying an additional employee for two to three months before they are actually needed because it is so hard for them to find a drug free person to work in a chemical plant where, if mistakes are made, serious consequences can arise.

I have almost given up, but I haven’t given up. I am going to go down to the bill drafting...and I am going to resurrect the Sudafed bill and I am going to introduce it again. Only I will defer to the Lady from the 9<sup>th</sup> if she wants to be the lead sponsor. But ladies and gentlemen, it is time once again for the House of Delegates to exhibit the courage as exhibited before. Send this bill to the Senate and hopefully the Senate will stand up. Vote it out and send it to the Governor and, hopefully, he will sign it. Ladies and gentlemen, I don’t know that this is the solution. This should be a bipartisan solution standing up for the employers who need drug free people...standing up for the young people of this state...standing up for the future of this state, and, if some folks don’t like to be inconvenienced by getting a prescription from a physician...to get this prescription...then maybe it will sensitize them to the gravity of the situation and the need to step forward and deal with the situation. Thank you, Mr. Speaker, thank you...the House.

### WASHINGTON POST ARTICLE ABOUT HEROIN

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#### REMARKS

of

**HON. DON PERDUE**

*February 3, 2015*

DELEGATE PERDUE. Thank you, Mr. Speaker...briefly address the House? Ladies and gentlemen, you have seen on your desk today, a copy of a Washington Post article written by Dr. Keith Humphries. Dr. Humphries is a native West Virginian. He teaches at Stanford University. What he pointed out was something that I would hope, that if you had the opportunity to take a look at the ad, that he referenced with

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regard to heroin overdose. It is a very dark ad. Darker than we are used to seeing, I think, in Super Bowl ads but it strikes home a point that perhaps we have forgotten. We are on this earth not to just celebrate our triumphs as human beings but also to participate in the tragedies. This particular ad really reaches for your heartstrings and I know that and a lot of people kind of didn't like that, but if your heart strings were the greatest music that could ever be played and ever be heard, I suggest that anyone who can, to take a look at that ad, and to also check that article out by Dr. Humphries. It speaks to something that we are going to take up in a very short period of time, as a matter of fact the Senate message came over today on S. B. 335. I would hope that we are able to engage that very quickly. I commend the folks who have written that bill and I hope that we are able to move on it within the next very short period of time. Thank you, ladies and gentlemen.

### COM. SUB. FOR S. B. 13

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REMARKS  
of  
MEMBERS  
*February 4, 2015*

DELEGATE SKINNER. Thank you, Mr. Speaker, would the gentleman yield?

DELEGATE SHOTT. Yes.

DELEGATE SKINNER. We just passed 2004 out of here, which made us have a pure comparative fault system. Am I correct that this bill essentially creates an exception to pure comparative fault?

DELEGATE SHOTT. It would create an exception accepting those cases that fall within this exception, which is where there is an ordinance or statute that is specifically designed to protect the public and it's violated. In that case the comparative fault would kick in.

DELEGATE SKINNER. So this is another category of folks who don't have to be in the comparative fault system if they successfully get out?

DELEGATE SHOTT. That is true.

DELEGATE SKINNER. Thank you.

DELEGATE SKINNER. Thank you, Mr. Speaker. I urge a no vote. Two years ago...or I'm sorry three years ago, in Jefferson County, in Shenandoah Junction, Jessica Cave, age twenty-four years old and her two-year-old son Dominic, and the baby inside of her, Angelita, who was named after she died, were in a trailer fire. What happened in that situation was that the fire detector was not hooked up and one of the doors to the trailer was nailed shut by the landlord. Now, under this bill, we would likely be shutting the door to the courthouse for the family of Jessica Cave. This bill closes the courthouse door and it will deny justice to many people throughout the State of West Virginia. We have created another exception. The other day the Gentlelady from the 18<sup>th</sup> stood up and spoke against an amendment to create an exception for children under the age of fourteen to the comparative fault because we shouldn't be creating classes of people who are excepted from the new comparative fault scheme. That is exactly what this does. As you make your vote, today, I want you to please take a look at this picture of Jessica Cave and her son Dominic and think about them. Thank you.

DELEGATE HICKS. Thank you, Speaker. I am likewise concerned that this bill has problems. The open and obvious imposition, I think, is discriminatory against certain classes of people. First of all, I would like to point out that I am on the board of directors of an organization called The Cabell-Wayne Association of the Blind. That is comprised of people from Cabell and Wayne Counties with an excess of five hundred members. They all have visual problems. These people are frequently taken to malls, shopping centers because either they don't drive or can't drive because of visual problems and are allowed to shop as a group. If these people were to go to Walmart, or the local malls, it is most likely that if the owner does not maintain the premises of that store or common area in the mall, that these individuals will suffer an injury through either uncleanliness or some substance on the floor, through no fault of their own and for that reason,

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I would ask that this bill be voted down. Thank you.

DELEGATE MARCUM. Thank you, Mr. Speaker. I rise for a different reason than my colleagues. Friends, we have a constitution for a reason. There is a thing called the judicial branch. There is the executive branch, and, there is the legislative branch. We here are the legislative branch. For those of you who are wanting to vote green on this bill and tread on the constitution, let's tread carefully. Let's tread real carefully with this. Separation of powers was founded by our constitution, in our constitution, by our founding fathers years ago, hundreds of years ago, for a reason. There is a reason why the court made their decision. There is a reason why we have a separation of powers. So for those reasons, I stand here today and encourage you to vote no on this bill because we are clearly treading on the constitution and the separation of powers our founding fathers agreed upon.

DELEGATE WELD. Thank you, Mr. Speaker. I apologize for my voice. I am a little under the weather. Will the gentleman from the 67<sup>th</sup> yield for a question? Sir, are you aware of the amendment that we passed yesterday that would exclude instances where it is a violation of a statue ordinance intended for the protection of public safety and such violation with a direct and proximate cause of such injured person's injuries?

DELEGATE SKINNER. I am, and I was a sponsor of a bill the last couple of years to make it a criminal offense for a slum lord not to have an operating smoke detector inspired directly from the death of Jessica Cave, and so I think that this does not fall squarely within the law of West Virginia.

DELEGATE WELD. Would you consider the lack of fire alarm system or the door being blocked off to be a violation of a safety code or an ordinance that falls under the exception of this bill?

DELEGATE SKINNER. In a situation like Jessica Cave's, the law did not require any of that so there was no specific safety code that would have protected her.

DELEGATE WELD. So when you say that all people in her case would be excluded from any action under this, you are then speaking that you know across the state there are no ordinances in any county, municipalities requiring any ordinances such as the one we are discussing now?

DELEGATE SKINNER. No, of course there are ordinances that address all sorts of different things; municipalities or counties.

DELEGATE WELD. I am speaking directly to sprinkler or alarm systems, sorry. So, you can speak that across the state there are no ordinances whatsoever, county, municipal, local, be it as it may, that speak to the requirement of a fire alarm system?

DELEGATE SKINNER. There are lots of ordinances that require fire alarms and smoke detector systems across the state. I am talking about Jessica Cave.

DELEGATE WELD. So you then can't say, as you did, that this bill would shut the courthouse door to individuals in her instance as you said previously?

DELEGATE SKINNER. I think my point is that there are many circumstances where we can't foresee whether there has been a safety rule adopted by this legislature and then those cases, if there isn't a safety rule that has been adopted by this legislature, those people are out of luck.

DELEGATE WELD. But also, would you say that we can't foresee all the factual scenarios of any hypothetical that we may come up with on this floor to try to find a way into or around this particular bill or amendment?

DELEGATE SKINNER. And I think that is why comparative fault in a situation like this, is how we should treat it. We should put it out there for everybody, for the jury to get to decide. Did the slum lord have responsibility? Did Jessica Cave have responsibility for the situation? Let's let the jury decide. This shuts the door on that.

DELEGATE WELD. I don't think that it does because under what we discussed last week, in 2002, respecting comparative fault, is we then

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now have pure comparative fault in this state. Someone who is not 50% or above liable for their own damages as a plaintiff would then be readily available to have their day in court because, previously, under West Virginia law, which was counter to what we passed in this body last week, somebody who is 50% or above responsible would not have their day in court. Now we have given them an opportunity, to plaintiffs who are further than that responsible for their own injury, their option in court.

DELEGATE SKINNER. Not when there is the open and obvious defense, as counsel suggested, this is an absolute defense. So, if open obvious is used, then that can bar any comparative fault.

DELEGATE WELD. And that would be for Rule 56 Summary of Judgement Decision, correct?

DELEGATE SKINNER. No, for anything.

DELEGATE WELD. On... regarding if the individual was trying to get into court on if there was a safety issue regarding municipal ordinance in play.

DELEGATE SKINNER. This is an absolute defense. It prevents a plaintiff from getting into comparative negligence. If a judge says yes, you don't get to comparative negligence. If the first question on a jury form is an open and obvious and they strike yes, they don't even get to comparative fault.

DELEGATE WELD. Yes, I understand, but I am saying in respect to the amendment that we were discussing.

DELEGATE SKINNER. Oh, I think it is a great amendment and I think it made the bill much better. There is no question about that.

DELEGATE WELD. Ok, thank you.

DELEGATE FAST. Thank you, Mr. Speaker. I rise in support of this bill as well. The question whether a situation is open and obvious would be a jury question. It is a matter for the trier of fact. The situation was raised if you have someone that would maybe be sight impaired and they are traversing into something may otherwise be open

and obvious. The bill itself states that reasonably apparent or as well known to the person injured. So, if you have that unique situation where there is someone sight impaired and they happen to traverse into a dangerous situation that someone not sight impaired would obviously see then the jury would certainly be able to take that into consideration. This was the rule for one hundred years and if in fact the yes vote on this bill today is trampling on the West Virginia Constitution then we must conclude that we trampled on the West Virginia Constitution for past one hundred fifty years. I don't think that is the case. I would urge passage. Thank you.

DELEGATE MANCHIN. Thank you, Mr. Speaker. First of all, I want to commend the esteemed Chairman of the Judiciary for working together to adopt this amendment, which will at least take care of the extreme circumstances. That being, where a business knows that there are statutes out there that are designed to protect people in their premises and they violate those, at least even though those may be obvious and open, those are now going to go to a jury for comparative negligence decision. However, it doesn't take care of all circumstances. Yes, this was the law of West Virginia for one hundred some years. However, the Supreme Court said that this should no longer have application because we now have comparative negligence. It is now time to take into consideration the reasons why someone may have fallen on something, or may have had something fall on top of them when it was obvious that perhaps it was unstable, that they may not have noticed that, or maybe even though they could have noticed it, and they are somewhat at fault, maybe. The business owner who invited them into their store, in order to have their business and make money, if that business owner knew that this had happened on three or four other occasions, where people had gotten hurt, even though it is open and obvious, they should still have their negligence measured by a jury and compared to that of the person that got injured. That is the point that we are talking about. If we are going to go to pure comparative negligence, let's go to pure comparative negligence. We said in this body, when we refused to except children from pure comparative negligence, we said that we can't carve out exceptions and yet here we are carving out an exception for business owners



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who do not provide safe premises for the people that they invite into make money off of. Therefore, even though we have had a good amendment, I still must vote no on this and I urge the body to do the same.

### AMENDMENT TO COM. SUB. FOR H. B. 2151

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REMARKS  
of  
MEMBERS  
*February 5, 2015*

DELEGATE FOLK. Thank you, Mr. Speaker. I rise in support of the amendment. What a novel concept that we might actually have parents on the school board that have children in the school system. Not to say that we might not already have that, but this amendment assures that we would have at least two members on that school board that have children in the school system when they are appointed. Let's do some common sense stuff here. Let's support this amendment. Thank you.

DELEGATE REYNOLDS. Thank you, Mr. Speaker. I appreciate the ruling of the Chair, and I do think this bill, this amendment makes a very good bill even better, in ensuring that the parents that are going to the PTA meetings, that are dealing with the effects of these policies every single day in the classroom, and with their kids, that someone like that is on the board to help share those views and come up with better policies and move our state forward. I would ask that you all would vote yea.

DELEGATE SPONAUGLE. Thank you, Mr. Speaker. I request the yeas and nays for this amendment.

### LABOR ISSUES

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REMARKS  
of  
HON. MIKE CAPUTO  
*February 5, 2015*

DELEGATE CAPUTO. Thank you very much, Mr. Speaker. I rise briefly today to talk about my

favorite type of West Virginian and that is the hard working men and women who go out and make our state what it is. For the last couple...three days, there has been a lot of workers, union members, non-union folks that are have been merging on the Capitol and they have some real concerns.

I think we need to look at their concerns and remember why we are here. Just...I believe it was yesterday, the day before maybe... I am not sure... the Senate passed the bill repealing the prevailing wage in West Virginia. A wage that workers depend on to feed their families, that workers depend on to make sure their kids have the same opportunities as rich folks kids have to go to college and have a nice home and a nice car, and they are deeply concerned, and they are deeply worried.

I know you all have gotten the letters that I have gotten. I have gotten more letters from businesses who are concerned about the repeal of the prevailing wage, on what it will do to good West Virginia businesses that have been here a long time and has provided a good work place for those men and women. So, I would caution us to think long and hard about how we proceed when that bill comes over here. They just passed the bill out of committee, yesterday, dealing with mine safety. I believe that that bill rolls back mine safety and we are going to be dealing with that today in the House, and I hope that we take a little softer stance, and I appreciate the Chairman and the Vice Chairman. We have been working toward a compromise and I hope we can continue to have that discussion, but I want to remind you ladies and gentlemen, for the last twenty years West Virginia has either been first or second. We all like to talk about where we are at in numbers. We have been first or second in leading the nation in coal mine fatalities. That is not something I am very proud of. I have been here. This is my 19<sup>th</sup> session. I have been the point person, if you will, on many coal mine safety bills since I have been here. Never once did we go backwards. Never once did we go the other way, but the bill I believe that the Senate passed yesterday, takes us backwards and I am concerned about that, and you should be, too. The bill has, it does several things, some that we are going to be for, and some that we are going to be against, but I want us to focus hard on mine

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safety. We talk a lot about this industry, how healthy it has been for our state. Well, we need to talk about how healthy the workers that go underground every day need to remain and we need to keep that as a focus.

There is much talk about the right to work bill in the State of West Virginia. Mr. Speaker, frankly, I never thought I would see the day that we would be having that discussion here. I don't know of any businesses... I hear the rhetoric of businesses that won't come to West Virginia because we don't have a right to work bill. I want to know who they are, with all due respect. I want to talk to those folks who said we are not coming here because we don't have a right to work bill. Is it real or is it rhetoric? That is what I hope we look at when we move through this legislation.

Many people are here, Mr. Speaker and members of this House, because they are concerned. They are concerned about their jobs. They are concerned about their future and they are concerned about their state. We heard throughout this whole campaign that there is a war on coal. Have we created a war on workers? Because they are what makes West Virginia great. We are the People's House. We are supposed to be close to our constituents and we are supposed to represent them on their level. That is where we all come from. So I urge my colleagues, we will have discussions and we will have disagreements but remember, we are the People's House and we should act as such. Thank you, Mr. Speaker.

### JOBS IN WYOMING COUNTY

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#### REMARKS

of

**HON. LINDA PHILLIPS**

*February 5, 2015*

DELEGATE L. PHILLIPS. Thank you, Mr. Speaker. I also have a jobs report today, and you may think that is strange coming from the south. However, within twenty-five miles of Pineville, West Virginia, there are four hundred forty-seven jobs. Not as many as in the middle part of the state, but there are still jobs. I have two from Cleveland Cliffs, one for a warehouse clerk and

one for a maintenance foreman. So, Cliffs does have two jobs posted. I have a direct sales for Suddenlink. I have a bank teller with BB&T. I have a registrar at Raleigh General Hospital. I have a treatment coordinator at Pressley Ridge and I have a social service worker for the Salvation Army, a recruiting coordinator from North Western Mutual and, on a much lighter side, I have a PT sales associate for the Lion's Den in Ghent. If you are not aware of what the Lion's Den is, it is an adult superstore in Ghent. So, there is also a job posting for there, so I do have jobs in the southern part of the state, four hundred forty-seven. Some good and maybe not some good. Thank you. Thank you, Mr. Speaker.

### H. B. 2008

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#### REMARKS

of

**HON. DAVID EVANS**

*February 6, 2015*

DELEGATE D. EVANS. Thank you, Mr. Speaker. I rise in support of the amendment and I have been advocating this for about two years. There's quite a few things that I found in the two years that I have been here in the Legislature. I was complaining about the roads for the last several years like many, many people. Some of the things that I have found, we have roads in our county that have been paved. They were dead end roads. We had one that was paved October of 2013 by the state road workers, it evidently wasn't good enough. It was repaved by a contractor in April of 2014. Road bonding, we have a lot of Marcellus wells in our area. Road bonding is something that is supposed to be taken care of by the state road. We are supposed to have inspectors out there people, to make sure that the roads are bonded when the roads are...when the traffic is off those roads they should be repaired. This is not happening. We need to take care of that.

Recently, last October actually about September... we have one road, County Road 25 is horrible. People have been trying to get something done with it for quite some time. We had a pipeline company that wanted to cut that road...and it is terrible, it is really a terrible road... pipeline company wanted to cut the road

## APPENDIX

to put a pipeline across it. They offered to pave approximately two miles of road if they would let them cut the road. It is not that traveled. The people would be tickled to death if they would have let them do this. This was denied. That would have saved the state somewhere between two hundred and four hundred thousand dollars and that was something I thought was kind of bad. Here just in the last two weeks I had someone tell me about \$100,000 that was not taken care of because of paperwork. The state was out \$100,000 just because of the employee that was there didn't take care of his job. Whenever he left or moved, someone else took over and found \$100,000 worth of insurance.

We have in our area we have a lot of roads or a lot of vehicles that are running overweight. I talked with a truck driver that worked that worked for the gas industry just in the last three or four weeks. He was telling me that they run normally 30,000 pounds overweight and it is really taking a toll on our roads.

We had road patching last spring. We had a big push to patch the roads in our area. We were going to patch all the road, main road Route 2 to Route 250. They started in the area of Route 2 out Jefferson Avenue, and they did milling on this road, was probably a half mile, and the road was really better after they milled the road than it was before. Then they started out 250 toward Cameron, where I live, and they milled parts of the road for about three miles. That was in April. They didn't pave it until June, late June. By the time they got ready to pave the road, it had potholes in it again and then they had to re-mill the same road so that was kind of a waste of time and effort on their part. They had to rent equipment for it and it was just....that to me is a management problem. We have a CORE program and I can't remember what the initials CORE stands for but the CORE program basically says, okay, we are going to do roadwork. We are going to do the mowing along the roads. We are going to do the ditch lines. We are going to do other necessary things at certain times of the year. Well, they never even got around to much mowing this year. Ditching, I don't know that they did any ditching at all this year. It would be very questionable as to whether they did do this.

Another instance, when I was out campaigning, I talked to several people and I ran

into a person that was telling me about...and this has been sometime back....but they were called out, a crew was called out in the Wheeling area to patch roads on a Saturday, so they had a crew out there on a Saturday to patch roads. They gave them enough material, one truckload, when the one truckload was gone, which was about an hour and a half, they had to hide for the rest of the day because they didn't give them any more material to work. So that is kind of a waste of money in my opinion and again that goes back to management.

You could go into equipment. We have one grader for six counties. In District 6, I think they have three, but they have to scavenge parts off of the other two, to keep the one running. As far as equipment to mow road banks, I think they have four or five pieces of equipment and they don't all work. I think two of them have been down. There was one that would run for an hour then they would have to stop and let it sit for an hour and then start it back up and run for another hour. That is not really the way that you would do business. A business could not run on that. Trucks, we have trucks that are light-duty trucks that are trying to plow roads. From what the guy is telling me, once they empty the load out of the back of the truck it makes the front end quite light or makes it difficult to drive the vehicle once they take the sod out of the back. We had one truck that was wrecked last winter in January or February. The truck had to have a new muffler put on it. The muffler was \$10,000. The reason for that was a special type of truck with a muffler on it that burns the material...and actually when it come out it was supposed to be real clean. That truck caught on fire here about six weeks ago and burned because of a problem with the muffler and a material that was going through it. It burned so it is going to have to be replaced. The men telling me they would like to have some trucks that were better trucks. They used to buy better trucks but they have been forced in the last few years to buy trucks that met the bid specifications but they actually aren't capable or aren't as good as the ones they used to use. Again, a lot of these trucks aren't usable, not enough equipment to do that with.

Also, in talking with employees, I talked to a lot of employees, the morale is very low at least in our area. There is not... it is just poor, I have talked to people that work currently and they

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aren't happy. I have talked to people that have retired after over 20 years. Those people were telling me the reason they quit was because of the morale and that is something that needs to be worked on. Money is part of it. Low wages, so that is something we have mentioned. They need a pay raise. They start to work for somewhere around \$11.00 per hour. A gentleman with a CDL license and able to run equipment after over 20 years was only making \$15.00 an hour. He could go to the gas industry he has been started out at probably \$20 plus. We are short in the Department of Highways somewhere...four hundred employees and to hire an employee in the state road it takes probably around one hundred six days. I think, that was one of the figures I got. I have talked to people that took anywhere from four to six months to be hired and to me that is just ridiculous when it takes that long to hire someone. That is something that needs to be done. Again, I think that is management. Private business couldn't do that. One person that I have talked to was talking about the number of engineers in one of the districts in the state. They had like twenty-four engineers, questioning whether or not they need twenty-four engineers in a district. If we have twenty-four, I have never checked on that, but if we have twenty-four in Marshall County or in District 6, I don't know whether there is enough work for them to do because I don't see a whole lot of road building going on or bridges and so on.

Talking about the roads for just a minute, I am just about finished. The roads are terrible and if you have people you want to use, have people come in for tourism, I don't know who would want to drive on some of the roads we have. Something that we need to look at, we need to take care of, get repaired, where they are drivable. I do have a question. We had the Governor, had a Blue Ribbon Commission here a couple years ago. The report from that Blue Ribbon Commission I think, was due last June or July, and if it wasn't, then it was in September. We have yet to hear about that Blue Ribbon Commission and what was learned from that and what needs to be done in order to improve our roads, whether it is going to be taxes or whatever. The road... DOH receives I think around a billion dollars a year to run the program. It is a lot of money and I think we do need to do something in order to improve roads and I think this audit is a

good way to do it. I would urge everyone to vote for it. Thank you, Mr. Speaker.

### AMENDMENTS TO COM. SUB. FOR H. B. 2011

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REMARKS  
of  
MEMBERS  
*February 6, 2015*

#### **Amendment by Delegates Manchin and Skinner**

DELEGATE SKINNER. Thank you, Mr. Speaker, and thank you, Mr. Clerk. I urge support for this amendment, which changes the definition of serious injury and makes it easier for us to understand what serious injury is and, therefore, qualify for an injured person to be able to bring an action. Thank you.

DELEGATE SKINNER. Thank you, Mr. Speaker. One of the things that this amendment does is, it makes clear that the loss of a fetus would be covered under a deliberate intent action. Otherwise, the loss of the fetus would not be covered. I urge passage and I ask for the yeas and nays.

#### **Amendment by Delegate Shott**

DELEGATE SHOTT. Thank you, Mr. Speaker. This is a further refinement of the bill that came out of Judiciary in order to address some concerns that were raised during the debate and basically what this does is restructure the section in the bill with actual knowledge and it eliminates from that portion of the bill two different things.

Number one, it eliminates the bar on using circumstantial evidence and inference to establish actual knowledge and to give you an example why we thought that was desirable to remove that section. Assume for a moment that a witness would enter the chief executive officer's office and see on the desk where the officer normally sits, an MSHA violation notice. Now the CEO is not there and the witness does not see the CEO pick up that notice and read it but the presence of that notice on the desk would be...at least create circumstantial evidence because it is in the place where the CEO normally sits and does his duties he would have probably seen it. The language in

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the bill originally would have precluded the witness from testifying to that fact because he did not actually see the CEO read the notice and that is frankly not an appropriate bar. We thought it would make sense to remove that.

There was also a section in this bill dealing with duty to inspect and because the bill was attempted to respond to a Supreme Court decision that took this statute well beyond what many people felt the policy of the legislature was in enacting it, that section was removed because it created confusion as to whether or not there really was a duty under certain circumstances and simply refocused that provision on actual knowledge of the unsafe working condition. We think these changes will improve the bill, make it less likely to be misinterpreted, make it clearer and make it more certain. Therefore I would urge adoption.

### **Amendment to Delegate Shott's Amendment Offered by Delegate Manchin**

DELEGATE MANCHIN. Thank you, Mr. Speaker. Ladies and gentlemen, I once again want to commend the Judiciary Chair for the changes that he has made. I think they are an improvement to the bill. However, one important provision has been eliminated and that provision would have allowed for the utilization in proving actual knowledge of a failure to inspect that was required and it would have required that that failure to inspect have resulted in missing something in the inspection that proximately caused the death of that individual. I think that is an important provision. I urge adoption of the amendment.

DELEGATE SHOTT. Thank you, Mr. Speaker. I oppose the amendment to the amendment. Basically it puts back in a provision we thought would create confusion and create the opportunity to argue that the constructive knowledge that we attempted to remove in the original bill was still part of the law and therefore it has the potential to create and undermine the purpose of the bill. Therefore I would urge rejection of the amendment to the amendment.

DELEGATE MANCHIN. Thank you, Mr. Speaker. Once again I think it is important that we not relieve companies from their obligation to perform safety inspections that are required for

the safety of our workers and federal or state law and I urge adoption of the amendment and request the yeas and nays.

### **BIRTHDAY OF 40TH PRESIDENT, RONALD REAGAN**

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#### REMARKS

of

**HON. JOHN D. O'NEAL**

*February 6, 2015*

DELEGATE O'NEAL. Thank you, Mr. Speaker. I would like to make the Members aware that today, February 6, 2015, is the 104<sup>th</sup> birthday of the 40<sup>th</sup> President of the United States, Ronald Wilson Reagan. Mr. Reagan was quoted late in his presidency as saying ours was the first revolution in the history of mankind that truly reversed the course of government.

With three little words, "We the people", is the people tell the government what to do. It doesn't tell us. We the people are the driver. The government is the car. We decide where it should go and by what route and how fast.

Almost all the world's constitutions are documents in which governments tell the people what their privileges are. Our constitution is a document in which, we the people, tell the government what it is allowed to do. We the people are free.

In honor of President Reagan and the fact that he was a happy warrior who was able to passionately argue and advocate for his positions, and then in the evening, often times socialize with great friendship and comradery with those that disagreed with him, I'd like to just recognize his birthday today, and say, "Thank you, Mr. President." Thank you.

### **PRAYER REGARDING WAGNER FAMILY LOSS**

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#### REMARKS

of

**HON. SAIRA BLAIR**

*February 6, 2015*

DELEGATE BLAIR. Thank you, Mr. Speaker. Yesterday, one of our colleagues from the 47<sup>th</sup>

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lost his brother in a car accident, and I ask that we please take a moment of silence for the Wagner family.

Thank you. Please join me in prayer. Dear Heavenly Father, thank you for allowing us to gather here, today, together. In Your glory, we are reminded none of us are perfect and therefore nothing we do in this room will ever be perfect but I truly believe that we are all striving for the best for West Virginia, the best for our families and the best for the future generations. That is why I ask that You work with us, and You guide us, and lead us to achieve what is best for our future through Your glory. I truly believe we can accomplish that, and so, with Your glory let us never forget that we are a nation under You and in Your name we pray, Amen.

### PASSAGE OF COM. SUB. FOR H. B. 2005

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#### REMARKS of HON. JEFF ELDRIDGE *February 10, 2015*

DELEGATE ELDRIDGE. Thank you, Mr. Speaker. I am going to rise today in opposition of this legislation. I think the intentions are great and I do think we do need to do something. I truly feel at a time when our classroom, our kids, the tragedies that are happening across the United States and even here in West Virginia about issues of emotions of problems at home, bullying, kids being bored, emotional distress, physical abuse, disruptive behavior. I think these teachers need to be trained prior to going into the classroom and I probably could have voted for this if that was the case, if they would have 20 some hours of training prior going into the classroom. So for this reason alone, put the teachers aside and everything else aside. We have to do everything we can to take care of our children and our schools and by doing this, I think we are treading on thin ice with our kids, our children and, for that reason alone, I am going to vote against this.

DELEGATE COOPER. Thank you, Mr. Speaker. I don't think there is a whole lot more that I say...that my friend, Delegate Espinosa, and

more folks, have said in support of this bill...but let me just say that I am supportive of this bill. These seven hundred teachers that we are short, or maybe it is three hundred, or maybe it is two hundred actual teachers, and we have five hundred working out of field. In other words, they have a degree in biology and they are down teaching first grade reading or something as a substitute. All those folks didn't get here overnight, and all we are hearing today from a lot of us in here is...we ain't never done it this way before so why should we try it.

I am in support of this bill because I think we should try it. We have tried a lot of things in this state that hasn't worked out but there is a couple other things we need to try. One thing, we need to raise teacher pay and make a teacher a valued commodity in this state, but that is not the bill in front of us... is to figure out a way to get some people in these classrooms.

I asked a question of a teacher who was communicating about this bill, and I said, "What would you suggest we do while we wait on enough college graduates to fill these positions?", and her answer to me was, "I have two masters degrees," and that was her answer. She said a little bit more than that but I won't repeat that here. However we are...we have a great pool of possible teachers as we wind down our wars in Iraq, Afghanistan and around the world. Our military is going to shrink. As our military shrinks, they are going to be sending home all those junior officers who have bachelor's degrees or they wouldn't be officers in the military. Those folks are going to come back here and...what we can do is, we can say, "Okay, if you want to teach school, you go through the teachers block at your expense. I guess, for three semesters would do it, maybe, and you do without an income in the meantime, or if you will show up down at county board of education office that has got this plan for an alternative way to do it, they will supervise you. They will pay you while you learn to teach and you can transition from a military aspect into a teaching position and become an asset to the education of the children in this state." We owe them no less. I support this bill. Thank you, Mr. Speaker.

DELEGATE IRELAND. Thank you, Mr. Speaker. Ladies and gentlemen, we have heard a lot of

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rhetoric here this morning, plus and minus. I rise in support of the bill but I do so for five reasons. I have five grandchildren.

Most of the discussion here this morning, and the way I think most of us are viewing this bill, is for or against teachers. I have the utmost respect for all the teachers, education administrators in this body, and those setting up here in the galleries. My mother was a teacher for thirty-some years. My father started out in the teaching profession. Teachers are critical to our future but most of our discussion is with the wrong priority. One of the ladies in the back here a while ago said we need to get our priorities straight. You are right. She was right. We need to get our priorities right but the priorities are the children, the folks that need educated.

All too often as we talk about the education process, we talk about the teachers, very important. We talk about the custodians, very important. We talk about the bus drivers, very important. We talk about the bricks and mortars, the school building, very important. We talk about the technology available to them, very important, but if you look at that book of laws that we and the Department of Education put forth, is about that thick, and you start reading through that thing which I have tried to do in the past, how often do you see the word student? How often do you see the word student in that book having to do with the way we run our education process? I submit to you, not nearly as often as we should see it.

We are talking here this morning, not a vote for or against the teachers that are in this Body and in this gallery, and that will graduate from the various colleges in the future, we are talking about a vote for or against the children. Five reasons why I am down here, why you all have to put up with me, five grandchildren and their future, their future not mine. I am not looking for additional jobs but I submit to you, that in my previous education, went through general chemistry, quantitative analysis, qualitative analysis, two semesters of organic chemistry, one semester of physical chemistry, and I think the gentleman across the aisle from me probably did something very similar, and even perhaps more. I have raised three children, the wife and I. I have five grandchildren. Spent a couple of years

in the Army. Can I control a classroom? I don't know. You can decide whether or not I might be able to control twenty students in a classroom. Am I qualified to teach chemistry? Perhaps. I also have a fair amount of mathematics as I went through the university, West Virginia University, not the University of West Virginia. I got corrected on that my freshman year up there. But I have a fair amount of mathematics. Can I teach math? As the Vice Chair of Education pointed out to you, we have got folk teaching math today that really have perhaps degrees in journalism.

What is right for the children? What is right for the kids? I submit to you that I think this is a step in the right direction. It is not taking the job of any qualified teacher that is standing there waiting to have a job. If they are waiting there to have it, they should have the priority, but if they are not there, what is right for the children? Ladies and gentlemen, I suggest we need to pass this bill. Thank you.

### COM. SUB. FOR H. B. 2011

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#### REMARKS of MEMBERS *February 10, 2015*

DELEGATE FLUHARTY. Thank you, Mr. Speaker. I think this is a sad day for our state and myself, personally. I can recall being a young college student sitting up in the gallery in January 2006. The West Virginia Mountaineers just celebrated a great bowl victory at the same time our state was mourning loss. We were mourning loss from the Sago Mine tragedy, and as a bright-eyed college student, I watched the Legislature come together for coal miners and do something good. It was S. B. 247. It was introduced and passed in just one day, and it said we were going to set up an emergency system under ground, and coal mines were going to have to follow the rules, and they were going to have to protect coal miners. But here we are today, and I don't want to belabor the point but, we have heard this entire session coal, coal, coal. That is all we have heard about but coal is more than just the coal mines' bottom line. It is more than just the coal companies' current stock valuation. It is about those who go into the mines and work hard

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and they don't ask for much. A decent salary? Yes, to raise a family. Enough safety precautions in place to go home to them at night. Yet this bill is trying to rewind the clock and trying to take us back.

We have heard, when we debated H. B. 2001 how, if we pass this legislation, if it just saves just one coal miner's job, it is worth doing. I heard that from numerous people out there, but yet, what about saving one coal miner's life? Isn't that important? Where I come from it is. So then, we packaged this deal into what is dubbed as tort reform. So when it hit the agenda in Judiciary, and believe me we spent a lot of time up in Judiciary when it hit the agenda, I fully expected to be a line out the door with CEO's and coal owners and everyone else to come in and say, "Hey this deliberate intent stuff costs us way too much money, too many law suits. It is costing us jobs. But where were they? None...zero...none of them came in. None of them came in and said, "Look, you got to fix this. It is a real problem and if you fix this we are going to hire a bunch of coal miners. I waited. I didn't see them because this is nothing more than a myth. This is a public relations ploy. That is what this is. You want to call it tort reform but I think that is a wrong assertion to make. It is really safety reform because what it is doing, is creating an environment that has created the likes of Sago. Creating the environment of protectionism. Making it impossible to bring a claim. Protectionism of the likes of Don Blankenship who currently is facing criminal indictment. We should just call this thing the Don Blankenship Protection Act if you really want to get down to it. That is what literally troubles me, Mr. Speaker, because when I came here as a young college student I wanted to be part of something that was part of protecting workers in this state and we are not doing that in this bill, requiring direct knowledge essentially to bring a claim. If that was required, I would do some criminal defense work. If that was required for prosecutors in every case, I would win every case because that doesn't happen.

Requiring direct knowledge of your immediate supervisor, as this bill for all types of purposes does, is like... that's most likely going to get a

guy that dies with you in a mine. How are you going to bring a claim then? There is so many flaws in this bill and they weren't taken care of in the committee setting and they weren't taken care of prior to today. So yes, Mr. Speaker, I rise in opposition to this bill. I don't want to create the environment where we have murder in the mines. I don't want to create that environment. I don't want to be part of it. I don't want blood on my hands. I hope that many of you join with me in opposing this bill. Thank you.

DELEGATE MANCHIN. Thank you, Mr. Speaker. Make no mistake this bill is extreme. It is radical and it is wrong. It is a step backward for the working families of West Virginia. This bill, basically, is going to take us back to the early 1900s when we first adopted Worker's Compensation. It is going to do that because back then we didn't have federal and state written standards and safety standards. As a matter of fact, there weren't any coal mine safety standards until I think the 1960s, late 60s, after the Number 9 mine disaster.

Ladies and gentlemen, what has happened over the period is we have recognized, originally we said that the only time that a worker can go outside of Worker's Compensation which pays him far less than what his actual losses are, okay, as a matter of fact if he dies, a widow, the maximum widow can get, even if he is making \$100,000 a year is like \$2,500 a month. But the only time that you could originally go back and get behind is when you showed that that person or that management employee took a gun and shot them or deliberately intended to hurt them. Now we came a little ways after that. Subsequently, we figured out that gee whiz, we have got these written safety standards and if you deliberately intend to expose somebody to an unsafe working condition, one that is not covered by safety standards and safety requirements then that is the same as deliberately intending to hurt them because you have exposed them to that situation. That is when we developed the five-part test, and that was where you have to have knowledge there was a specific unsafe working condition and it violated a statute. We did that because we thought that was necessary to protect workers. This Legislature did that because we



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thought it was necessary to protect workers. We made an alternative system.

Now what we are doing, ladies and gentlemen, is we are providing an illusion. We are saying that we are maintaining that same five-part standard but we are not. We are essentially gutting the bill because what we have done is we are raising the level of proof from what we originally adopted with the five-part tests. We have done this in several ways within this bill because, you understand, if you can't prove something, if you make it so hard to prove it, then you really have eliminated the right to go to court. But the first thing we have done in this bill, is we have set up a requirement that was never there before, that in order to meet the serious injury part of the bill which has always been left to the jury, we are now taking away that 7<sup>th</sup> Amendment right that each and every one of us has to go to a jury and to ask for redress when we have been injured or when we have a civil dispute and we have done that because we now say, "Well, you got to have 10% under a Worker's Comp award or if there is no comp award, and you want to proceed earlier, a judge will appoint somebody to decide whether you have a 10% PPD award."

Well, first of all, PPD award is an artificial... a 10% standard is artificial. That 10% standard doesn't apply to all injuries. It doesn't take into effect or to account whether an individual can even return to their job. You could easily get less than a 10% and never be able to return to your work because you have done heavy manual labor all your life because you don't have a college degree. You could easily lose 20 or 30 or 40% of your earning capacity and never be able to meet the 10% standard that is required. So, that is the first place where we have made it nearly impossible to proceed on these cases.

The second one deals with the standard with regards to showing actual knowledge and my good friend from the 3<sup>rd</sup> brought some of that forward but here is what the bill says you have to prove direct conscious and clear awareness, perceived, recognized and understood clearly and with certainty by the employee's immediate supervisor. That is a really, really high standard. I suggest to you that there is no similar standard anywhere else in the code, not even for murder I don't think.

In any event, what is very clear is that this bill now says that an employer or his management team is allowed to ignore inspections that are required. Okay, we have done that in a subtle way because it talks about no more constructive knowledge. Essentially, we had a Supreme Court ruling that said, and this makes sense to most people, that if you have a requirement to inspect and you chose not to inspect, then you are charged with the responsibility...the constructive knowledge of what that inspection would have revealed. If what that inspection revealed caused the injury, then that is the same as knowledge. We have eliminated that in this bill. We have now encouraged employers to be blind to inspections. We have now encouraged them not to perform inspections. Ladies and gentlemen, I will tell you right now, let me....you can prove voluntary manslaughter, I'm sorry, involuntary manslaughter, a felony, easier than you can this statute because you can use circumstantial knowledge. You can use constructive knowledge, but involuntary manslaughter occurs where death results from serious negligence or serious recklessness. A related concept is that of willful blindness. So in other words, involuntary manslaughter is willful blindness, which if it were, a defendant intentionally puts himself or herself in a position where the defendant will be unaware of the facts, which would render him or her liable. Therefore, you could easily, in this bill, have an immediate supervisor that you could convict of involuntary manslaughter and not be able to collect monetary damages from the employer. Why have we done this? The Gentleman from the 3<sup>rd</sup> put it very succinctly. We haven't had anybody come in and promise us a single job. Not a single business has said that they will come in here as a result of passing this statute. This is simply a coal company bill, a big business bill, an out of state insurance bill. That is all this is designed to do. Ladies and gentlemen, this is bad for God's children and it is bad for the State of West Virginia. I urge you to oppose this bill.

DELEGATE ROWE. Thank you, Mr. Speaker. I rise in opposition to the bill. I follow on the comments of some of my colleagues. I think what is important is that this bill will define us as a Legislature. This bill will be the one that is remembered and our votes on it will be very important. Let me point out that if the bill fails

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what is in the statute now that we are trying to clarify. Here is what it is. You have to prove that the employer or person against whom liability is asserted acted with a consciously, subjectively and deliberately formed intention to produce these specific results of injury or death to an employee. That is in the statute that we are going to clarify. I don't think you need any more clarification than exactly that.

It goes farther. The statute goes farther and says proof must be of a specific intent to injure or kill. It cannot be proved by evidence of willful, wanton or reckless misconduct. Now that is in the statute now. What are we clarifying? You know words matter in this building, and should...deliberate intent. We sort of capsulize ideas and bills and we will use numbers for bills and I get confused on which number people are talking about if they don't say what it is. This is 2011 but also it is called "The Deliberate Intent Bill". Please understand when you leave this building and you have to explain a vote as to why you want to take change current law, please understand, that you are going to have to explain deliberate intent for what? It is in the statute now. Deliberate intent to injure or cause death to an employee. Got to read it again. Specific result that they formed an intention to produce the specific result of injury or death to an employee.

You say, well, "Why are we here? What is going on here?" Supreme Court had a case about two years ago where they said, yes, we don't, you...just improving this...you have some duty to inspect. There is a prior case that Justice Davis, I think, refers to the idea of an ostrich putting their head in the sand. In this bill, you are rewarded for what you don't know, what you don't care about, what you don't take a memo on, what you don't say in writing. Another very important point about this bill, and the way it tightens up and closes the courthouse door very clearly, is who it is that you have to prove knew something. Is the CEO still left in this bill? No, the CEO is going to be just fine unless, I guess, if the CEO took on some duty for safety because is...what it says is the personnel that you have to prove knew something, is the person who is on the floor, the foreman, the person who is there conducting the workforce and it can also be management employees who deal with safety.

Now, this bill is just remarkable. There are other points about the bill that tighten it up. It makes it absolutely impossible for a person to recover for an intentional act and remember it is an intent, deliberate intent to violate work safety to the point of intending a specific intent to injure or kill an employee. That is in the statute now. What are we going to clarify about that? Well we are going to clarify that you don't get to prove over all. You have to prove it that the person on the floor knew it was a violation. Are they even the people who are going to get notices of prior violations?

The bill is really remarkable. It's really a tour de force...concerns for worker safety...I just don't... it's really difficult to justify why we would adopt this bill, why we would vote in favor of this bill. It is, you know, people say accidents happen. Well, they do and that is what the Workers Compensation system is for. This isn't anything to do with accidents. This has to do with the deliberate specific intent to cause injury or death to an employee. That is what's in the statute now because the Supreme Court apparently thought that there should be some duty to inspect, to determine if conditions are safe or unsafe. We are back here trying to define a bill. We call it clarification but it is not a clarification. It is a close the door shut bill. I think that we need to allow workers to make claims but it's not really about the claims process. It's not really about the past. The purpose of the deliberate intent statute... deliberate intent to violate safety rules and regulations with an intent to injure or kill an employee. The reason for that is to have employers care to some degree about safety. You say, "But, well, you know, does this really apply to our industries?" We have the worst safety record, well, I am not sure if we are first or second this year or last year, the worst safety record for mine deaths in the country. This is a real problem. We have an industry that of itself is dangerous. We understand that. That is part of the process of producing coal. It is a part of who we are. It is a part of our culture and has been for over one hundred fifty years but the question is...is...are we going to, under this bill...are we going to say to employers that if you stick your head in the sand and you ignore any safety regulations, make sure you don't know anything and certainly make sure that foreman on the floor

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doesn't know anything. Then that is what we are left with.

Ladies and gentlemen, I am just amazed that we have a bill, the standards in the current statute that we have are so high, that basically to pass this bill is to really say that we favor allowing a deliberate intent to injure or kill an employee. That is what is in the statute and we are going to revise it to make it even harder to prove. I urge that the members vote against this bill.

DELEGATE PERDUE. Thank you, Mr. Speaker. My understanding of the law is limited to whether they arrested me last night or not. They didn't, so I am here, today, and I get a chance to speak to you about this, and no, I wasn't doing anything.

Ladies and gentlemen, I... perhaps it was a mistake, but I read a book called *Witness at Hawk's Nest*. Anybody here who has the opportunity, I urge you to read that particular book. It is part of our history that is unknown in many ways. It is not spoken of. It's never really been, I don't think, spoken of in this chamber, at least in my tenure, but at Hawk's Nest when they did the tunnel there for the hydroelectric plant, they had at least seven hundred men die in that mine from silicosis. They don't know for sure how many because a lot of them just got thrown down in the pit. The majority were African-Americans. My concern about this bill is, and again not being an attorney and with no knowledge of the law apart from what the law might bring to my door step, I have to say that I am very concerned that we are returning to that time. Those folks, when they finally adjudicated that, it took them about ten years. The families of those men averaged about four hundred dollars. That is what they got. In the literature that I have looked at here, the company that was responsible, actually the lead company, was Union Carbide. I would suggest that people in Bhopal, India, know that company very well but the company that they had contracted with actually disappeared after Congressional hearings were held. Those folks didn't get the compensation that they probably deserved. Apart from the fact that this company just disappeared, Union Carbide believed it was able to enforce that belief that they weren't responsible at all. They had no

responsibility. So in effect, all the money that those folks could get, that very small claim, really never even dented the pockets, was never apparent to Union Carbide. Why is that? Because the laws at that time were either non-existent or antiquated. What I fear we are doing here, and please forgive me for I wish I was more learned in the law, but, what I see in this bill is a return to that age and that time. I don't believe that anybody here, anybody here, would ever want to see that happen again at any degree, not seven hundred, not seventy, not one. I don't ...anybody would want to do that. So I am very, very concerned about that and so, from that standpoint, and remembering Hawk's Nest, I will oppose this bill.

DELEGATE SHOTT. Thank you, Mr. Speaker. I am going to try to be unemotional. I apologize because I am not trained in any type of theatrics but I am very upset by the way this bill has been portrayed. It's been marked by exaggeration, misrepresentation and in many ways exploitation. If you attended the public hearing on this and listened to the very horrible stories that some of the individuals said, you couldn't escape concluding that they had no clue what this bill did, no clue whatsoever. Apparently, they had been stirred up by the impression that we are eliminating deliberate intent. We have been accused of having blood on our hands if we support this bill. I have even seen a reference to us authorizing murder under this bill.

So I am pretty upset about the way that this has been portrayed and I would like to refer you to a couple situations that we have been hit over the head with. The tragic events at Sago in January 2006 would not be changed by this bill and I will tell you why. The evidence in that case, and by the way, all of those cases to my understanding settled out before they actually got to trial but the evidence in this case... that Wolf Run Mining Company which operated that mine...had over two hundred violations in the year before this event occurred. Many of them directly related to the buildup of methane, the lack of anti-lightning equipment, which if you will recall, was one of the apparent or offered causes of the initial explosion, that had lax methane monitoring and, also, poor construction

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seals, the seals in the area. All of those issues were confirmed in various MSHA violations that were given before this tragic event occurred. Importance of that is, is all of those violations would provide circumstantial evidence which is permitted under this statute of the actual knowledge of mine management and I know that it was mentioned before, it had to be just the safety guy. That is not correct. It could be anybody in the management chain that has knowledge of this unsafe working condition. These violations provide knowledge, not direct obviously, if you were standing there watching the mine management read them, you could say I saw him read them. The fact that they received them and, in fact, those mine violations are posted, provides ample evidence that they had knowledge of each of these conditions that contributed to that tragedy.

Upper Big Branch, we all remember that tragedy as well. In that case, Performance Coal Company had a pattern of major safety violations. They even had evidence that there had been an intentional effort to bypass the methane detector on pieces of equipment in the vicinity of where this happened. They had handwritten logs of two of the fire bosses that noticed excessive, excessive buildup of coal dust along conveyor belts. They had eight of the forty-four sprays on the water spray system of the mine shearer, that is the big miner, that were missing that were noted in the records, open and obvious to anybody who would look at that piece of equipment. They had evidence that the carbide cutting teeth on the long mining equipment were worn down and would likely cause sparks when they were used.

All of that evidence, all of that evidence, under this bill would come in and it would give circumstantial evidence of ample knowledge to anybody in that mine, especially the management personnel, that there was a dangerous safety condition. So they combine numerous, numerous mining violations. Of course, we don't know the outcome of that because it hasn't been tried yet but all of this is documented in MSHA records. There is no way that that situation would, that this legislation would, prevent a claim for deliberate intent under this scenario. No way

whatsoever, and to saddle us with the guilt of somehow changing the laws so that the next Upper Branch is on our backs is outrageous, offensive. It is outrageous and it is totally unsupported.

Let's put this in more perspective. There are eleven states that don't even have... don't have any exception. Eleven states that don't have any exception for deliberate intent and that includes two of our neighbors, Virginia and Pennsylvania. The overwhelming majority of states require a specific and deliberate intent to injure, and I read from one of those, the language requires a conscious and deliberate intent directed to the purpose of inflicting any injury. Our state was the first to abandon that standard among those who had it and require much less than that to prove and in many cases, based on the recent statute, it is more like what do we guess that the company might have known if they had inquired further? What do they get? Keep in mind this is supposed to be a very narrow exception to the bargain that was made between the employer community and the employee community...very narrow exception. We aren't raising any standards by this bill. We are basically restoring the standards that this legislature has tried to clarify on at least two occasions because the Supreme Court, apparently, or at least certain members of the Supreme Court, don't think we mean what we say. The gentleman earlier said, "words have meaning". We have tried over and over again by our words to make our meaning clear but certain members of our court will not accept those words. That is what we are trying to do today. We are balancing the interest of our people and our business community against those...balanced...and the balance is out of sync and it is no wonder that our children and our grandchildren have to leave the area to get jobs and we have the most liberal deliberate intent law in the country. Let me just clarify or amplify that. This is an advertisement on line from a local lawyer. Here is what he says: "If you are injured on the job under certain circumstances, you may be eligible for a deliberate intent and work place injury case, which is unique to the State of West Virginia," which is unique to the State of West Virginia. Well, Ladies and gentlemen, we can remain unique and continue to

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kiss our kids goodbye, our grandkids goodbye or, we can get in line with the rest of the country, compete with our neighbors, and have a reasonable deliberate intent statute. We are not abandoning the idea that there are situations in which employers do extreme things that will injure our employees. That is preserved in here but we do need predictability. We need certainty, and, we need to be in the mainstream of this country. Thank you, Mr. Speaker. I urge passage.

### COM. SUB. FOR H. B. 2568

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#### REMARKS of

**HON. LINDA LONGSTRETH**  
*February 10, 2015*

DELEGATE LONGSTRETH. Thank you, Mr. Speaker. I rise in support of this amendment and let me explain a little bit why. I am asking this body to think about what I am going to say. You know we are all for life. We are all pro-life and the words offend me of pro-life, pro-choice. I think we all believe in saving anyone's life. This amendment, we want to protect the unborn. I think we all do but we also want to protect our youth and this amendment on rape and incest, is exactly what it does, is protecting that ten year old who has no support, who may have been raped, may have been raped by incest and doesn't know until down the road because there is no support system, no way of getting to a doctor and we find out maybe it is a little late. What do we do about these children? How are we going to take care of them? Don't we believe in them? Don't we believe in their lives and what it may do to them? Suicide or whatever it may be. We have already eliminated that we can't consider even suicide on the attempts of an abortion. So I think we do care about what happens to them but I want to quote something here that maybe you all know or maybe some of you don't know. The United States Congress rescinded this bill, this year, because of the restrictions of rape and incest that was not in this bill and they voted to pull it and when it comes back up, and it will, they will add rape and incest. In fact, I have a copy of that right here. I would like to read, if you don't mind, that in the bill that is in the United States

Congress, they do have an exception. These exceptions are a reasonable medical judgement the pregnancy is the result of rape or the result of incest against a minor. If the rape has been reported at any time prior to the abortion, to an appropriate law enforcement agency, or if the incest against a minor has been reported at any time prior to the abortion to the appropriate law enforcement agency, legally authorized, act on reports of child abuse or neglect, this is an exemption. That means that they can proceed if the doctor feels that it is necessary. I think we have put a lot of restrictions, I think the US Government feels we have put a lot of restrictions on this bill.

The second point I would like to make because it is very, very difficult for me when it comes to these kinds of issues, but it has been said in committee that ten states have approved this very bill. Well, that is fine. We may see them be overturned. We don't know yet. I understand that. Why can't we, instead of saying ten, forty states have passed a law, why can't we be the first to say we are going to do something and we are going to do something better. We are going to add a protection for our youth. There is nothing wrong with us being first in something. You are my colleagues. You are my friends. I respect all of your opinions and I hope you respect mine but we are in the Peoples' House. Hope we agree that we must, we must protect not just the unborn, we must protect our youth and I think we have gone a little too far, and we need to save their lives, so I am asking you to look into your hearts and understand that there is more than the unborn affected here and that we need to put this in, as an exemption, into this bill. Thank you.

### COM. SUB. FOR H. B. 2568

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#### REMARKS of MEMBERS *February 11, 2015*

DELEGATE PETHTEL. Thank you very much, Mr. Speaker. Let me say, first of all, that I am not for abortion. I believe that it should be the last resort. However, I do believe in a woman's

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right to choose because it is the law in our country. I don't believe that the government has the right to tell a woman what she can or can't do with her body. With that, Mr. Speaker, I rise in opposition to Com. Sub. for H. B. 2568.

Let me say that I respect each of you for your position, and your opinion on this bill, and would never try to change your mind. Some of my best friends, on both sides of the aisle, I know really personally, believe in the contents of this bill. I respect you deeply for this. Let me say that this is certainly not personal and, as far as I am concerned, our friendship will remain the same. However, I believe that this bill parallels last year's H. B. 4588 that I voted against for several reasons. Not being an attorney, I have been told by many attorneys that this bill is unconstitutional which will no doubt be heard in federal court where this issue will be decided. While the proponents of this bill say that a woman can still have an abortion under this bill, which is correct, I believe that it clearly chips away and undercuts a woman's right to choose and it clearly impedes the doctor/patient relationship and that is why many in the medical community are against this bill.

To me, this issue is really about the latest statistical data available, showing that six women who had high-risk pregnancies and major complications having an abortion after twenty weeks. Women just don't awake at twenty weeks and say I am going to have an abortion. People like Tiffany Redmond. People like the email I received last year, thanking me for voting against 4588. It goes on to say, my friend found her fetus did not develop normally and at twenty-two weeks gestation found the baby had no brain. Thank you. These babies do not live. She chose an abortion and was so thankful she had the choice. I have no doubt that bills like this and many others are designed, at the end of the day, to get back before the United States Supreme Court in an attempt to overturn *Roe v. Wade*.

Last year I tried to make an informed decision on H. B. 4588, just as I have done so on this bill. Being a United Methodist, and my wife and I being very active in the church, I asked my minister, who is a lady, for guidance on this

subject. She referred me to The Book of Discipline of the United Methodist Church, in the 2012 edition, and in part this is what it says: Our belief in the sanctity of unborn human life makes us too reluctant to approve abortion but we are equally bound to respect the sacredness of the life and wellbeing of the mother and the unborn child. We recognize tragic conflicts of life with life that may justify abortion, and in such cases, we support the legal option of abortion under proper medical procedures. Under proper medical procedures. It talks about other areas there concerning abortion that the church believes in, but the last paragraph, it says, governmental laws and regulation do not provide all the guidance required by the informed Christian conscience, therefore, a decision concerning abortion should be made only after thoughtful and prayerful consideration by the parties involved with medical, family, pastoral and other appropriate counsel.

With that, Mr. Speaker, I made my decision to vote against H. B. 4588 and this bill today. Last year was the first time in twenty-two years that I voted against pro-life legislation. I slowly came to the conclusion that no matter how many times I voted pro-life, or no matter what I did, it would never be enough. When some people would tell me, you either haven't done enough or when will you do more. I would, clearly, given everything I had by voting 100%. I told my wife while the political fear is great and the persecution will be even greater, I need to make a decision on this issue regardless of the consequences. But, Mr. Speaker, my vote against 4588 afforded me the opportunity to work with a group of ladies who welcomed me with open arms, who do like me, who appreciate me and I have always felt the room light up anytime I walked in and they never once said to me, you either haven't done enough or what are you going to do next? They even said I was a champion for justice. I didn't think so but they did because I had only voted with them twice in twenty-two years. Today will be the third time.

So let me close by saying, ladies, I am proud to stand with you today in speaking and voting against this bill because I believe that when a woman has to make one of the most difficult

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decisions in her life on whether or not to have an abortion, especially in high risk complicated pregnancies, that decision should be between her, her doctor, her family and her God. Not the government, never the government because the law is that a woman does have a right to choose and it is really no one's business.

DELEGATE SOBONYA. Thank you, Mr. Speaker. Ladies and gentlemen, as the lead sponsor of the pain capable bill this year, I rise to strongly and compassionately support this bill. I am a member of the two committees that this went through and I am very blessed that I was able to help shepherd through this legislation that is before us today in both the House Health Committee and the Judiciary Committee. Last year this body, overwhelmingly, with bipartisan support, passed the House 85-15, and in the Senate, it passed 29-5. It went to the Governor where it was ultimately vetoed but, today, is the good news. Today we have another opportunity to join ten other states that have made it a matter of public policy to stand up for pre-born babies who feel pain during an abortion. We have heard about the unconstitutionality. There are ten states that have passed this bill and it has never been deemed unconstitutional. This bill doesn't end abortion. There are many of us that are pro-life. There are some that are pro-choice. This bill doesn't end abortion. It doesn't overturn Roe vs. Wade, that US Supreme Court decision that has ended over fifty-five million lives of pre-born babies. It is ironic that West Virginia State Code Chapter 19, Article 2A states that livestock, before being shackled, hoisted, thrown, cast or cut, must be rendered insensible to pain by a single blow, gun shot, etc., that is safe, rapid and effective. We are talking about cows, sheep, goats. Unborn babies I would suggest should be treated more humanely than cattle. West Virginia has one of the most liberal laws in the nation when it comes to abortion. In West Virginia, a person can get an abortion today, right up to the ninth month, minutes before a baby was to be born, to breathe a breath of life. West Virginia has taxpayer-funded abortion up to the ninth month.

I want to read you, and I was really blessed to meet this wonderful lady, I went to a conference

in Washington, D.C. several years ago and she sang like an angel, had the voice of an angel, her name is Gianna Jessen. Right down to the birth year..., though the effect of abortion was much worse than Gianna Jessen's case. Gianna's mother decided to have a saline abortion in the third trimester. Gianna spent over eighteen years... eighteen hours in the solution but eventually forced a birth. Delivered at just over two pounds, she was put up for adoption. At a very early age, she was diagnosed with Cerebral Palsy as a result of the saline burning and her foster parents were told that basic tasks such as walking and talking would be incredibly difficult for her. However, Gianna didn't let that stop her. There were muscles throughout much of her life that were very weak. She worked hard to exercise them and eventually ran the London Marathon. She maintains an active lifestyle and now spends much of her time as a speaker motivating young people to make good choices. She goes across the country speaking out against the abortion that almost ended her life.

I wasn't able to bring in the picture due to our rules governing our House procedures, but when session ends today, I really strongly urge you to look at a picture that will be displayed outside of this House chamber. It is a picture of a baby at twenty weeks gestation. She has hair, working vocal cords, she sucks her thumb, she grasps with her hands, she gets the hiccups and she kicks. She recognizes her mother's voice. All organ systems are intact and functioning, her stomach, liver, kidney, brain. She is a human being, and yes, she feels pain. Ladies and gentlemen, I strongly urge you to be compassionate today. Stand up for those that don't have a voice. People can still get an abortion in West Virginia. We are saying here, as a matter of public policy in West Virginia, when they feel pain they are more important than a cow or a sheep.

I am going to end with a scripture, and many say you shouldn't mix religion with politics, but I have always been of the mindset that you don't surrender your faith at the Capitol steps just because you are elected. I am going to end with Deuteronomy 30:19, "I have set before you, life and death, blessings and curses: now choose life, choose life." Thank you, Mr. Speaker.

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DELEGATE GUTHRIE. Thank you, Mr. Speaker. Ladies and gentlemen, I rise today in opposition to this bill again. I realize that I am in the minority. I get that. I have been in the minority on this issue ever since I walked through the door. My heavens, I am even in the minority of my own party! A party that recognizes the right of women to choose. It is okay. I don't mind being in the minority on this issue because I agree with the Gentleman from Wetzel. Every woman, especially a woman who has a troubled pregnancy, in the fifth or the third trimester finds that there are problems, and on advice from her doctor and in consultation with her family and her minister, decides that she cannot go through with that pregnancy. I think the compassionate thing to do is not to interfere.

There are folks in this room who are here because their families made the choice to go through with the pregnancy. I am glad they are here but the underlying theme is that they had a choice, and with this legislation, what we are doing is robbing other women from making their own choice. We are saying to them, our way is the only way. You must adhere to what we believe and our opinions. There is no room for you to have a different opinion than us. We spent a lot of time in the Health Committee going over the findings and what we discovered in those findings, I wasn't really sure where they had come from, whether or not they had come from the recognized American College of Obstetrics and Gynecology or just where they came from, but in talking to the physician who presented on behalf of West Virginians for Life, those findings...he admitted that really it hadn't been consensually agreed to by the organization but it was his opinion. So what we are about to do today, on his opinion, on what pain capable is or may not be, is to codify those findings as though they were fact. I wish that West Virginians for Life and the American College of Obstetrics and Gynecology had worked together to resolve their difference of opinion before dragging those opinions into this chamber and letting us wrestle it around.

I want to say to each and every one of you who differs from me on this opinion, I respect all of you and I respect your opinions, and while I

know that I am in the minority in this chamber and the one across the hall, what I must also say is that I am not in the minority with women in West Virginia or women across this country who believe that we have a sanctity of right to make these medical decisions in the privacy of our own physician's office with our families, with our ministers and with our loved ones. I don't believe that putting this bill forward as though it is fact is going to stand a constitutional test. I just don't. I don't believe it has in other district courts, and I don't believe it will once it arrives at the Supreme Court, which is all this bill is designed to do is to force a constitutional request that the Supreme Court intervene in a matter that the West Virginians for Life or any other organization for life and the American College of Obstetrics and Gynecology refuse to settle themselves.

So here is what I am for, because I am not for this bill, I am for us doing everything we can to pass laws that provide more funding for family planning so that we can have kids who want to have children have the safest possible pregnancies that they can go through. I am also for birth control so that we can, once and for all, begin to continue reducing the number of needed abortions in this country. Finally, what I am really for, and I pray that all of you gentlemen in this room, I have said it before and I will say it again, would start to campaign for mass production and use of male birth control because, to be honest with you I am tired, every single year we have a bill like this that comes before us, and it is never about you. It is never about you. It is always about us. Why don't you be in charge of reproductive health for the next couple of decades? If any one of you gentlemen needed a private medical reproductive procedure, I would no more use my position in the Legislature to try to pass laws to prevent you from doing that than the man in the moon. So why do we have to come here every year and have this assault on women? Because you can get away with it? Because it is good public policy? I don't think that either one of those things are true. So I will rest with this, Mr. Speaker. While I really do respect your opinions, I know that we deeply disagree on this issue. We will agree on a whole line of issues but not this one. I am going to



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stand with the majority of American women and West Virginia women who believe that they have a right to medical privacy. Thank you.

DELEGATEFAST. Thank you, Mr. Speaker. I, also, respect the gentleman's opinions from the fifth and the gentlelady that just spoke; however, I would like to highlight another West Virginia Code section that is already on the books on this matter. It is §61-2-30 and in that code section it recognizes an embryo and fetus as a distinct unborn victim in crimes of violence against a person. That code section defines an embryo as meaning the development, early development, of a human being up to approximately eight weeks after fertilization. It defines a fetus as a developing human being that has ended the embryonic stage and thereafter, so it would be up to birth. Subsection-c states, for the purposes of enforcing provisions of sections one, four and seven of this article and other sections, a pregnant woman and the embryo or fetus she is carrying, constitutes separate and distinct victims. So what are sections one, four and seven? Those sections are murder, voluntary manslaughter, death by intentional poisoning and there's other sections.

So in those situations, ladies and gentlemen, you have two distinct separate victims. In that sense, if you take out a pregnant woman whose... that you can be charged with murder times two because of that. The question that arises, why do we have a murder statute at all? Why do we have voluntary manslaughter statute? Why do we have voluntary poisoning statute to make those things illegal? The reason we have these laws is because government has a civil duty to protect human life. I hear over and over and over again about a woman's right to choose. We had a debate yesterday about rape and incest. I can be sympathetic with those situations, truly. They are bad situations, but you have to understand, we need to understand, that government has a duty to protect human life.

The scripture was quoted a minute ago. Where does that duty come from? That duty comes from Almighty God. That gives individual rights. That gives family rights. That gives church rights and it also gives rights and duties to civil government. That is what we are talking about.

I will close by just stating that we have two judges in our circuit, the 12<sup>th</sup> Judicial Circuit, and I have heard one of them state over and over and over again, who used to be a member of this body and was previously the Chairman of the Judiciary Committee, that the laws for abuse and neglect for children, and the laws for abuse and neglect for adults are there to protect those who cannot speak for themselves. Ladies and gentlemen, I submit to you today that this law is just that. If you have two victims in a murder situation, we are talking about human beings who cannot speak for themselves. As government officials, we have a duty to speak for them. If viability is an issue, look at my colleague right over here, beautiful lady, Anna Border from Wood County, survivor at twenty-two weeks and I am going to mention your age, sixty some years ago. If that can happen sixty some years ago, ladies and gentlemen, at twenty-two weeks, we know it can happen here and in Judiciary we heard from Dr. Calhoun, board certified in maternal fetal medicine, on staff at WVU, on staff at CAMC, our esteemed hospital right down the road here, the written policy at CAMC is that they offer resuscitation for babies born at twenty-three weeks. So I don't know who we are trying to kid here but we are not talking about non-persons. We are talking about persons who deserve the protection of the law, and ladies and gentlemen, I strongly urge passage of this bill.

DELEGATEROWAN. Thank you, Mr. Speaker. Like most grandparents, I am very proud of my grandchildren, and so, on your desks today, you should have found a picture of my little grandson, Robbie. The top picture, it might be sort of difficult to make out. What is going on there...that is my daughter sticking her hand into the incubator to touch her son for the first time. His whole hand reaches around her fingertip. That is how tiny he was. He was born at just twenty-four weeks, weighing in at one pound five ounces and measuring a mere twelve inches in length, but most important of all, he was born a real fighter. He underwent heart surgery, lung surgery, intestinal surgery. He was given medication so strong that it caused him to have permanent hearing damage in both ears but he wanted so hard to live and he is our miracle.

As a child, I passed by the West Virginia School for the Deaf and Blind and think what a

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beautiful, beautiful place. The stately red brick buildings with magnificent white columns were surely, surely a place of beauty but it wasn't until Robbie became a student there that I realized that the real beauty there was not in the bricks and mortar but in the children inside. They have taught me that hearing loss or vision loss doesn't make you less worthy of life. It only makes you more unique and special. Today, Robbie is a fun-loving energetic child who does typical little boy things like laugh, play, skin his knee and have a girlfriend. He is the sunshine in our lives and, yes, Lord, I praise your name because he is wonderfully and perfectly made. Thank you, Mr. Speaker.

DELEGATE MORGAN. Just a point of order I guess, on this day, to ask that the gallery observe the rule for non whatever...you know what I am trying to say. Thank you, Mr. Speaker. I may stray slightly. I don't think so and I do appreciate the presence of those Right to Life folks, today, in the gallery but like other speakers who are going to vote "no" on this bill, I think that we have forgotten one of the parts of the abortion question and that is not necessarily whether you are for or against abortion. The question is who gets to decide, the woman with the advice of her family, her doctor, her minister or the government? Women are the abortions' other victims. We have heard that today, and they should be considered together with this unborn person, child, fetus, embryo that we are discussing. They are not addressed in this bill and they are not allowed to speak for themselves in this bill. What about that rape victim made to carry an unwanted pregnancy to term and then what happens to the mom and the child? The mother may be forced to keep a child that she obviously didn't want or if she is married, perhaps that child is with her and her husband, then what happens? That certainly an interesting question. What a change of life for that woman, her family, her lifestyle.

What barriers might an unwanted or an unintended pregnancy present to a woman? Worse probably for a single woman, interfere with her work, caregiving, education and maybe, being a single mother, with no other help. What does this bill do to address what the West

Virginia economy really needs: educational deficiencies, drug addiction, brain drain, funds for needed projects that we have not been able to have before? As mentioned before, what about abused, neglected and unwanted children that happened to be born this way, who are already alive and need more foster or adoptive homes? What about government intrusion in their life? Who is going into that woman's bathroom to check the date of her last period by the way? There is much to be...that we need to do for West Virginia but restricting abortion is not going to help the people of this state except to provide a symbolic platform for attacking women's rights. So, as I always do, I will vote no. Thank you.

DELEGATE PERDUE. Thank you, Mr. Speaker. I oppose this legislation on the same grounds that I opposed it last year. In a little bit broader context, I would like to mention something. Viability has been mentioned a number of times today and yesterday, my good friend from Mercer, Chair of the Health Committee, referenced viability yesterday when he said that viability should be moved back to 22 weeks. I happen to agree with that. It may be moved even further as some future date when technology allows us to do that. So the question of viability is really what we should be taking up here and I will express to you the reason that I think that that is important. Let's postulate an individual who is in a vegetative state and that individual can feel pain or at least I would suspect there would be findings that could be developed that suggested that individual, let's say, is in pain. But the decision for whether or not this person on a respirator will have that respirator unplugged, that is decision is not made by the state, is it? Would you want it made by the state? Well no, it should always be in the hands of the family.

Having said that, I don't want anybody to misunderstand because it has been said in my district and my county and over and over again by those people who would utilize it for political gain that I favor abortion. I do not favor abortion. I never have, I never will but what I do favor is bringing legislation to this floor and passing legislation that could pass a test at the court level. I believe very strongly, very strongly

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that since viability is not the issue here it will not be passable before a court, before the Supreme Court. But bigger than that, laid in this bill right down near the end, we create a fund, a fund from DHHR for our Attorney General to attack on our behalf all the way to the Supreme Court. A blank check, a credit card drawn on DHHR, not from his money, not from his money but from DHHR to allow him to pursue for perhaps years this defense of this legislation that could amount to hundreds of thousands if not millions of dollars as it has in some states already. I think Kansas has already spent three million dollars with their Attorney General. My argument is that if we are going to take money away from DHHR so that we can pursue this court case what would we do with that money if we had it? One of the things we could do is take that four hundred and fifty some odd children who can't get waiver services under the IDD waiver and support some of them. I strongly oppose to creating a fund that takes money from the potential to help other children. I think that is a fatal flaw with this bill with me apart from the constitutionality considerations.

I oppose this bill and I will continue to oppose this bill so long as we do not address the issue of whether or not it is going to cost us to fail at the door of the Supreme Court. In the past I have supported pro-life legislation but this to me is nothing more than a ploy utilizing the emotions of people who strongly believe, very strongly believe, in what the ultimate aim is here, to advance through the Supreme Court something that will fail but during that time frame will allow for certain people to advantage themselves of a political position.

DELEGATE AZINGER. Thank you, Mr. Speaker. Anybody that understands American history, understands that we were birthed as a Christian nation. I will go so far to say that the Great Awakening in the fiery sermons of Whitfield and Wesley birthed the American Revolution. Our founding fathers have Biblical worldview that was the centrality of their thinking was a Biblical world view. That is how they saw the world.

Everybody has a worldview. Everybody has a doctrine of first things...the very bottom, the very ground of what they believe. They go to

something. I have a Biblical worldview, so if I could just take a Bible story, the story in the Bible where a lawyer goes to Jesus and tempting him, the Bible says, and he said to Jesus, "What's the great commandment?" and Jesus responded, and said, "The great commandment is to love the Lord thy God with all thy heart, thy soul, thy mind and thy strength." But then, He goes on to say, He says, "The second is like unto it. Thou shall love thy neighbor as thy self."

I believe, firmly, that every bill, every bill that is passed out of this house, could be judged by those two things because Jesus said, "On these two, hang all the law and the prophets." All the law and the prophets hang on these two things. Love God and love your neighbor.

I have a question to ask you. When it comes to abortion, let's just take all the politics away from it and let's take all the straw men away from it. When it comes to the baby in the womb, and you are taking away that life, and God said, "Thou shall not kill", how can you love God by taking the life of that baby? Let's go further. If you are that baby in the womb, would you want the protection of the law? If you love your neighbor, as yourself, you are going to protect that baby in the womb who has no protection.

Let me go one more scripture if you can handle a little sermon here. God said to Jeremiah, "Before I formed thee in the womb, I knew thee." We can say that life begins at conception, but a fascinating part of that verse is that God said to Jeremiah, "Before I even formed you in the womb I knew you. My wife and I have three kids. We got married late in life. We had two boys and we were in our early to mid-40s and I wanted a girl and I was pushing for a girl and my wife got pregnant and we decided this time... our last two kids we decided we were going to wait until the day of the birth... to find out what the baby was. I was praying for a girl. We were both praying for a girl. I wanted a little girl so bad and the day she was born, out she came. We called her Sophie. She is five years old today but I remember holding her in my arms as a newborn baby and I said to myself, "Fresh from the hands of God." The reason I could say that, because of Jeremiah 1:5, "He said before I formed thee in the womb." God forms the baby

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in the womb. God forms the baby in the womb. I support this bill. Thank you.

DELEGATE ARVON. Thank you, Mr. Speaker. I want to try to take my time, for just a minute, and I know we have been here a while. This is my fourth time talking on this issue, twice last year, my second time this year. I was elected in 2012. When I came down to the House of Delegates for my first term, I was surprised, shocked, stunned, to find out that West Virginia had absolutely no law or regulation on the books pertaining to abortion. I just assumed...I come from a very conservative area, very God-fearing area...that we had that law banning abortion at some point in time but we had none. That was extremely disappointing and upsetting to me. So this time, going back out into my district, I let people know. I let people know that we tried to pass this law last year and it was vetoed. I let people know what I stood for and I didn't care if I was re-elected or I wasn't. Those people knew that I come here standing on the floor of the House of Delegates and I will tell you that I am a believer in Jesus Christ as my Savior. That my faith does guide my vote. It does. I respect everyone's opinion but I vote based on my faith, on what I think is right and wrong in God's eyes, and I was very forthright with my constituents and I was elected back to this House and I feel very strongly this is a law that we have to pass. I hear a lot about the Supreme Court and whether it is constitutional or not and, frankly, I don't care. My job as a member of this body is to vote my conscience and what I think is right for my district and what I think is right in God's eyes. So I am responsible only for whether I push that green button or the red button, today. I am not worried about what our Supreme Court does in the future. They will have to make that decision. They will be responsible for their vote.

I do have a story to tell. I have a couple but I don't want to take up too much time. On my desk is a picture of my son and my grandson. My son was sixteen years old when I found out I was going to have a grandchild. He went to a Christian school. It was an extremely difficult situation, and believe me, he was honest with me. The thought of abortion went through his mind and through his girlfriend's mind but how I thank God, they did not make that decision and he was here last week paging for me. I can't imagine my

life without him but most abortions that are done are made because they just aren't ready or don't feel they are ready to have a child.

But to get back to the purpose of this bill, this is about protecting a five month old or above unborn baby from pain, period. That is what we are discussing today. We are not discussing whether we should have abortion or not. If this bill passes, abortions will be allowed up to five months for any reason. I don't agree with that but we have to start somewhere. There is a debate about whether the baby experiences pain or not but there is not debate in my mind. I carried three children. I said that yesterday. I know they experience pain. I know they react to external stimuli. If I turned the music up loud they would kick me extra hard. People who have carried children know that. They experience pain. But even for those people who don't think they experience pain, or they are not sure, you have heard different authorities say different things, why would we not err on the side of caution when it comes to the most innocent in our society? I can't fathom as a mother and a grandmother, why anyone would not vote "yes" on this legislation. I ask for the sake of our unborn babies who can't speak for themselves that you vote "yes" for them today. Thank you.

DELEGATE MOYE. Thank you, Mr. Speaker. I will be brief. I know this is a very emotionally charged debate and a very deep concerning issue to all of us, no matter which side of this issue you stand on. Ladies and gentlemen, God's word in Psalms tells me, "Your eyes saw my unformed body." It, also, says "My frame was not hidden from you when I was made in the secret place." I believe everything in God's word and that is not to imply that any of you here that have an opposing view do not but I am telling you, that touches my heart and I feel that it is our duty in a civilized society, to protect those that are the most vulnerable among us, and I challenge any of you to tell me anyone that is more vulnerable than the baby in the mother's womb. For those reasons, I support this bill.

DELEGATE IHLE. Thank you, Mr. Speaker. I am here to be able to say this, today, because I am truly blessed. We all have experiences, beliefs, things that have happened in our life that drives our opinion on every issue. I feel like I

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say that anytime I address this body. For me, I am someone that is so blessed to have come from, frankly, quite difficult circumstances. I have experienced such blessing in my life and I am so grateful that I didn't have to experience the pain that has been felt by children as a result of our state not having this legislation.

I was conceived by my biological parents who both suffered from mental illness. One of them, due to genetic factors; the other due to drug use. He believed it was his duty to populate the world with children. This is not something I tell very many people. This is deeply personal to me, but if ever there was someone in such difficult circumstances that the parents would be advised, "Okay, this is too difficult. This is too rough. The struggle is too much. Let's not deal with this. Let's do...It's take a different course." That was me, and of course, perhaps on other issues, some of my political opponents might say I am still a good case for an abortion, but I know that we all respect each other regardless of our views on this issue and on other issues and I think that has been made very clear on both sides, today.

Again I, too, echo that this is not about abortion per say, but I have been blessed to experience a life full of triumphs simply by being here and of challenges of pleasure and of pain. It is all because I didn't have to experience that pain in the womb. I didn't have to. As painful as some moments of my life have been, I would not trade that. I would not at all. I am so grateful. We have heard many scriptural-based arguments to that...I do, also, profess the Christian faith, and I am proud of that. To me the issue transcends that faith. It unites people from all beliefs...from the Christian faith, frankly to atheists, to all sorts of viewpoints. My duty here is to uphold the Constitution, and it starts with life, liberty and property in that order.

In closing, I do want to reiterate that my Christian faith does shape who I am and so I would like to read a short verse from Psalm 41:1, "Blessed is he who has regard for the weak. The Lord delivers him in times of trouble." Mr. Speaker, I have been delivered in times of trouble, and I am here to stand for the weak and have regard for them, and so to that note, both literally in regards to this bill and figuratively, I urge adoption. Thank you.

DELEGATE ELDRIDGE. Thank you, Mr. Speaker. I have been here nine years. I really haven't gotten up and spoken on this issue. My parents tell me to stand for something whether it is right or wrong. I stand here and I want to thank God for my grandparents. I want to thank God for them choosing life and giving my parents to me. I want to thank God that my parents chose life for me, being here, and my brothers.

My mother, we grew up very poor. My grandfather, they grew up very poor, grew up on a farm. I grew up on a farm. We pretty much raised everything that we ate. My mother had four kids before she was the age of twenty...dropped out of school probably ninth grade. She is pretty smart. She chose life.

I want to thank my ex-wife for my son, for choosing life. Last week he chose not to go to college. He wanted to go to work, smart young man. He pushes coal up and down the river on the Ohio River. It was bright early one morning last week, he slipped and fell in the river and it took them close to eight minutes to get him out. Thank God, he is okay. That is how close you come to losing someone but I thank my ex-wife for choosing life.

Yesterday, I had two beautiful girls in the gallery. I want to thank my wife for choosing life. For me, this is a no-brainer. I was sent here to do the right thing. Today, I am going to push the green button and I am going to pay it forward for the kids and the children that can't speak and act on themselves. Today, I am going to protect those children, and I feel like I was sent here to do this, to protect the children. With that Mr. Speaker, I urge everyone to push the green button.

DELEGATE KESSINGER. Thank you, Mr. Speaker. Would the Gentleman from the 5<sup>th</sup> yield for a question? Thank you. In your opening statements, you said government should not have the right to tell a woman what she can and cannot do with her body, is that correct?

DELEGATE PETHTEL. Yeah, that is what I believe.

DELEGATE KESSINGER. Okay, would you agree that there are certain situations where

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government makes exceptions for that right, such as prostitution or drug use? A woman is allowed to do what she wants with her body unless it has a direct negative effect on the life of another individual or even society.

DELEGATE PETHTEL. Yes, I would agree with that.

DELEGATE KESSINGER. Okay, thank you. I would like to speak to the bill. Thank you, Mr. Speaker. Over the course of today and yesterday, I heard the phrase women's choice used several times. This may come as a shock to some of the people in this chamber but I completely support women's choice 100%. I think women are intelligent. I think women should have the right to make their own decisions. They deserve the right to decide who, or even if, they want to get married. They deserve the right to decide what career, if any career, they want to pursue. They deserve to make these choices. I agree with that wholeheartedly, unless that choice has a direct negative effect upon the life of another individual, and that is what we are discussing here today.

This is not a bill about women's choice. This is not a bill about women's rights. This is a bill about right to life and whether or not a fetus at twenty weeks can feel pain. It was said that this was nothing more than a political ploy and I beg to differ. This is a bill to protect life. As has been said by our Delegate from Cabell County, she talked about fetal growth and development and there was questions about where some of those facts came from. According to the Cleveland Clinic, by the fifth month in pregnancy, there is a... the fetus in utero, and literally the word fetus means young one...so by the fifth month in pregnancy a fetus not only can feel or respond to pain, but it has its own heart that beats up to sixty-five times per minute. It has its own brain. It has its own spinal cord. Every major bodily system, including the reproductive system, the respiratory system, the digestive system and the nervous system have all been laid by twenty weeks after conception.

The last time I checked, in regard to whether this is part of a woman's body or not, the Delegate from the 32<sup>nd</sup>. did an excellent job of pointing out it is a completely separate entity

inside the mother, because the last time I checked, one healthy human being cannot have two completely separate heartbeats. One healthy human being cannot have two completely different sets of DNA. The fetus inside the mother's womb is not just an extension of the mother's body. If you take a gallon of milk and you place it in the refrigerator, that doesn't make that gallon of milk just a part of the refrigerator. The refrigerator is there to protect the milk from spoiling or going bad. The womb, what should be the most protected place in the entire world, and yet it has become victim to the hearts and minds of men and, so, I would urge everyone in this room to look at Thomas Jefferson. Let me tell you about our founding fathers and what they have to say. Thomas Jefferson once said that the care of human life and happiness, and not its destruction, is the first and only legitimate object of good government and, so, I would urge every single person in this room today to think about that, and to think about our founding fathers, and to think about the life inside the mother's body, and, when you cast your vote, this isn't about women's choice. This is about whether or not we believe in our most basic human right to life because the fact of the matter is, without the right to life, what other rights do we have? All other rights are void. So some of you are going to sit here, and you are going to say, "Well, how do we even know it is life?" Well, to be completely blatant, I am not really sure what it is about that magical trip through the birth canal that takes a child from being a fetus that is not guaranteed a right to life, liberty and property, and turns it into a human being. So Mr. Speaker, I would urge every single person in this chamber today to support the Pain Capable Unborn Child Protection Act and to defend the right of the poor and the needy. Thank you.

DELEGATE BLAIR. Thank you, Mr. Speaker. I would like to follow up on my colleague from Fayette County. Thank you for your comments. I am standing here, today, as a young woman in West Virginia and I strongly support this bill. Thank you to everyone who cares about my body and my decision to choose what to do with it but I would like to follow up that this isn't about my body. It is not about any body of any woman in West Virginia. It is about the child that she is carrying and at twenty weeks, at fifteen weeks even, this is a human being. This is not a bundle

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of cells. It is a living, breathing thing. She has every right to visit her doctor and consult her doctor about what to do. She has every right to visit her minister and make decisions but one thing I am really interested in today, is that not once has she had the right to visit the father of the child either and I will never understand that. I know that there are a lot of men in here right now who would like to stand up and say, "You know, where is my decision?" but they can't. I would like to stand up for them because they would come off as selfish, but it is not selfish. It is just as much your decision. I think this is the first step we can take to representing not just the child but the father of the child as well.

One big issue too that we talked about was with rape victims. My heart truly goes out to them. I couldn't imagine myself ever being put in that situation. I couldn't imagine friends or families ever put in that situation. However, it is unfair to punish this innocent child who has done nothing wrong. If you so strongly worry about those victims, which I hope all of you do, then I urge you to not punish the child, but to punish the one who impregnated her without her permission. I think that is the step we need to go and take. Focus on this bill, right now, to save the child and, then, if you so strongly worry about her future and her sanity, her emotional stability, then I ask that you take the time to worry about the perpetrator and not the victim, and this victim being the child.

One last thing, I would like to say the majority of the women in this room do stand in support of this bill and I think that plays a big role in showing that this isn't a gender issue right now. This isn't man versus woman, this is child...and I would like to think that I may not represent every single woman in West Virginia and I may not represent every single eighteen year old woman, I may not represent every twenty-five year old woman but I do represent the 59<sup>th</sup> District and I represent every single person who has been born in the 59<sup>th</sup> District. And I am able to stand here and represent them because my mother and my father made the decision to allow me to live, and I hope that there are others out there in the future who are given that same decision and that same ability because the mother and the father make the decision that no child at any age should ever have to feel pain and lose

their life before they were ever even given a chance to take a single breath. With that, I urge your support on this bill.

DELEGATE SKINNER. Thank you, Mr. Speaker. Let's step back for a second and examine whether this bill is constitutional. I submit that it is not constitutional. It is essentially the same bill that we had last year that the Governor vetoed. The reason he vetoed it was because it was unconstitutional. This bill strays from the line of cases that started with *Roe v. Wade* and attempts to create a new area of the law entirely. If we wanted to create a bill that was constitutional, it would focus on viability. This bill does not focus on viability. It would be very easy to create a ban on abortion in West Virginia that would be upheld in the courts. This one will not. A substantially similar bill was struck down in Arizona. This is almost exactly the same but before we...but this will ultimately be decided in the courts and I think it is very important for us to look and see whether that finding is a fact...the legislative findings that we have in this bill whether they stand up to science. That is the basis for this. We are creating a new area of the law and we need to decide, do these legislative findings stand up to science?

Let's look at what the West Virginia section of ACOG said to us about this bill and about these findings. They wrote to us. They opposed this bill. This is the American Congress of Obstetricians and Gynecologists, the West Virginia section of ACOG opposes 2568... that are not based on sound science or that attempt to prescribe how physicians should care for their individual patients. As a section of the nation's leading authority in women's health, our role is to ensure the policy proposals accurately reflect the best available medical knowledge, fetal pain. The statement...substantial medical evidence recognizes that an unborn child is capable of experiencing pain by not later than twenty weeks after fertilization...is not accurate. The medical profession produced a rigorous scientific review of the available evidence on fetal pain in the *Journal of American Medical Association* in 2005. Pain perception requires conscious recognition or awareness of noxious stimulus, neither withdrawal reflexes nor hormonal stress responses to invasive procedures prove the existence of fetal pain because they can be

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elicited by non-painful stimuli and occur without conscious cortical processing. Fetal awareness noxious stimuli requires functional, thalamic cortical connections. Those connective fibers begin appearing between twenty-three and thirty weeks gestational age while electroencephalography suggests that the capacity for functional pain perception in pre-term neonates probably does not exist before twenty-nine or thirty weeks. The review concluded the fetal perception of pain is unlikely before the third trimester.

In 2010, the Royal College of Obstetricians and Gynecologist rigorous reviewed the scientific literature and reviewing the neuroanatomical and physiological evidence in the fetus it was apparent that connections from the periphery to the cortex are not intact before twenty-four weeks of gestation and as most neuroscientists believe, that the cortex is necessary for pain perception. It can be concluded that the fetus cannot experience pain in any sense prior to this gestation. Supporters of fetal pain legislation only present studies which support the claim of fetal pain prior to the third trimester. When weighed together with other available information including the JAMA and the ACOG studies, supporters' conclusions does not stand. That is the position of our West Virginia doctors. That is their official position. That the medical evidence doesn't stand up.

I was able to listen to most of the Health proceeding and listen to the witnesses, and I participated in the Judiciary Committee and was able to hear all of the medical evidence that was offered. In both committees only one neurologist appeared and a neurologist is probably the person best qualified to talk about pain. The doctor who practices in Huntington is a pediatric neurologist...and I think it is very important for us to take a look at some of what she said...was questioned about the particular findings that are in the bill. Regarding number six, the position asserted by medical experts that the unborn child is incapable experiencing pain until a point later in pregnancy than twenty weeks after fertilization, etc., Dr. Payne said, "I do not agree with that." I found one of the articles cited that talks about the brain stem being involved in the pathway and the circuit for pain. But it is talking about it, is basically saying, we have to remember

the brain stem is involved as well, in addition to the cortex, not without the cortex. Number seven, substantial evidence indicates children born missing the bulk of the cerebral cortex, those with hydrocephalus nevertheless experience pain. Is that a true statement? Dr. Payne said...I think it is a broad statement, I don't know the answer to that. Again, looking at the journal articles, I did, it is based on observation of children. Older children with hydrocephalus are missing above their cortex. It is not done on infants and, as we know, the developing brain, the brain continues to develop until our early twenties. So there is always more and more connections being made. So I don't think that is an accurate assumption to make when talking about this.

I asked her about number eight. In adults, stimulation or ablation of the cerebral cortex does not alter pain reception while stimulation or inflation of the thalamus does. She said that is not a true statement. In adults, stimulation or ablation of the cortex does not alter pain perception. For example, if you have a child with seizures, seizures come from the cortex, the outer part of the brain and we can stimulate that part of the cortex. Part of the mapping procedure for epilepsy surgery and, say for example, someone has seizures coming from their sensory cortex, when they have a seizure they generally feel numbness or tingling or some kind of pain. We can stimulate the part of the cortex and make them have that sensation so that first part of the statement is not accurate and stimulation or ablation of the thalamus does not alter pain perception. I then went on to number nine. Substantial evidence indicates that structures used for pain processing and early development differ from those of adults using different neuro elements available specific times during developments such as a subcortical plate to fulfill the role of pain processing. I asked her whether that was true and she said, "Not that I am aware of." I asked her about number ten. Consequently, there is substantial medical evidence that an unborn child is capable of experiencing pain by pain capable gestational age, as defined in subsection (7), section two, article two of this chapter. I asked her is there substantial medical evidence that demonstrates that? Dr. Payne said I don't see substantial evidence. I went on to number eleven. It is the



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compelling purpose of the state to assert a compelling state interest in protecting the lives of unborn children from the stage in what substantial medical evidence indicates that they are capable of feeling pain. I said, assuming that there is, that that is a true statement, are we able today, to say that it is more likely true than not true that there is substantial medical evidence at twenty-two weeks...at twenty weeks post fertilization that a fetus feels pain. Dr. Payne said, "We just can't say that, we just don't have the data or the data that we do have does not show that." This is the one and only neurologist who spoke to us. The only neurologist that testified.

When we look at what ACOG said, and when we look at what the neurologist said, the legislative findings don't stand up. Ladies and gentlemen, what that means is when this is litigated, and we pull back and look to see whether the science supports the compelling state interests, it is not going to be there. It won't be there. The courts will find that we didn't have that interest because we couldn't prove it. Then we will fall back on to the Roe v. Wade progeny and this won't be covered. This is an unconstitutional bill and I will vote no.

DELEGATE MOFFATT. I had no intentions of speaking today but I am tired of hearing about constitutionality. Apparently our bill, H. B. 2107 was too late. We needed that bill to teach a strong foundation of American history. The separation of powers exist. The Legislature, the Judicial and the Executive are all separate. The Executive doesn't decide if it is constitutional. We don't decide if it is constitutional. The Judiciary branch determines if it is constitutional. I move we pass this bill. I call for the yeas and nays.

DELEGATE FOLK. Thank you, Mr. Speaker. Last year, I did not speak to this bill. Really, after the young lady next to me spoke, I really didn't intend to speak to the bill but after the Gentleman from the 67<sup>th</sup> made several comments, I must address those. When we had this doctor, the neurosurgeon pediatric MD speak in Judiciary and take questions, I had a couple of specific questions for her. I am just going to reiterate here for the whole House because most of you were not in Judiciary, but I asked her a question, two

questions. Is the practice of medicine a profession of absolutes? She said no. I emphasized, the practice of medicine...there are no absolutes. I asked a follow up question in Judiciary. So, would it be reasonable to believe that other doctors or even pediatric-neurosurgeons, say one by the name of Ben Carson...would be reasonable to believe that they may believe differently than you, and she said yes. Now something I didn't bring up, first of all, major OB/GYN textbooks oftentimes define abortion as termination of pregnancy in the first twenty weeks. After twenty weeks up to thirty-seven weeks, they define it as a pre-term delivery. Thirty-seven to forty-two weeks, of course, forty weeks being full gestation, is a full term delivery.

As many of you know in this body, I am a pilot. I deal often with facts. We have been talking about theory of viability. We beat it to death in Judiciary. We have discussed it yesterday. We discussed it today. So I would like to add an example of viability. Of course, we have already talked about the young lady over here against the wall that was born at twenty-two weeks. So another example, actual example of proven viability, was a fellow by the name of James Gill, who was born around 1987 or 1988. At twenty-one weeks, five days gestation, less than the twenty-two weeks found in this very bill, in 2006 he went off to college as a young man. Furthermore, the National Center for Health Statistics defines an abortion as fetus or embryo removed or expelled from the uterus during the first half of gestation, twenty weeks or less. So our federal government keeps statistics on that twenty-week designation. Again, I like to keep to the facts. The facts are, there have been babies born, grown to be adults, that were viable at less than twenty-two weeks.

The last thing I want to address is the constitutionality of any bill passed by this Legislature, and the fact remains, and John Locke actually said it in his book, *The Second Treatise of Government*, that the supreme authority is in the legislature at all levels. I don't have the book in front of me, otherwise, I would quote you the page. That is what he said. All of our founding fathers' documents were founded on the writings of John Locke, who came up with the phrase "Life, liberty and property"...life, liberty and

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property. We can't get any closer to determine constitutionality than this body. Every vote we take, we are seeing whether a bill is constitutional or not constitutional and I believe, today, when we take this vote you will see an overwhelming number of green up on the board because this body is saying that we believe this bill is constitutional and since John Locke said many years ago, in the late 1600s that we as a Body, as a Legislature, are the supreme authority and our founding documents were found in the writings of John Locke and we said it is constitutional. Mr. Speaker, I call the question.

DELEGATE PUSHKIN. Thank you, Mr. Speaker. I know a lot of times we get up and say I really didn't want to speak today. Well, I actually voted in favor of motion to call to question. Maker of the motion didn't vote in favor of the motion to call the question but I voted in favor of the motion to call the question because I am ready to vote. I just wanted to say a couple of things that I truly believe. There is not a single member of this body that is for abortion. There is not a single member of this body that wouldn't like to see every single pregnancy be carried to term and a healthy baby be born and live a wonderful life with loving parents. I think what we are talking about here is a procedure that is five months into a pregnancy. I trust that that procedure would only be considered when something's seriously, seriously gone wrong. I believe that there six instances when this procedure has been performed this late in the pregnancy and it is because something seriously, seriously went wrong, either the health of the baby or the health of the patient was in jeopardy. I know there are provisions in the bill to provide for that but that is still interfering with that doctor/patient relationship.

So I am not going to talk about the legislative findings because I am not a neurologist and I am not going to discuss the constitutionality because it is quite apparent I am not an attorney. I am talking about trust. I am talking about trust. If this, God forbid that somebody would have to make this decision, but I would trust that a serious decision like that should be left up to the patient and the doctor because I trust you. I trust you. I trust you. I trust the women and the doctors to make the decision, and yes, I represent the 37<sup>th</sup> District, but I don't think I should be making the

decisions in the doctor's office for the people that voted for me or for the people that voted against me. I was going to call the question but he already did. I just urge you to vote however your conscience moves you.

DELEGATE ESPINOSA. Mr. Speaker, will the Judiciary Chair yield to a question? Mr. Chairman, during the course of discussion, if I am not mistaken, I believe one of my colleagues, this side of the aisle, had indicated that this legislation includes a provision by which a fund would be set up by which the Attorney General would defend these cases. Is that in fact included in this legislation?

DELEGATE SHOTT. I didn't think so when I heard the argument so I went back and looked again and I still haven't found it. While it might have been in the bill that we passed out last year, it is not in this bill.

DELEGATE ESPINOSA. Mr. Speaker, I would like to speak to the bill. Mr. Speaker, today, I have an opportunity to cast a vote in support of life and protecting unborn children who are the most vulnerable among us. I intend to do so and ask my colleagues to do the same.

DELEGATE LONGSTRETH. Thank you, Mr. Speaker. Yesterday, I spoke on this bill and I stated that I think we are all for life and we want to protect the unborn plus the young children and the newborns. I don't think we talked much about that. I asked, yesterday, and I argued the point about rape and incest that seemed to be overlooked today for the fact that, yes, there are young children who are raped; nine, ten years old with no support. Do you ask them to carry that child to complete term and what do they do with that child? Will she make it that long without committing suicide? We don't know. That is not our choice to make and that is very personal, very personal thing.

I am going back to what I said, yesterday, about the United States House of Representatives. They will not pass this bill themselves until these exceptions are put in because they found it too restrictive. I am saying, today, this is restrictive. Vote your conscience. I believe in life. I have a very difficult time with this issue. I do not judge anyone and I expect no

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one to judge me out of my own backyard. That is your personal decision. You will vote your personal decision but I still agree that those particular amendments should have been placed into this bill and that the federal government, the United States House of Representative and the United States Senate will probably pass this bill but they will pass it with those amendments. Thank you.

DELEGATE PERDUE. Will the Judiciary Chair kindly yield? Mr. Chairman, thank you for your comments earlier. What I referenced when I spoke earlier was in the fiscal note that accompanied this bill. Did you see that note from the Secretary of DHHR?

DELEGATE SHOTT. There is no fiscal note that I am seeing but if you give me a minute I will double check. I believe what caused the confusion to the gentleman, I think, when one draft of this was circulated it did have a reference to a fund for the Attorney General but that did not remain in the bill throughout its course through the committee system.

DELEGATE PERDUE. So, it is your impression that any cost would be engendered by the pursuit of this to the Supreme Court or wherever, would be somebody at the Attorney General's Office?

DELEGATE SHOTT. Without any specific allocation, I would assume it would have to come out of the Attorney General's budget.

DELEGATE PERDUE. So we have not determined where any money might come from that would be attended to the pursuit of this in court?

DELEGATE SHOTT. If in fact it were challenged, and if in fact the state chose to defend it, I am assuming that the Attorney General, which is normally his function, would assume that defense, and would take whatever cost out of its own budget.

DELEGATE PERDUE. Then he would be able to pursue this to the Supreme Court, for whatever period of time it might take, at some expense?

DELEGATE SHOTT. I haven't cleared this with the Attorney General. I don't know what kind of

budget you are anticipating but it would be his role to take on that responsibility and assume the cost of it.

DELEGATE PERDUE. So, was this bill ever before the Finance Committee at some point? Was it not or not?

DELEGATE SHOTT. I don't believe it was referred to Finance.

DELEGATE PERDUE. So, the issue if there was any fiscal impact at all, was not really discussed?

DELEGATE SHOTT. To my knowledge it has not been discussed, you raised it.

DELEGATE PERDUE. Thank you.

DELEGATE FRICH. Thank you, Mr. Speaker. I believe that the fiscal note for this bill is a zero and I believe that the Attorney General's Office has staff funded through the budget on a regular basis every year that deal with challenges. Thank you.

### CLOSING REMARKS ON COM. SUB. FOR S. B. 237

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REMARKS  
of  
**HON. BILL ANDERSON**  
*February 12, 2015*

DELEGATE ANDERSON. Thank you, Mr. Speaker. Thank you, ladies and gentlemen of the House. This is my lifetime hunting and fishing license. On this cell phone is a picture of the nine point buck I killed last year. I won't tell you the whole story. If you are interested, see me later. I am a hunter. I talk to numerous hunters. You have been receiving lots of emails and lots of phone calls, some of you, especially those of you in the Charleston region, from a well-orchestrated campaign to stop economic development in this state. Previous Speakers have spoken to you about deer farms and its economic impact. Well, in West Virginia, under the regulatory authority of the Department of Natural Resources, we have fewer than fifty deer farms, the numbers I put together, having about forty-six workers, spent an average of \$1.9

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million and sold about \$1.44 million in sales creating a few jobs. Let's take a look at the State of Texas. The total impact of the deer farming industry combined with breeding the hunting components \$652 million annually, employing seven thousand three hundred thirty-five individuals. Well, we are not as big as Texas. Let's look at our neighboring Pennsylvania. They have approximately one thousand deer farms, having more than \$125 million economic impact in the State of Pennsylvania, our neighbor to the north. Deer farming supports approximately four thousand jobs. Twenty percent of the deer farms are involved in the sale of venison. If we move a little further to my neighbor to the west since I live on the Ohio border, bill passed in the Ohio legislature in 2012, implemented in March of 2013, converted deer farming to an activity of the Ohio Department of Agriculture. They now have approximately 800 deer farms with an economic impact of between \$50-\$100 million.

I could go various ways in the comments I want to make today, but first of all, I want to share my vision. I share a vision with Commissioner Helmick. He is working hard and sees the potential developing hog farming in the southern coalfields to diversify the agriculture economy of this state. I applaud Commissioner Helmick for that. He is working to find people who are willing buy West Virginia grown potatoes. We have a lot of land in this state. We have a large amount of acreage the Department of Agriculture owns in neighboring Pleasants County. They own obviously a large farming area around Huttonsville in Randolph County. The Commissioner wants to diversify the agriculture economy of this state. We have, ladies and gentlemen of the House, in my tenure here, passed legislation giving certain concessions to get the cracker plant in my home county of Wood. We have passed tax adjustments for investments in Berkeley County and we have done it throughout many of your counties. I have yet to see any people wanting to use their land for a lawful purpose ask this Legislature for a nickel of tax breaks. They simply want to be able to use their land, engage in a lawful economic opportunity, are willing to be regulated so it will be safe. They have a tremendous investment. They don't want to throw it away. They want to build their small

business. They want to employ people. They would like to be able to sell some venison to the Greenbrier or to the Bavarian Inn in the eastern panhandle or to the Blennerhassett Hotel in Parkersburg, but right now they can't...oh no, that's bad! So those facilities, and numerous other ones that might want to sell venison, they have to buy it from Pennsylvania or Ohio or New Zealand. This is crazy.

The Department of Natural Resources, with all due respect to their diligence, has not tried to nurture and foster this industry. They have tried to suppress it. They have tried through regulation, to hinder them, and to ensure they do not prosper. They have, over the years, raised the flag of chronic wasting disease. Well, let's be very clear about that. There has not been any chronic wasting disease found on any captive cervid facility in the State of West Virginia. Period, end of conversation. There has been a spot of chronic wasting disease in the Slanesville area of Hampshire County, and another spot at Hardy County and I will commend the Department of Natural Resources. They have done all that they could do to try to contain and eradicate this disease. It is certainly in their province and I applaud them for their efforts.

The gentleman from Braxton talks about escaping deer going through the countryside. They can escape just as easily from a DNR regulated facility as they can a Department of Agriculture regulated facility. This bill contains provisions, significant fines and possibly even jail time, for allowing your captive cervids to escape. This bill exited the Finance Committee on a 20-4 roll call vote. In the area of food safety, the Department of Agriculture not only has its labs at the Guthrie Center here in Charleston, but in an effort to protect a very, very valuable agricultural resource in this state, has laboratories in Moorefield in Hardy County, the heart of our poultry industry, guarding this state from being affected by various diseases that affect poultry. They want to be able to get those specimens from those poultry houses into a lab to see if we have a problem. The house might have to be depopulated. They have done a good job in producing and I raised some cattle, ladies and gentlemen, but the poultry industry is more valuable to this state than the cattle industry. The Department of Agriculture has protected for years

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and supervised under former Commissioner Gus Douglas and the present Commissioner Helmick. They provide for the safety of our poultry industry, a significant employer throughout the eastern part of our state. They will be no less diligent. I have had conversations with Commissioner Helmick. He intends to fully consult with the Department of Natural Resources during this transition but I firmly believe, ladies and gentlemen, that this industry needs to grow. The Department of Natural Resources has not attempted to have it grow for whatever their reasons; philosophical, economic, I don't know and I don't think they can explain in a way that I can comprehend.

Maybe I am just dumb but I looked at the history of this, ladies and gentlemen, it is time for this legislature to thank the Department of Natural Resources for its services to date, but it is our responsibility to help diversify the agricultural economy of this state. It is our responsibility to say we believe it is better done by the Department of Agriculture. That is what this bill is about. It is not about chronic wasting disease. It is about people, freedom to operate a business and to grow a business and take care of their family and it is, to the bottom of the soles of my feet, I believe, that the Department of Agriculture philosophically and quite frankly, with their people, is more qualified to do this than the Department of Natural Resources.

So I believe, in concluding ladies and gentlemen, it is time to tell the Department of Natural Resources we want to go in a different direction. Thank you for your service but we want to entrust to the Department of Agriculture the raising of an agricultural commodity that can be slaughtered and sold to citizens of West Virginia and, in that regard, slaughtered in an inspected facility in front of the thirteen meat inspectors employed by the Department of Agriculture. So it is time to thank the Department of Natural Resources for their service but we have decided to go a different way. Now, ladies and gentlemen, I plead with you, give this bill a strong vote today. When we do, and hopefully when the Executive acts in a favorable manner upon this legislation, the deer farmers can say, "Free at last, free at last, thank God Almighty, free at last." Thank you, ladies and gentlemen of the House.

### WEST VIRGINIA STATE UNIVERSITY

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#### REMARKS

of

**HON. LARRY ROWE**

*February 12, 2015*

DELEGATE ROWE. Thank you, Mr. Speaker. Thank you, very much. This is going to be a little bit different tone but as hopeful, I think, as our friend from Mercer. Next Monday is West Virginia State Day. We are going to have a lot of folks from campus coming to the Capitol and I think that we need to salute them when they come individually and say thank you because this, I think is probably the turnaround agency of state government in the last several years. They have reinvented themselves. West Virginia State University is now, locally, a preferred destination. They struggled with the community colleges coming out and they lost their community college, which had been on campus since 1953, and it was a financial bust for most of the schools. Other schools did get additional funding to help with, to cushion the blow, but West Virginia State did not get that funding. The response on campus was there were two people, Provost Charles Byers and Vice President Melvin Jones, set out to make sure when we got a new president, and we do have a wonderful new president named Brian Hemphill who you will meet, and, I hope individually, you get to meet. They wanted to make sure the university was prepared for new leadership and a new direction, so what they did was, they were able to balance the budget with a twenty-two percent reduction in employees, mostly by attrition. They were able to put a hiring and a buying freeze into effect and that really had an impact. They reduced their budgets by millions of dollars on multiple years. They did increase tuition, but West Virginia State University has the third lowest tuition for four schools in the state, even with the increases that they did. They have got three natural gas wells on campus to help with their energy program. They have increased their bachelor degrees by 12.4% since 2008. Freshmen enrollment in 2012-2013 was up 43% on freshmen enrollment. Overall last year, they were first in the state with an increase of 7.7% enrollment overall. There were only two schools in the state that actually

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had any improvement in their enrollment at all. It was West Virginia Tech and West Virginia State. They have increased their on-line courses from twenty-six to one hundred sixty-five.

Now this is a remarkable turnaround. They have done an economic study and the economic study shows that for every dollar that the state gives them, they produce \$16 in economic impact. The state only gives them 12-13 million dollars a year and that of course is being cut at 7.5% in the Governor's budget for a multiple year process. But also, not only have they done that, but they have also got three novelties on campus. They have a two hundred ninety-one-bed dormitory with each bed having its own room, and suites of one, two and three bedrooms. They have an athletic facility that President Hemphill has been able to finance with contributions. They are absolutely a remarkable turnaround organization and I think they should be saluted and they deserve our commendation. They are changing lives. They are giving young people the hope and ability to take the jobs that we are all talking about today, and I hope on Monday you give a great greeting to West Virginia State University. They deserve it.

### JOBS IN WEST VIRGINIA

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REMARKS  
of  
MEMBERS  
*February 12, 2015*

DELEGATE GEARHEART. Thank you, Mr. Speaker, and thank you Members, for your indulgence last couple of days. We have spent a lot of time on our bottoms in here and I will try to be quick. I will have to tell you it was a little difficult almost for me to stand and speak after the Gentleman from the 8<sup>th</sup> stripped me of all confidence. His nine-point buck seemed to be a whole lot better than my five days in the woods this year where I got a whole lot less. All I got out of it was a runny nose and blue ears. I will look forward to seeing that picture.

Ladies and gentlemen, this is Thursday and we have all come to expect a report today, from our friend, colleague, from the Gentleman from the 48<sup>th</sup> and his reports have bordered on a

commercial endorsement of a website, job aggregator website called Indeed.com. I have to tell you, my friend, I have listened. I have enjoyed, and at its basic level, I am a sales guy, and as a sales guy we hear a pretty good deal out there and we are susceptible to that good advertising and so I logged on. I logged on to see what jobs there were in my area in Bluefield, West Virginia. Not quite as rosy as my friend reports. There were six hundred twenty-eight jobs available when I logged on. I hadn't navigated this site before so I clicked the first thing that I came to which was \$40,000 a year job. As I opened that page, the first thing that I saw was a \$10 per hour job for a place called the Lion's Den and since that didn't quite seem like my kind of work, I spent a little more time navigating the site and recognizing that I tend to be a little on the aggressive side and we went to the other end of the spectrum and I opted to seek out the \$120,000 a year jobs and I was very pleased to find nine jobs there. I sort of figure I am a pretty good job candidate. Might want to get out of this small business owner thing and go to work, so I started digging through the jobs, and they were as follows, and I have this so that I can read them, I certainly can't remember them: first job was an industrial hygiene officer for the United States Navy; second job was as a physician in internal medicine and that employment was in the State of Virginia; third job, I didn't pay too much attention to because it required me to relocate to Australia; fourth job paid \$500 a day which I think is pretty good pay for a truck driver and it was, also, in the State of Virginia; fifth, Chief Financial Officer in the State of Virginia; Doctor of Optometry in the State of Virginia, then, fortunately, I felt good because there was a job here in the State of West Virginia, however, my other colleague from the 27<sup>th</sup> District is more qualified than I, it was for a physician, then a radiologist in the State of Virginia. Another job, United States Navy and a job in data science and it was in San Francisco, California.

Now, I think maybe that the rosy report that has been presented to us by my esteemed colleague may reflect a bit of creative employment advertising from job site designed to gather folks for employment rather than to necessarily care about an individual in a specific job. As a matter of fact, a friend, colleague

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posted a job needing employment to this job site with no basis in fact or reality and was able to do it under five minutes. In other words, the reports may in fact reflect more opportunities than actually exist but since I am paying attention, and I do respect the Gentleman from the 48<sup>th</sup> and I am certain my esteemed colleague, Chair of Finance Committee would know that I do pay attention in his committee, as well, because I seem to remember something that came to us from the Department of Health and Human Services and from their document. I will read you a couple of things that may discuss employment and business conditions here in West Virginia. We are 49<sup>th</sup> in median household income. We are 50<sup>th</sup> in labor force participation. We have the second oldest labor force in the nation. Curiously, we are 49<sup>th</sup> and 50<sup>th</sup> in smokeless tobacco and tobacco, and smoking. We are 46<sup>th</sup> and 47<sup>th</sup> in obesity, in lack of physical activity; 49<sup>th</sup> in poor health; 1<sup>st</sup> in substance abuse; 1<sup>st</sup> in severe mental illness; and 49<sup>th</sup> in lowest life expectancy. Now those last few items don't reflect necessarily to employment, however, I would submit to you, maybe they are the symptoms of one who is either underemployed or unemployed.

That said, I didn't want to take that all by myself and I started thinking about it a little bit and I started thinking about maybe some of the conditions that we have at home and why maybe we don't have as much employment or as much business activities as we would like to. I started to think about a business in my county that existed a few years ago, like in many of your communities, a soft drink bottling business and our county had a very successful soft drink bottling business and they had several other plants and other communities, sort of a historic thing there, and the family that had that business was extremely successful and their benevolence and kindness to our community is reflected by the different things that they have done, including a football stadium, library and other things. A few years back, that company decided that maybe it might be a good idea to consolidate some of its operations into a single location and to expand it to modernize it. It is pretty obvious that the main element in soft drink manufacturing for that product is water. Something we may have in abundance here in West Virginia, more so than coal. We have a lot of water and in Princeton, West Virginia, where this plant has been located

over time, we also have the second element that you want and we are located right next to I-77. Folks, that is my only reference to I-77 and I promise not to mention a toll. That is it. We are right next... so we have the things necessary in Princeton, West Virginia to do what this plant needs. However, those natural resources were not able to overcome maybe some other factors because some of our workers still work for this plant. However, they jump on to I-77 and they move thirty minutes south into Virginia. Many of you all pass this. If you go to the beach in the summertime, you will pass this plant. It was built in 2004. Its first year out of the box, they shipped out thirty million cases of Pepsi-Cola. As you go south right on I-77/I-81 where they intersect, you will find a 300,000 square foot Pepsi-Cola plant. Now that is only part of the story because we still have the most resources. We still have a great location. Pepsi-Cola has a historic home there. A couple of years later, they opted to expand a little further with some of their other product lines. Many of you probably take a sip of Gatorade now and then if you play golf or whatever the case may be. So now that 300,000 square foot plant for Pepsi-Cola, just around the corner that you can't see, Pepsi-Cola opened another plant and this one is 950,000 square feet. You could take the first plant and put it in there three times but they didn't bring it back to its historic home in West Virginia. They didn't bring it back to Princeton where their family has had such a great amount of success. They are located thirty minutes south in the State of Virginia. I leave you to ponder why that might be but, possibly, the report we have heard, the statistics that I mentioned, may have something to do about it.

Ladies and gentlemen, I want you to know that I am extremely positive about my state and I love West Virginia and I have a love that burns deep and I am here. I have very little family left here. I don't have the good fortune that my friend on the other side, the President of the Senate, has to be a fifth generation businessperson. I am a last generation businessperson. My children have left. My parents have left. I have no uncles and aunts. I am left. I am here. While that love burns deep, I do not accept the idea that everything here is okay. I do believe that we can be successful but I don't think that is going to happen by

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presenting reports from a job aggregator website. I think it happens by creating conditions where business can make a profit, where employees can have success, do more and do better in life and by getting government within its proper role. I am very, very proud to be part of a team that is attempting to create those type of conditions. Now, I am going to continue to enjoy listening to the reports from my friend. However, I am going to reject the idea of moving to Virginia, and I am going to reject the idea of moving to Australia, and I am going to reject the job of driving up to Ghent to go to work for the Lion's Den at \$10 an hour. I, also, am going to wonder how many of the jobs that are contemplated by the report that we are probably going to hear today, I assume the button is pushed, I wonder how many of those jobs are similar to what I found.

That said, ladies and gentlemen, in closing, in the last couple of days we have reports of some success of attracting business here in West Virginia. Success for my friends up in the eastern panhandle. They have a manufacturing plant that should be great success and be part of a successful circumstance. Proctor and Gamble is moving to Berkeley County and I applaud that. The timing though is interesting. I would question whether or not that plant wants to locate here because of conditions from the past, even conditions today. I wonder whether or not they are locating here because of what is being created and where our state is going in the future. Mr. Speaker, thank you, thank you for your indulgence. Thank you again.

DELEGATE BATES. Thank you, Mr. Speaker. I, also, beg your indulgence. It is good to be with you. I rise today actually with a slightly different dialect but with the same spirit as my friend and colleague from the 48<sup>th</sup> with regard to jobs, ironically, and expand on some of the past comments with the Gentleman from the 27<sup>th</sup>. Most of you have figured out by now I am not from around here. I wasn't born and raised in West Virginia. I have actually made West Virginia my home. Like former Senator, Governor and once Delegate John Rockefeller said, "I am not from West Virginia but I got here as soon as I could." I could live anywhere in the world, and I choose to live here, not unlike Proctor and Gamble. I choose to live here because despite all its problems and challenges

there is no better place to live, work and raise a family than Beckley, West Virginia, and I am proud to call it home. Now, while I have been in West Virginia almost my entire adult life, I have not been in this chamber very long and in the short period I have been here I have also come to appreciate how much this body enjoys the weekly jobs report and it is for good reason. There is not a Delegate in this chamber that doesn't believe that jobs are important. That's a large part of why we been sent here, to help create positive conditions for the creation of jobs, good jobs, high paying jobs, with good working conditions, with benefits like paid time away from work, health insurance and retirement, jobs with opportunity and advancement so people can provide for their families. That is what we all want. There is not a Member here that doesn't believe that jobs are like health or grandchildren. You can't have too much or too many of them. So when the gentleman speaks of jobs and spoke of jobs from Beckley a few weeks back, I decided to do a little research on my own just to see whether or not my personal experiences and that of the experiences other business owners that I know and talk to on a daily basis in Raleigh County are in fact true, and my experience, I believe, is the same many of the members of this body who are business owners or managers have is that there are jobs, that West Virginia businesses are hiring and there is work to be done. As it says in Luke 10:2, "The harvest is plentiful, but the workers are few."

Our problem is not just a jobs problem. We have jobs. I would respectfully suggest that our problem is not a jobs problem. It is a jobs preparedness problem. It is a jobs participation problem. I'd further suggest that as we pursue this chamber's pro-business agenda as we have over the first month of this session, we include as part of that agenda meaningful pieces of legislation that tackle the barriers, the job participation and the preparedness for jobs that we already have and hope to have. It would be my opinion, that while there are many, as the Gentleman from the 27<sup>th</sup> mentioned, the single biggest barrier to get West Virginia working is our drug problem. We need to focus our time and attention on how to address drug use and abuse and not let another year pass without taking real steps to heal our communities. We need to support and provide funding and



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resources for substance abuse prevention and treatment ensuring that every West Virginian who needs help can find it, afford it, wherever they are in the state, and whatever care and assistance they need to get healed, help, healthy and back to work and productive again. What we need and what West Virginia businesses need is to address this barrier. The barrier of drug use and abuse.

While we disagree on many things, I think that we can all agree that it is time. It is time to get West Virginia working. West Virginia is my home and this is its House. I consider it a great privilege to have been with you over the last thirty days. I look forward to long days and productive work in the weeks ahead as we attempt to get West Virginia working and working for all of West Virginia. Thank you.

DELEGATE MILEY. Thank you, Mr. Speaker. While I appreciate the comments from my colleague from the 27<sup>th</sup>, I do have a jobs report as I promised to do every week and this is not the usual jobs report. I don't have a printout from Indeed.com but I do have a copy of the article that came out in this morning's paper about the announcement that the gentleman alluded to. These numbers are 1,000 and that is the number of construction jobs that will be required to build the Proctor and Gamble facility. The next number is 700, and that is the number of jobs of highly skilled, and I would submit highly paid, employees at the Proctor and Gamble facility. Now I know my colleague is in sales, but if you fall for his line that this facility decided to come here because of the rosy picture from the November elections then he would be a pretty successful salesman. This negotiation started long before the November elections, as did the decision of the Odebrecht company to come to West Virginia in Wood County, as did Southwest Energy to come to West Virginia to take over Chesapeake's assets and to drill more here, as did the companies that are located at the Bridgeport airport that provides a billion dollar economic impact.

While our colleague and friend from the 27<sup>th</sup> chooses to focus on the glass being half-full, I choose focus on the glass being...excuse me, half-empty...I choose to focus on the glass being half-full. As I have said on numerous occasions that is not to suggest we don't have problems and

areas of improvement. It is only to suggest that we have a lot of positive things occurring in this state and as far as some of the problems identified by the gentleman from the 27<sup>th</sup>, I agree there are those problems but those aren't easy problems to fix. They won't happen overnight. I request from all of my colleagues in this chamber, let's see the bills that are going to address these problems. With all due respect, it is not the bill that is going to erode workers safety. It is not the bill that is going to erode accountability for employers or businesses misdeeds. It will be the bills that provide funding for mental health care. It will be the bills that provide funding for drug abuse. It will be bills that help our students recognize the benefit of getting an education not just up through 12<sup>th</sup> grade but beyond. Those are the bills that will help move West Virginia forward because, like my colleague from the 30<sup>th</sup>, and I have said before, I think we have a workforce preparedness problem. While I certainly can't explain why some of those jobs are over in Virginia, there are many jobs in Bluefield or in the West Virginia borders as well. Those same people who choose to work in Virginia, hopefully, will live in West Virginia based on the quality of life and other benefits they might have from living here.

I will go back to the... and close with reference to the Proctor and Gamble facility. They are located in an area which is mere miles from the State of Maryland and State of Virginia and they chose West Virginia. The considerations they gave for choosing West Virginia were based upon a lot of things that we have been doing in this body, collectively, over the past ten years that I have been here. We have completely eliminated the business franchise tax. We have reduced the corporate net income tax. We have privatized worker's compensation. We have eliminated the food tax. All of which was done collectively, under Democratic majority, but done collectively with the support, bipartisan support, of both Democrats and Republicans. So while the political talking point of the season is eighty-three years, I can only speak for the last ten and those have been very positive and we have already started seeing the fruits of our labor during the past ten years. While I am glad and proud of what is occurring in north central West Virginia, and once again I extend the invitation to your constituents who may be unemployed, who

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might need to find employment while staying in the state, to come to north central West Virginia. I never want to miss an opportunity to celebrate all successes in West Virginia including the ones that we are hearing about in the eastern panhandle. Thank you, Mr. Speaker. Thank you for pointing out that not all jobs are as good as we would like to have them be but I believe that jobs are jobs. So if anyone is not working a job paying at any level, is better than not having a job at all because it certainly helps with one's self esteem and feeling like they are providing value to others and their community. Thank you for the opportunity. I am still going to get up every week. Maybe I will change up the day now that I have become so predictable but I am still going to get up and talk about the positive things happening in West Virginia because there are many but it is not to suggest that there isn't areas of improvement needed. Thank you very much, Mr. Speaker.

DELEGATE HORNBUCKLE. Thank you, Mr. Speaker. I will start off by saying I apologize to Delegate Ireland as I have one more job report before you today. The first job report is from Indeed.com and on Indeed.com in Huntington, West Virginia, with all due respect to Delegate Bates, the true city of champions, I have 1,679 jobs. However, I would sort of err on the side of caution with Delegate Gearheart. What, are these Indeed jobs? I don't want to be a door guy at Southern Exposure either. So what we will do is, we will look at another source. We will look at Monster.com which is a job site and I actually traveled there through the Herald Dispatch to support local economy. What we have there is we have 557 jobs. The first one being a store manager at Rent-A-Center. We have a retail sales consultant at AT&T Retail. We have business development at Terminex. A truck driver, a litigation paralegal which could be obsolete soon. We also have a maintenance shop laborer. Then, what I did, I wanted to take a look at some of our local engines. At St. Mary's Medical Center we have thirty-six job postings. At Cabell-Huntington we have forty-six jobs postings, and then I looked at Marshall University where we have sixty-eight job postings, one of which is a Workforce recruiter through the Robert C. Byrd Institute. We have one problem, Marshall is on a hiring freeze because what we have done here in the

Legislature is, we have deleted jobs with higher education funding. That is what we have done in our one hundred jobs in here. So to expand upon that, if there is one thing that we can all agree on in here, it has to be to restore funding to higher education, period, point blank.

West Virginia is education. Way back in the day, wealthy people from the northeast used to send their children down here to go study at UC. Mingo county birthed Head Start programs. We did that here. In Morgantown, West Virginia, one of the top business schools on the east coast. Marshall University, one of the top forensic and medical programs in the country. That is what we are doing here. We have to get behind it. In North Carolina they have the Triad. What they do is, they do a lot of research and think tanks and they spur economic growth. It makes no sense to ever take funding away from education, so we have to remind ourselves to not do that.

Also, I want to talk about two days ago. I was at the Black Lives Matter Breakfast in the Governor's Conference Room, and by my side was, and I am a little bit biased, one of the best mayors in West Virginia, former Delegate Steve Williams. On a side note, that means a lot to me that he recognizes that there are issues that we are facing in this country and this state and after that we talked about a lot of different things and as we left there, I was talking to a young attorney in Charleston and we talked about growth and we talked about Charleston being a metropolitan statistical area, I think roughly about 320,000, and we talked about Huntington being a metropolitan statistical area of about 380,000, and soon those are going to come together. That is going to be over 700,000 and the other part of that conversation was Charleston and Huntington don't really work together a lot. We don't really work together a lot to spur business. Well, we have to lead by example up here to start working together a little bit more. My first week up here, I was enjoying a good time with President Cole and my good friend Senator Hall. We had a great time after we left the Capitol, and the point I am trying to make is, after all these things are done, we all love each other but we are in here, we are voting green, we are voting red, we are against each other. I am not naïve enough to think...there is always going to be an element of politics to politics...but we have to mitigate that

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as much as we can because this year is about change. Change, change, change, and by all means, some of that change I am with. Part of it is, our current President coined that phrase. So with having said that, we talked about it being a judicial hellhole. Okay, I can go along with that. That is fine. We are going to do some laws because we are going to change that and if it helps us, I am with it. I am with it if it helps us. Now, we also have to remind ourselves of some other elephants in the room. Our state historically hasn't been very inclusive so to speak. Okay, now our population, we led the United States in population declined, correct? Is that correct? I believe, Delegate Skinner, we are going to have some things too...ENDA, ENDA ACT, Employment Nondiscrimination Act. Ladies and gentlemen, we cannot afford to run anybody from our state at this point. We have to love everyone because that is what He told us. We have to love everyone. So when that bill comes down we need to really give it some mature reflection.

I know with our parties there is always three to five issues that we are never going to agree on and that is okay because that is why we are here but there are a lot of issues we can agree on to get people working. There is probably some other legislation to make sure we are inclusive of minorities and I think that is a good thing because we have to drive extra people in here because believe you me, we need a bigger tax base because we have some short falls. So let's remind ourselves, give ourselves some mature reflection when these pieces of legislation come down. Revenue, now I am not going to say I am for it or against it but Delegate Morgan has been talking about that penny tax for a while. What we do in here, and I might fall victim to, we worry about returning to our seats too much. We are afraid of the tax issues. Well, I work at Mass Mutual Financial group and I often jump in this Republican land, and the thing that reminds me all the time is you got to put some skin in the game. You got to put some skin in the game. One hundred twenty dollars a year is not very much skin in the game so we might just want to think about it. Delegate Anderson, I am glad about the bill that we passed today. Diversified agriculture, hopefully that brings money to our state and we can have the revenue to fix some of

our short falls because this is what this is about. I know I got sort of long winded but I just wanted to remind people of what these job reports... stop worrying about the R's and the D's. Let's worry about us. Let's get West Virginians working and make sure they can provide for their families. Thank you all.

### COM. SUB. FOR S. B. 6

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#### REMARKS of MEMBERS *February 17, 2015*

DELEGATE CAMPBELL. Thank you, Mr. Speaker. Would the Gentleman from the 67<sup>th</sup> yield for question? I would just like to ask when you are talking about the staffing levels federally and state, what are the staffing levels in the State of West Virginia requirements?

DELEGATE SKINNER. I don't know what the staffing levels are but I think we should all be meeting them.

DELEGATE CAMPBELL. The current staffing levels in the State of West Virginia is 2.25, and if you look at.. have you ever looked at the website that CMS, which is Centers for Medicare and Medicaid, have listed? Nursing home compare and the star rating. Have you looked at how West Virginia compares to the national?

DELEGATE SKINNER. I have not.

DELEGATE CAMPBELL. Well, I will just share just a little bit of information with you. The national average for licensed nurses, the national average is one hour and State of West Virginia is one hour and forty-six minutes. For registered nurses, the national average is fifty minutes. In the State of West Virginia, it is fifty-one minutes. For licensed practical nurses the national average is fifty minutes. In the State of West Virginia is fifty-five minutes. So, do you see according to those calculations that are not just done by some organization trying to make nursing homes look good, it is actually from the licensing agency, which is Medicare and Medicaid? Do you see there is a staffing issue as we talk about that?

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DELEGATE SKINNER. There is the whole reason for this bill, and getting into staffing issues, relates to a case that was decided in the last couple of years where there was findings of severe staffing crisis at a particular facility and clearly and I am happy to talk about in specifics, and I will later, but there are some facilities, and I know not yours, I know not yours, who are systematically understaffing their facilities and that systematic understaffing is leading to people being killed. I know that.

DELEGATE CAMPBELL. Okay, when you talk about staffing, you know, I think several states have tried to even do a national trend on staffing, as it relates to certain entities of health care, and would you agree that the acuity level in different facilities would be different?

DELEGATE SKINNER. Absolutely.

DELEGATE CAMPBELL. So one facility may need a certain amount of staffing and another facility, if they specialize in wound care, IVs or things like that, they may need a different level.

DELEGATE SKINNER. Absolutely.

DELEGATE CAMPBELL. In West Virginia, I know we heard public comment about facilities that have low staffing. Are those individuals mandated to stay at that facility?

DELEGATE SKINNER. I'm sorry?

DELEGATE CAMPBELL. Are the patients or residents mandated to stay at that facility if they feel that that facility is understaffed?

DELEGATE SKINNER. I am sure they have the right to leave.

DELEGATE CAMPBELL. All right, thank you sir.

DELEGATE SKINNER. Thank you, Mr. Speaker. I would like to speak in opposition to this amendment. With the experience that I have had, and as the gentleman, the Judiciary Chair, mentioned in regards to the inspections that are done at nursing homes, those are unannounced surveys so you don't get to gather all of your paperwork and get everything in line before they

come. It is unannounced. One of the things that they look at is staffing and they take a look at your payroll for the last two weeks and they take a look at what your staffing schedule is. So, it is what it is when they come in and they always, always review what the staffing numbers are, and they do compare you to what the state requirement is, and if you do have a staffing issue and there are violations that are identified, then you will be cited along with not sufficient staffing to meet the needs of the residents. So, Mr. Speaker, in that regard I feel that I cannot support this amendment.

DELEGATE PERDUE. Will the gentleman yield? Mr. Chairman, I am looking at the abstract, and this was the original bill I presume, and in the abstract, down in item number three, the language looks like it is either Ancient Greek or Klingon, can you speak to what that actually says?

DELEGATE SHOTT. I don't speak Greek but I do speak a little Klingon. Let me see here. If you would help me by pointing to the section you are concerned about.

DELEGATE PERDUE. In the system, when I look at the abstract for this bill, and again this may not be pertinent now because you have a strike and insert, but I am a little confused about...what they have done is somebody typed over all of that information.

DELEGATE SHOTT. I think that is the Senate abstract. We have a House abstract that would replace that and I am sure, I can't really explain...

DELEGATE PERDUE. Yours is written in English right?

DELEGATE SHOTT. Yes, mostly English.

DELEGATE PERDUE. Okay, I will see if I can't find that, thank you, sir.

DELEGATE MANCHIN. Thank you, Mr. Speaker. This bill is not about physicians assistants or advanced practice registered nurses or speech language pathologists or audiologists or occupational therapists or any of those people. What this bill is about is corporations,

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foundations, partnerships, joint ventures, professional limit liability companies, limited liability companies, trusts affiliates or other entities, common control or ownership with a directly or indirectly, partially or completely, legally, beneficially or constructively with a healthcare provider or healthcare facility or which owns directly, indirectly, beneficially, or constructively any part of healthcare provider or healthcare facilities. What this bill is about, protecting corporations, large business entities that are not rendering health care. They are making economic decisions that is all they are doing. They are not listening to their local facilities. They are not listening to regional directors. They are making these decisions in a vacuum.

This bill purports to address a problem in the civil justice system. It purports to address a large civil justice award that you just heard about from my esteemed friend from the 67<sup>th</sup> and I want to point out what he pointed out. We spent zero time in Judiciary trying to address what went wrong. How does this happen? How, with all the regulations that the Gentledady from the 43<sup>rd</sup> told us about? Does this happen over a nineteen-day period? It happens with substandard staffing levels. We have been told, and were told in Judiciary by the only representative of the nursing home industry that appeared before us, who just happened to be from a company who was purchasing, I think, somewhere in the neighborhood of six nursing homes here in the state, that in fact, he could not think of any excuse why they needed limitations on liability for understaffing because they always overstaffed. They didn't work by the minimums. They overstaffed and those people should be protected and that is fine but that is not what this bill is going to do. This bill is going to give them an excuse. This bill is going to eliminate corporate responsibility and accountability to our people and particularly to our elderly population, the most vulnerable people that we have, and anyone whose parent has gotten to that age where you have to think about putting someone in a nursing home because you can't take care of them at home and because you are not going to be there all the time, this is a scary proposition. Now, it is bad enough that our response has not been to figure out what is going wrong and to figure out why we have these situations and why

our constituents felt compelled to award millions of dollars in punitive damages. Our good people, our people that we go to church with, the people that vote for us, the people that make decisions about whether someone gets life imprisonment or whether they get to go free, those people that we trust with that, made this decision after listening to days of testimony but now we are going to come back and we are going to make the decision you all were wrong. We got to stop this. We have to protect big out-of-state corporations. "Why do we have to protect big out of state corporations?" I asked. Well, supposedly, the insurance rates were going up but you know what...nobody was able to give me any figures whatsoever about insurance rates over the last three years or two years since this case was decided. All they did was go back to 1999 to talk about insurance rates in general. Guess what? Are they leaving the state? No. They are not leaving the state. They are lined up to come into the state just as soon as they can get a certificate of need because we have a moratorium on that right now. We won't let any more of them in yet but they are ready to come when that time comes.

I guess the worst part of this is... is that we have used this now as an excuse to Christmas tree this bill. Walmart, Rite Aid, CVS, Kroger...big winners in this. They dispense pills. They dispense pills and they are now big companies and they are now...if they give out the wrong pill and somebody is catastrophically injured, they are going to receive the same benefit that we intended for doctors back in 2003 because there was an insurance crisis because they supposedly were leaving the state. That is why we did it back then. We didn't prove any of these findings in committee. None of these findings were established but we are going to take care of big business, of out of state corporations, of those who want to be relieved of their responsibility and accountability to the citizens of the State of West Virginia. We are going to give Ruby Memorial Hospital and other major hospital facilities immunity from making bad decisions about credentialing. It is going to be okay for them to decide to hire a convicted sex offender who can then commit some heinous act on a patient. It is going to be covered. It is going to be covered! Not only that, they are going to be able to hire a physician whose credentials have been stricken or suspended or even revoked and

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there will be no additional responsibility. There will be a cap. We have relieved them from all of this. We have tried to make some changes with some amendments today, but they have been soundly rejected. I am not too sure why, but they have been. Ladies and gentlemen, this bill is not only extreme, radical and wrong but it is bad for God's children and it is bad for the State of West Virginia. I urge rejection.

DELEGATE CAMPBELL. Thank you, Mr. Speaker. I would like to speak to the bill, please. Some of my colleagues have asked me if there is a medical malpractice insurance rate for nursing homes...are they increasing? The answer is yes. As you know, I work in a nursing home. I have over fourteen years' experience and work in a nursing home and if you calculate that by hours, I have close to 30,000 hours of experience of being in a nursing home. I worked in a nursing home at first for four and a half years and left and went to work in the acute care setting mainly because of regulations and the stigma that nursing homes have. I just want to let you know that we talk about nursing homes need to be regulated. We need to be sure that they are doing everything right. Here is just one of the books that is federal regulations. It is not thin. Then we have our state regulation book, here, of all different sections of the law that we must follow. As it was mentioned, we are surveyed by DHHR, OFLAC – Office of Facility Licensure and Certification and once again I remind you, that those are unannounced surveys. You cannot hide your patients, you cannot hide your staff, and you can't give them a schedule or a payroll that didn't exist two weeks prior to their visit. Also, we are inspected anytime there is a complaint or an allegation. There doesn't have to be any proof. I mandated that any patient, any visitor, any family member, any employee, that would say someone has said that nurse was sassy, guess what? I have to report them to the state nursing home OFLAC Office, Adult Protective Services, the ombudsman and then guess what, the CNA registry if this person is licensed through the CNA registry, and there is an inspection that goes on by all these different entities for many, many, many things that are mandated to be reported, that a lot of you, if someone at your work said your supervisor was a little sassy, would you be able to report them for verbal abuse? Probably not. We talk about the staffing. Just want to let

you know that there is turn over in long-term care. I will be the first one to admit that but there is turn over in a lot of other areas of health care as well but if you know that you work in a high risk area that is likely to be sued, you are likely to lose your license, a lot of people don't come running to the doors of nursing homes because of that. I have actually had people say I will not come to work at your facility, Denise, because you turn too many people in under complaints and I can't afford to lose my license by working in your facility but I will give you numbers, and these are numbers that are actual factual numbers, these aren't ones that were made up. Yes, I will go back as far as 1999 because I want to tell you the significance of the amount of the increase of liability. In 1999, per bed, the facility that I work at is a one hundred eleven-bed facility; the cost for malpractice insurance at that time was \$151 per bed, which was \$16,761. In 2011, the cost increased to \$927 per bed, which equals \$102,897. Just this year for the year 2015, the cost is now \$1,256 per bed, which is \$139,416. Now, to tell me we hadn't had a rate increase... if you were driving a car and your rate went up this high, you probably would find a new or a new agent but I will tell you several years ago, when the rate started increasing there were insurance companies that dropped out of West Virginia because they knew that we had a loophole for those that work in long term care and the big discussion had to be is, people who work in long term care aren't medical providers. Well, if we are not medical providers, I'm just not for sure what we are.

In my facility, you cannot touch a patient unless you are licensed. I cannot have anyone come in and help anybody eat, wipe their mouth, do anything. They must either be a registered nurse, a licensed practical nurse, a certified nursing assistant, a physical therapist, an occupational therapist, a speech therapist. They are the only people that can provide care and, yes, we do background checks because they are mandated by DHHR and guess what? We are not allowed to hire felons and we do a check for those that are on the sexual abuse registry to ensure that they are not employed in the facility but I just want you to know who is this person that is a patient in a nursing home? It is a female. Seventy-five percent of the residents in long-term care facilities are females. They are eighty-five

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years old, eighty-five years old. Most people right now, if I asked you right now, how many people here are waiting to go check into a nursing home? Not one of you would raise your hands would you? Because that is not where we want to be. But you know what? These are the types of facilities that take care of the people who the children can no longer take care of or maybe don't want to take care of them. They are the ones that have been getting the home health care and they are not able to stay by themselves for twenty-four hours a day. Maybe they can give themselves a bath but maybe they have Alzheimer's and if you left their door unlocked they would go out into the street, but I just want to let you know that nursing homes where I work, and the staff that I work with, we care about these people and we provide good care.

Yes, do people make mistakes? Any job that you have had, did you ever make a mistake where you worked? I say the person without sin cast the first stone or maybe file the first lawsuit. How many, how many here have not made a mistake? And, yes, if there is intent, that is a little different story but I want to remind you that one of our Presidents that had Alzheimer's, that had a fall and fractured a hip, that is one of the biggest reason nursing homes are sued, because of falls. Well, if you look in this book right here, this book will tell you that you cannot put any type of restraint on anybody. Rather, they understand it is dangerous for them to get up and walk and you know what? If you even put an alarm on them that sounds, that aggravates them, you can get a citation because you are psychologically restraining them. I have family members that come in and say, "Denise I do not want my mom to fall. I want you to put something on her that prevents her from getting up out of the chair or prevents her from getting out of the bed." You know what? I can't do that because that is a violation. I cannot restrict their movement. Whether their movement is safe or unsafe, I have to allow them to be able to move and our previous President, who had Alzheimer's, actually had a fall and fractured a hip. He had Secret Service. He had one-on-one nursing and he still fell.

The other thing we talk about, residents who lose weight and they weren't given any water. If you look at the regulations I cannot force feed

anyone. They have a right to accept nutrition or not and if you look back several years ago we used to put feeding tubes in individuals but because of ethics and other reasons you do not see feeding tubes being used where, that is, where you would get someone who couldn't eat. That is how you would provide nutrition but we are not allowed to put a syringe and put food in it and force it down anybody's throat. But I want you to know, that my staff where I work and myself, when we have a resident that is no longer with us because of maybe death or maybe they get discharged, guess what? We have a lot of people that are getting discharged from nursing homes this day because we provide therapy and we do get them better and they do return home and they do return home to their families, and I would ask you to really seriously think about this because nursing homes do provide medical care. And yes, I was at facility that one of the law firms from Mississippi, wonder why Mississippi has to come to West Virginia to file lawsuits? Hmm, must be because we have a loophole that says that it is open door. Let's go make some money and guess who was the one who was involved in the \$92 million lawsuit, was that from West Virginia or was that someone from out of state who can come in here and make money off of us?

My last point, all these rate increases that had to do with malpractice insurance. As you know, nursing homes in the state have to fill out a cost report and that is done every six months, and as we give you what our fees are for, what we pay for insurance that is added into our rate. So the higher our insurance rate is, the higher the State of West Virginia has to pay to provide services for those in long-term care. Thank you, Mr. Speaker.

DELEGATE SOBONYA. Thank you, Mr. Speaker, ladies and gentlemen. I rise in support of S. B. 6. This bill will modernize medical liability reforms and avert a potential health crisis. The Gentlemen from the 50<sup>th</sup> wanted to know why we have to have this. I would only direct him to the legislative findings that were reinserted to show that it is about fairness. As a former staff member of the Marshall University School of Medicine, surrounded by members of the medical profession, I was well aware of the difficulty it was of our litigious environment to

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recruit and retain physicians to come to West Virginia and stay here.

West Virginia was in a healthcare crisis and that was why I campaigned on this issue in 2002. I won my election to serve my first year in 2003 and that was my first term, where we passed the last revisions to the Medical Professional Liability Act also known as the MPLA. It was imperative that we gave physicians stability and predictability and address the high cost of liability insurance or lack thereof. We were here at the public hearing on this bill here in these chambers and Dr. Hoyt Burdick, a respected physician from my area, he served as Chief Medical Officer of Cabell-Huntington Hospital and was a former President of the West Virginia State Medical Association, he testified at the public hearing on S. B. 6 and it was noted in the recent publication of Healthcare Highlights, he said that medical liability reforms an establishment of the West Virginia Physicians Mutual led to the double digit reductions in malpractice insurance premiums and enhanced the state's ability to recruit and retain physicians. The article continued, today's care though still physician led, is more patient centered and includes a more expanded team of healthcare professionals. Where today's healthcare is delivered in a variety of settings from the traditional physician's office or hospital to pharmacies, rehabilitation centers, nursing homes and in the patient's home, this new legislation broadens and clarifies the definitions of medical activities, medical facilities and healthcare providers. As I have listened to the serious problems faced by providers, I am amazed at how court decisions have altered the original intent of the bill and have caused an explosion of litigation.

This bill is necessary because the courts have circumvented the original purpose of the MPLA. In 2003, we had doctors leaving this state. In 2015, we have nursing home companies leaving the state. For instance, Diversicare recently sold three buildings in West Virginia. These buildings were not sold because the company wanted to leave the nursing home business. No, this company took the money and bought nursing homes in other states. They wanted to get out of West Virginia because of lawsuits and jackpot justice that has prevailed. Diversicare's president

said the company left West Virginia to make good strides forward, quote unquote, to manage their overall risk and professional liability. Extendicare, a company that operates in multiple states and in Canada is selling their nursing home in West Virginia. They were a little more direct in stating why they were leaving both West Virginia and Pennsylvania and here is what the company head had to say, "Despite a strong and improving quality record in these centers, we have experienced an increase of over 300% in the number of liability claims in these states over the past several years." During the public hearing on this bill, a representative from the Healthcare Association testified West Virginia has the second highest frequency of claims against nursing homes in the nation. One small non-profit nursing home, non-profit, in central West Virginia, malpractice premiums... and I believe the Lady from the 43<sup>rd</sup> alluded to the cost per bed, how it has increased and I won't go into that 732% increase once again but it has greatly increased. Ladies and gentlemen, a 300% increase in liability claims and a 732% increase in premiums. No wonder companies are leaving our state. These companies have realized that West Virginia is not a good place to do business.

During testimony before our committee, Stonerise Healthcare leaders told us that his company was having difficulty obtaining malpractice insurance for their company. Unfortunately, they can only find one insurance company that will even give them a quote for insurance and that company has placed them on notice that they may not renew their coverage. Now how would you like to be a medical provider in the State of West Virginia without liability insurance? I don't think you would be in business very long.

I am going to personalize my support for this bill. My husband and I, we were high school gymnasts. My husband received a full scholarship to Penn State from an athletic scholarship. He had a full ride for gymnastics. Our dream was one day we came back to West Virginia and our dream together, one day, was to open up a gymnastic school here in our state. We owned and operated a 13,000 square foot facility for approximately twenty years. We were a mainstay in our community offering sports opportunities for our local youth. We taught



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gymnastics, tumbling, cheerleading, karate, dance instruction and offered birthday parties and events for our young people. After two decades of owning a piece of the American Dream, we made the difficult decision to close our business. The high cost of liability insurance for trampolines for commercial use priced us out of the market. We could only find one company that would insure us and they had ten times increased our liability insurance. Our American Dream was shattered based upon fear of lawsuits and lack of affordable liability insurance for merely offering athletic opportunities for our youth. This bill wouldn't have applied to our former business but it drives home the point of the effect of high cost liability insurance on small business.

Ladies and gentlemen, I would like to reiterate that Stonerise Healthcare is a West Virginia company, based in West Virginia and has seven centers all located in our state. We heard about out of state corporations. This is a West Virginia company based in West Virginia. With lack of affordable and available liability insurance, we could potentially lose seven nursing homes in this state. We are back here today, at the same place we were twelve years ago, and if we don't do something now to reverse bad court decisions and clarify the intent of the Legislature, elderly West Virginians will be placed in jeopardy. Keep in mind that West Virginia has the second oldest population in the nation. We have to have a place for our elderly population to go for care. We must ensure that care is available to them. That is our duty.

On December 15, 2014, that was just a few months ago, a Charleston Daily Mail article entitled *West Virginia Again a Judicial Hellhole*, it focused on the American Tort Reform Association's annual report that ranked West Virginia Supreme Court of Appeals as the third most unfair in handling civil litigation, only behind New York and California. The ATRA report mentioned several state Supreme Court cases that it says relentlessly expanded civil liability. Our state was the brunt of negative national attention that focused on a recent Supreme Court decision that upheld a lower court case. A case brought by out of state trial lawyers, out of state. Practicing in ten states it yielded a \$91.5 million reward later reduced to \$38 million.

It is a shame that we have in-state only West Virginia providers, like Stonerise, with a good claims history that may possibly not be able to get insurance renewed because of the jet-in jet-out tactics of out-of-state law firms that received approximately a \$17 million contingency fee from the above mentioned case...\$17 million for out-of-state trial lawyer as a contingency fee. It was insulting to me to sit in Judiciary and see these out-of-state trial lawyers who live out of our state, who practice out of our state for the most part, attend our committee meetings and speak at our public hearing opposing this bill in their attempt to preserve their future jackpot payday.

Mr. Speaker, to illustrate what our nursing home/nursing care facilities are up against, I would like to draw my colleagues' attention to this full page ad that appeared in the Huntington Herald Dispatch. This ad was paid for by out of state lawyers Wilkes and McHugh. I am going to read a few excerpts. It says, "Important notice"...full page..."If your loved one has been a resident at one of these facilities, they have been cited for multiple deficiencies." They list two nursing homes in my district; in my area. Some of these citations are from 2012; many of them are from 2012. Some of them are failure to provide housekeeping and maintenance services. Failure to provide medically related social services to help each resident to achieve the highest possible quality of life. These were some of the things that they cite. Notice that the ad does not ask if your loved one was injured or killed in the care of these facilities. They just want you to know that they are available from out of state to come here. They are seeking jackpot justice and they are fishing for plaintiffs hoping if their net is cast wide enough they will increase their chances of coming to our state to fill their pockets with millions of more dollars in legal fees at the potential risk of our aging population losing access to care. The out-of-state trial lawyers who produced this ad, I went to their website last night and on their website they claim Wilkes and McHugh is a full service civil litigation firm handling a wide variety of claims from coast to coast. Their main office is in Tampa in Florida. They have offices in Lexington, Kentucky, Tuscan, Arizona, Pittsburgh Pennsylvania, Philadelphia, Pennsylvania and Phoenix, Arizona. I don't see them listed as having an office in West Virginia. They might

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frankly have one but they don't list it on their own website but yet they are fishing for plaintiffs in West Virginia.

Jackpot justice, ladies and gentlemen, people will drill oil where there is oil. They will dig gold where there is gold and, yes, out of state trial lawyers will scour our country coast to coast in search of plaintiffs, or would be plaintiffs, in states where they stand to reap the largest jackpot. S. B. 6 gives predictability to those who insure our healthcare providers in order for them to offer available and affordable liability insurance. The good news is that Diversicare and Extencare facilities were bought by another company. That is the good news. We are fortunate that that occurred. The bad news is, if this bill is not passed, buyers for West Virginia facilities may not exist in the future and care for our elderly and disabled may no longer be assessable and available.

In closing, Mr. Speaker, I would like to remind this body that S. B. 6 passed overwhelmingly in the West Virginia Senate on a roll call vote of 33-1. One Senator was in opposition to this and, I believe, I am not sure why he voted no, but the profession might speak for itself. I urge my colleagues in the House to cast a yes vote on this bill to modernize the medical liability reforms we have created in 2003 and avert a potential new healthcare crisis. Thank you, Mr. Speaker.

DELEGATE PERDUE. Thank you, Mr. Speaker. I had no intentions of speaking today, like many people but today now, I will. I had every intention of voting for this legislation, and then I thought about my personal experience. You don't know this but for a number of years I was a consultant pharmacist for fifteen hundred nursing home beds. Every month I visited those facilities and I didn't visit them at 1:00 in the afternoon or at 9:00 in the morning, I was there, because I had a day job, after midnight. Now there are wonderful facilities and I got to see really good care by many of them. Most of my clients were in Ohio and Kentucky but I also saw some pretty egregious things. Now, this has been a number of years ago and I am quite sure that the ....with technology changes and with casting an eye upon the issue, as fervently, have those may have

changed but I want to speak specifically to one of the amendments was offered. It had to do with fraudulent entries. As that practicing pharmacist that was there every month at midnight, I got to see that folks, and that does happen. Now, we can make all the excuses we want to for regulators but it is human nature. It is human nature. You make a mistake, it might cost your job, cover it up. That is exactly, that is the thing with all good deference to my good friend, the Judiciary Chairman, that is the most predictable thing that we will have. What I saw and what I want to characterize to you, which has struck me today, and I had not thought about before, was that the one thing that changed the attitude of those facilities, that changed the way they did things, that made them really penetrate the veil of deceit, was when an insurance company came in and looked at their MARs, their Medication Administration Records, and they found that they were inaccurate so they took back their money. It was a fiscal restraint. A financial restraint that was applied to those facilities that were not good facilities. So they changed the way they did business. They penetrated that veil of fraud. What I believe and what I have heard today, absent the amendment that was offered, is that we are going to take away one of those fiscal restraints. Sure there are out of state lawyers, I am quite sure, that take advantage of any jurisdiction they can. That is human nature, too, and that is predictable but what we cannot do is ignore the fact that taking away the potential for a civil action in some way won't protect people, because it does. I saw it. When you start taking people's money, they start behaving a lot better. They really do. Now it is unfortunate. I do support 95% of what is in this bill, I voted for the first MPLA, and I had thought a few years ago, when I was Chair of the Health Committee, including the folks we need to include was an absolute imperative and I felt that there were injustices applied to the nursing home industry. But today, because of my personal experience, my personal experience which was fifteen hundred nursing home beds over a period of years, I am very concerned that taking away some kind of financial restraint, whether it be applied correctly or incorrectly, I don't think that that is a good idea. Therefore, I will not be able to vote for this legislation.

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DELEGATE BOGGS. Thank you, Mr. Speaker. I wanted to call attention, just very briefly...I know we have been in here a long time but one of the bills that we passed to third with amendments pending was H. B. 2675 and I know, Mr. Speaker, in consultation with you, the Minority Leader, the Finance Chair and the chief sponsor of the amendment, that was determined, the course of action. I just wanted to call attention to that because, today, we had some wonderful debate about individuals that are in nursing homes and the care that they receive. I have no doubt in my mind that there is no one in this building, today, and no one that occupies and of the seats... that we all have a very deep and abiding care and concern for those that are in nursing homes. In that debate, which certainly it wouldn't have been appropriate, but in that debate no one talked about the people that are eligible for nursing home care for in-home care because if you are eligible for in-home care you are, also, qualified for in home care. You are already, if you have applied for that in-homecare program, you have already passed the physical qualifications, the health qualifications to be in that program. Now, financially that is a different story. The DHHR is making, checking the rolls to find out, of those people that are medically eligible, how many are actually financially eligible.

Last fall, the seniors came down and people from all across both sides of the aisle saw the seniors holding up these bells and ringing these bells that we make it a priority, this session, to do something for them for in homecare because I don't think that there is anybody in this chamber that would rather see people in a nursing home, than we would if they were able to get just a little bit of help, just a little bit of help, for a whole lot less money that they could be in their homes. They could be in their homes. Those people that don't have a strong informal support network. They don't have children. They don't have neighbors. They don't have church family but maybe they just need a little bit of help with some personal needs. Maybe they just need a little bit of help with dosing their medication but that is all that stands between them and being in a nursing home facility instead of being in their homes. One of the amendments tomorrow, to that bill, will go a long way to getting rid of that waiting list and help people all across West Virginia stay

in their homes instead of having to go into a nursing home. Now I love our nursing homes and they provide a wonderful service and part of the continuum of care we desperately, desperately need but I have to tell you, staying in your home for as long as possible should be an absolute priority. Part of that, I would be remiss if I did not call that to your attention today, and a lot of people talk to me and they say, "Well, I know this is your issue, I know this is something very near and dear to you", and it is.

It is near and dear to me, and I think it is near and dear to everybody in here, but just like we talked about yesterday with veterans, and we recognize them and we give them our appreciation by applause and standing ovations, it is time we stop talking about our seniors by just talking about it but actually doing something to help them stay in their homes. I don't know about you but I will be sixty later this year and I hope and pray I can stay in my home as long as possible and I don't know what the future holds for me or for any of us. You know, Lord willing, you know I have no idea what my days are or yours or anyone else but I would like to think for those that qualify that they could stay in their home as long as possible and we can do everything that we can with the billions that we are going to be dealing with in the budget. Six million dollars will get a three to one match from the federal government. It will eliminate the waiting list and people that are your constituents and my constituents and your loved ones, and my loved ones, and people all across this state put us on a glide path of taking care of a problem that is not going to go away. It is only going to get worse and it cost more to be in a nursing home, ladies and gentlemen, than it does to be in your own home. I spend a lot of time visiting folks in the nursing home and I used to teach a Sunday school class where I would take the third graders and we would go visit the nursing homes. I would tell the kids, you know they just kind of freeze up and they would say what if they want to hug me? I would say, let them. Let them hug you. Well they think that I am their son or their daughter. That is okay. Just be there for them. But one of the saddest things of visiting a nursing home is visiting in a nursing home for someone that has no reason to be in that nursing home because they only need just a little bit of care but there is nobody there to provide that there for

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them. I am very passionate about this issue because it encompasses veterans. It encompasses people of all ages, of all disabilities. We have already done a jobs assessment, has already been performed on this by WVU Business and Economic Research last year. When the waiting list was twice as much as it is now, they predicted with \$12 million we could create one thousand jobs, one thousand jobs. Okay, the waiting list has come down because many people are financially not eligible. They are medically eligible but not financially eligible. But it has come down \$6 million. If you extrapolate what they predicted with those figures that is five hundred jobs. Five hundred jobs, and people being in their homes with a quality of life to despite the best nursing home care, the best you can get anywhere in West Virginia. It will not match what you can get with the satisfaction and the wellbeing, with the necessary help of staying in your home.

So, Mr. Speaker, and Ladies and Gentlemen, I thank you for indulging me for just a few minutes because this is an issue that doesn't just affect me, doesn't just affect one or two people, cuts all across county lines, cuts all across West Virginia but we are talking about a population that is very vulnerable, and quite often they don't have a voice. They don't have a voice. So, hope you will be thinking about that and whether it is tomorrow or anytime throughout this session, when we have the opportunity to right that wrong and right that with what we can do in this body, let's join together. This is not a partisan issue. I don't think if you go to anybody's house that is on the verge of having to go to a nursing home, that are ever going to say to you, that it makes a difference what party they belong to. There are mothers and fathers and grandparents, former teachers, they have been mentors to us. They are the people that raised us. Let's....I just hope we can all give that some thought because it is something that bothers me greatly when I see such a group that has given so much and we failed to give back to them. Thank you, Mr. Speaker.

DELEGATE IRELAND. Thank you, Mr. Speaker. I would like to take the opportunity to thank the Gentleman from Braxton County for bringing his comments to us concerning the elderly and those folks that would actually like to stay at home.

Obviously, not repeat his comments because I don't think I could, but they were spot on. On spot on. We talk about the economics. We heard numbers this morning. This afternoon about what it cost to keep someone in a nursing home. It is obviously an expensive issue. There is a lady back in Ritchie County that just turned one hundred this past few months ago. She is staying at her home. Of course, she doesn't want to go to a nursing home. I tried to get her some assistance and see where she is on this list. I talked to DHHR and I talked to the Governor's office. She is 1407 as I recall the number. She is 100 years old. You think she will ever get to number one or two? I seriously doubt it. I seriously doubt it but she is going to struggle and she is going to stay at home as long as she is here, as long as she can find some of the neighbors or so forth and come in and help take care of her which is occurring right now. We can't give her any assistance. Again, I applaud the Gentleman from Braxton County for bringing us to attention. I do hope we can get that list eliminated and get those folks some assistance that they truly need. Thank you, very much.

**H. B. 2535**

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REMARKS

of

**HON. ERIKKA STORCH**

*February 19, 2015*

DELEGATE STORCH. Thank you, Mr. Speaker. At the appropriate time, may I speak to the bill? Thank you, Mr. Speaker. I became good friends with someone in 1985 and would have gone through a lot of things with this friend. A lot of situations where they contemplated on taking their life and actually did try. On August 14, 2007, I got a phone call from this friend, I wasn't able to take that call, and it went to my voicemail. On August 15, 2007, I got a very broken up call from a person I really couldn't understand. It was this person's mom. He had used a gun the night before and taken his own life. It was really hard for me at first because I didn't take that call the day before just for circumstances that I was not able to take the call, and had that voicemail on my phone, and actually heard the voice message right before I got his mom's message. Not a message that sounded like it was going to be a goodbye call or any kind

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of message like that. It was really difficult for me for a long time to realize that, maybe, I could have prevented that situation from occurring that day. Then it donned on me that any point and time over those twenty-one years, I could have gotten that same call because from 1985 to the time in 2007 that this happened, he could have done exactly what happened on August 14, 2007. So, I really was saddened but happy to see this piece of legislation come because, perhaps, if he would have realized in middle school or in high school when these situations were occurring, and this thought first got implanted into his mind that he had no other way out except for this horrific act, perhaps he could have been able to have the help that he needed to get through this time, and the support, the love, the friendship....everything else and I am not saying that he lacked any of that. Please don't misinterpret that his family didn't love him and his friends didn't care for him, but any of the extra resources that he needed, possibly that seed wouldn't have been planted when he was just a middle schooler and high schooler to ultimately end his life later at thirty-six years old. So I strongly support this and I hope my colleagues will, too. Thank you.

### PERRY BENNETT

#### REMARKS

of

#### HON. RANDY SMITH

*February 19, 2015*

DELEGATE R. SMITH. Thank you, Mr. Speaker. I want to talk about a job that has been filled already here in the House of Delegates. Someone that doesn't get the credit and recognition he deserves who provides all of us with these sometimes not so flattering pictures. I wish he would do like some of the magazines does and Photoshop some of them and perhaps give me some hair sometimes and touch up some of us. Perry Bennett does a wonderful job. Constituents come down here and they talk about how good Perry does and the pictures he takes. Some of us see it on our Facebook pages. He puts them on legislative pages. He records history.

When we are done and we leave here, we have this to remind us. You know he gets pictures of us, action shots some of us, sometimes

we are not getting along so good and sometimes we are really getting along so good but I just think myself, personally, would like to thank Perry for all he does. He is everywhere. He is at the House. He is in the committee room and I just think we all ought to give him a round of applause for appreciation. Thank you, Perry. I just wanted to say I am glad I got to embarrass Perry for one time instead of him embarrassing me. Thank you, Mr. Speaker.

### REPUBLICAN POSITIONS

#### REMARKS

of

#### HON. FRANK DEEM

*February 23, 2015*

DELEGATE DEEM. Thank you, Mr. Speaker. I was reading an article this morning by my favorite newscaster, Phil Kabler. I say that because I get the opposite end of everything I want to read from him. He had in the paper this morning of developments this session about "Don't Tread on Me" and they don't want, the Republicans don't want, government forcing them to immunize children. They don't want government to require milk pasteurized. We don't want government telling them what they can smoke or not smoke and where. They don't want government telling them whether they may or may not bear firearms and they don't want government to interfere with the non...doctor/patient relationship.

Well, that is all well and good, Mr. Speaker, but what I want to know is what Kabler is for? There, also, was in the paper this morning, an article by the Democrats' National Committee Chairman, Debbie Wasserman Schultz speaking at The Plantation, Florida. Democrats are struggling to find answers to a simple question about what the party stands for. That is what I'd like to know.

Well, here I'm going to tell you a little bit about what we stand for, what the Republicans stood for and stand for. That is, a few of the things we have done, some of them by bipartisan support, and we either have passed, or are considering all these issues, which has historically not been considered...prevailing wage; intentional fault; non-partisan election of

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judges which we passed and the Governor signed today I believe; joint and several liability; a mandatory use of alternate fuels change of the definition of the Commissioner of Labor; a bill to disbar straight ticket voting; permitting non-certified teachers to teach; landowner....if somebody gets hurt on a landowner's property without his fault, he can avoid liability suit; and charter schools are before us and pooling is before us. Ladies and gentlemen of the House, these are all things that...the Democrats are looking for leadership and there it is. There they are. We will appreciate all the support you can give us. Thank you.

### H. B. 2457

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#### REMARKS

of

**HON. KELLI SOBONYA**

*February 24, 2015*

DELEGATE SOBONYA. Thank you, Mr. Speaker. I would be remiss if I did not stand and rise in support of this bill to end shameless self-promotion at taxpayer expense. It is a sad state of affairs when it takes state law to prohibit such practices. When I was a freshman, I was elected in 2002 by the people of my district and my first legislative session was in 2003, and it was my freshman term that I was driving into the state capitol and I saw a billboard, and it was from a statewide office holder, and it said "Ripped-Off?, Call...", listed the person's name, their phone number and wanted people to call for consumer protection. I thought, yeah you know what, I am ripped-off. I am ripped off from the shameless self-promotion of promoting someone's name at taxpayer expense. Therefore, in my freshman term, I introduced H. B. 4095 and it was introduced on January 21, 2004 and this is 2015, eleven years later.

I will point out that I have waited for this day, Mr. Speaker, and I saved this editorial from the Herald Dispatch, which is a newspaper in my district, and it is the headline of the editorial that said, "Sobonya Takes on Political Tradition". It starts out saying there must not be enough snowballs in you know where to suit four members of the West Virginia House of Delegates, and they were referring to a bill that I also have sponsored as a carryover bill for the same number of years that would prohibit the

naming of any publically funded building, road or structure or project after a living public official. It goes on to say, "Sobonya also said this particular bill goes a long way with another bill she is co-sponsoring"...and it lists that bill number from several years ago... "that would prevent state officials from putting their names or photos on vehicles, promotional materials, public service announcements or similar materials paid for with state money," and again it ends, it says, "Nice sentiments but given West Virginia's political traditions, do Sobonya's bills or the proverbial snowball stand a better chance?"

There is a clear difference between tax payer funded trinkets and privately paid, and I will just show you some of them, a few samples: pill boxes, pencils, pens, those are paid for with tax payer money and quite frankly these cannot be used by the next office holder that comes in afterwards. They are obsolete. If they just had the person's office and the phone number there would be no problem but they have to be thrown in the garbage, which taxpayers have funded. The Goldwater Institute report and it is entitled, "Shameless Self Promotion, How Politicians Use Your Money to Get Re-elected", in this report it revealed how Arizona public officials spent \$4 million in public funds between 2006 and 2008 to showcase their name and image in publications, billboards and television.

Mr. Speaker, shameless self-promotion adds up. We might say well, it is not that much money but every dollar of the taxpayer money should be defended. I want to thank the subcommittee, our Chairman of Judiciary who interestingly put together a subcommittee that was evenly split with three Republicans and three Democrats, and in the bipartisan fashion, we were able to put forth this bill that is before you today. Mr. Speaker, I strongly urge support of this bill. Thank you.

### H. B. 2493

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#### REMARKS

of

**HON. JOHN MCCUSKEY**

*February 24, 2015*

DELEGATE MCCUSKEY. Thank you, Mr. Speaker. I rise today in support of this bill and if you will indulge me for just a moment, I don't

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believe that I have experienced more or less loss than anybody from cancer but I have experienced it and I have seen what this disease can do to families and what it can do to those who are surrounded by those who are affected by the disease itself. I think that what this bill here does is it seeks to help ease the burden not only on the patient but on the families who are surrounded by that person. Those who are trying to provide that person some comfort and trying to provide each other comfort in what are decidedly very, very difficult times.

I am really proud that this bill has made it to the floor. I am really excited that we are going to get to vote on it because I think it's really an example of how legislation can and should work. I think this was the identification of a problem, a specific need. This was a coming together of people who had an interest in it. This would be insurance companies and patient groups and cancer groups. These are all the people that had an interest in this and everybody found a way to make sure that this worked. To assume that everybody had everyone else's best interest at heart, to assume that every Delegate here looks at a problem and says I want to help the people of West Virginia and I think that is what this bill is an example of. I am really, really proud to be a member of this body as we vote on this bill. I hope that everyone will vote for it and I hope that it helps to provide some measure of comfort and help to those who are experiencing what we all know can be the worst of times in a person's life and show them that this body can actually identify those problems and help to make them a little bit better. Thank you, Mr. Speaker.

### H. B. 2920

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#### REMARKS of MEMBERS

*February 25, 2015*

DELEGATE WALTERS. Thank you, Mr. Speaker. I am pleased to introduce legislation in the form of House Bill 2920 that addresses several previously identified and growing concerns over DHHR, Medicaid Managed Care Program, also known as the Mountain Health Trust. In a way of some background for the

members, before 1996 West Virginia did not have a Medicaid Managed Care Program. Nationally at that time about 15% of the Medicaid population was served through managed care. This body directed the department to implement the implementation of managed care as part of a larger package of Medicaid reform. That was developed at that time by what was referred to as the Medicaid crisis panel. Today roughly 50%, 200,000 out of 410,000 of Medicaid recipients in West Virginia received their benefits through health maintenance organizations commonly referred to as HMO's, licensed by the state Insurance Commissioner's office and contracted by DHHR Medicaid Program. Nationally that percentage is 70%. The HMO's contracted by DHHR are paid at a present preset amount per month referred to as a capitation to cover all patients for medical services. Through the capitation...which by the way we call in the insurance industry an insurance premium...through this payment of the capitation the state contractually transfers its insurance risk to the HMO's and they in turn pay the providers for the care for the individuals who are covered by their networks and enrolled Medicaid recipients. In the current fiscal year, we will spend approximately \$600 million on the program and about 1/3 of that amount nearly \$200 million be in revenue received from state taxpayers, the rest from federal taxpayers. Given this taxpayer burden, my legislation addresses a number of questions and concerns regarding the mountain health trust program, these include contrary to state law, the HMO contracts have not been subject to competitive bidding. The bill I have introduced would move the authorities negotiating and management responsibilities and managed care contracts from DHHR to the public employee's insurance agency, PEIA, which has experience in procuring managed care contracts for Medicaid and has experience in this area for Medicaid contracts that conforms with our current state law. States that conduct competitive procedures for managed care have saved hundreds of millions of dollars. The contractual transfer of the insurance risk mechanism currently employed in the Mountains Health Trust Program does not benefit the state financially at all. In comparison with managed care programs that PEIA has provided all state employees and members of this body for managed care companies to participate in PEIA insurance program without transferring the risk.

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It contracts for managed care services through what is commonly called administrative services or ASO relationships. Transferring the administration authority to PEIA would allow it to evaluate an ASO type arrangement. So similar to the one it employees. Take advantage of purchasing services like care coordination, services that have been shown to benefit Medicaid enrollees. While avoiding costly risk transfer premiums. PEIA's administrative cost is more than half as costly as that being reported by the Medicaid HMO's. Or look at another way more than twice as efficient. Several recent analysis of the West Virginia Mountain Health Trust Program, comparing it with other states depicts a program that is extremely attractive financially to the HMO's but of questionable value to this state. As a matter of fact we ranked second in the country as the most profitable state for HMO's to operate in. HMO's underwriting games for the last six years have averaged 8-10% compared to approximately 1% nationally and regionally. This is profit that is being earned and is far in excess of reasonable margin expected for public funded programs. While I believe a reasonable profit should be part of a state expectation in its contracting the excess being reported by these Medicaid HMO's amounts to literally tens of millions of taxpayer dollars the state is spending for no useful public purpose. While some states' Medicare Managed Programs have chosen to allow profits, or I'm sorry....while some states' Managed Care Programs have chosen to limit allowable profits West Virginia has not done that. The stronger oversight of contractual relationships promised by moving the procurement and administration function to an experience professionals at the PEIA will allow for reasonable profits in return for better value. Some of my colleagues may wonder what is driving this extraordinary financial performance. The short answer is the statutory filing of the HMO's made with the Office of the Insurance Commissioner. Compared to Medicare Managed Care Programs elsewhere in the United States, our HMO's pay significantly less percentage to funds they received from the state to their contracted providers; hospitals, doctors, physicians and etc. Referred to in the insurance world as a medical loss ratio in 2014 our HMO's spent roughly 77% of their earned premium on Medical services. Nationally the six year average of Medicaid

MLR's is approximately 87% and was slightly higher in this region of the country. Over the same time frame not one of the state's contractors reported an average loss of greater than 84%, not one. In fact, with the exception of Medicaid, most health insurance products; Medicare Advantage, Commercial Insurance Products, pursuant to Obama care require an MLR of 85% or above and require rebates if those targets are not hit. These other insurance products have expenses in them such as advertising commissions for agents. Medicaid does not have such a thing in it. Further to highlight the issue, Medicaid pays outside capitation rates for services that are normally provided in Managed Care Programs such as membership enrollment, actuarial services and quality review expenses. While many states have chosen to place minimum MLR's and related rebates and their Medicaid contract, West Virginia has not. A 75% MLR is equivalent to a 25% overhead to cover the administration and profit. Placing the administration and the oversight of this program within the capable hands of PEIA will help address this issue. As you and some of my colleagues are aware Mr. Speaker, many of us have spent considerable amount of time reviewing various aspects of Medicaid's budget and agency operations this session. In doing so we have identified concerns well beyond the few that I have mentioned today. The legislation proposed will address those concerns immediately and promises a fiscally responsible program that provides better a for both the State of West Virginia and the Medicaid program recipients and as my good colleague from Marion County says it is good for God's children and it is good for the State of West Virginia. I support and challenge my colleagues to support me and will be happy to answer any questions you all may have.

DELEGATE PERDUE. Will the gentleman yield? Thank you sir. To my good friend, first of all I applaud heartily how deeply you are drilling down into this problem. For too long it has been my belief that we have been waiting and smiling when we should be snarling and I appreciate the fact that you have bared your teeth and I believe it is very appropriate. But you indicated in your remarks that the current DHHR procurement process is not in compliance with state law. Can you elaborate on that?



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DELEGATE WALTERS. Yes I can. State law was amended in 2013 that requires all state purchasers and contracts to be competitively bid if at all possible. This body, this legislature was clear that DHHR was included in that directive and in fact the 2013 law was part of the legislation enacted to remove the exemption DHHR had been previously provided that it was permitted not to use the Department of Administration Purchasing Division for its procurement including managed care. The 2013 legislation specifically added managed care contracts to the competitive bidding requirement.

DELEGATE PERDUE. So then to follow up a bit on that previous question, I am led to believe that the department has made the argument that its managed care contracts cannot be competitively bid. Is that an accurate statement?

DELEGATE WALTERS. You know I have heard the same statement made that there is rationale for not competitively bidding this Mountain Trust Health Care Program but that argument doesn't hold up. Guidance provided by CMS, by the way for you people who don't know who CMS is it is the Centers for Medicaid and Medicare Services. The federal partner in the Medicaid program provides states the ultimate authority over the approached utilized for selecting their managed care contractors. It includes flexibility and as to the number of contractors the length that you engage them, the means of the selection and the type of contract whether it is risk based or non-risk based. The benefits required to be protected comprehensive or you can select you know service specific services and the Medicare eligible groups and the states geographical in a way as you could do all the state or part of the state can be included in that.

DELEGATE PERDUE. Well you have mentioned that states are the ultimate authority for deciding a specific procurement method. I presume though that there is a federal oversight on how that authority is used. Are you suggesting that the method DHHR has historically used to select contractors is illegal?

DELEGATE WALTERS. No, under the federal procurement guidelines the department uses what is referred to as open procurement process. That

method is not illegal. The majority of states conduct a competitive procurement but few states continue what they call this open application process. The fact is that the open process can be constructed in a way to drive competition using measures other than solely cost such as quality of care services, the relative access to services or the level of innovation that programs for addressing specific populations needs the program population would need as a lever. The rub so to speak is a department's managed care contract...is that they are not being awarded through a mechanism that the state law explicitly requires.

DELEGATE PERDUE. You mentioned a comparison of profits that are reported by our HMO/MCO's, compared to Medicaid programs elsewhere in the country. I understand profit and I believe it's a good thing, but why should we be concerned with what the profit margin is here?

DELEGATE WALTERS. You know I'm not opposed to profits but believe as a body fiscally responsible for state finances we should strive for responsibility... not responsible profits, not exceptional profits, and when it comes to spending taxpayer money, let's suppose that we agree to a 3% profit and keep it in mind that the experience nationally is less than that, and suppose that the profits reported are 10%, keep it in mind that we've seen higher than that historically in our program. The difference between...of 7% allowing a 3% profit as it applies to a 600 million dollar program expense, generally we will have expense in this current fiscal year 600 million dollars, results in an unnecessary expenditure of approximately 42 million dollars at the state's federal match. That's nearly 13 million dollar of taxpayer money, with that kind of money we may not have waiting lists in our program and we may be able to take care of the population that's about to come in without doing tremendous damage to this budget.

DELEGATE PERDUE. Sir, I would only conclude by saying again I appreciate how persistent you are, and I understand because I've been there for years now, how difficult it is to extract the information you need to extract to make effort you've made. I applaud and I hope that everyone here is paying attention. Thank you

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DELEGATE WALTERS. Thank you sir, I will add one final thing, I asked the Insurance Commissioner, yesterday, this question. I said, Mr. Commissioner, you get quarterly reports from the HMO's in your office, do you share those with DHHR? He said they don't ask for them. Also, I asked him, I said in your workers' comp program how often do you get reports on what's going on inside the program? He said daily. This agency needs the reports monthly and they need to act on them and they to ask for them to make sure they have them instead of ignoring them and just going with the HMO's adjusted premium rates. Thank you, Mr. Speaker, Thank you, Ladies and gentlemen.

### MOTION TO DIVIDE S. B. 357

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REMARKS  
of  
MEMBERS  
*February 27, 2015*

DELEGATE MILEY. Mr. Speaker, I move that we, the House, reject House Judiciary Committee Report for S. B. 257. The bill that is written violates Article 6, Section 30 of the West Virginia Constitution having multiple objects contained in the bill. I move that the committee report be rejected and the bill be returned to the House Judiciary Committee and be broken up into several distinct bills and could meet constitutional requirements of a single object to be considered and voted on for the merits of each issue. Mr. Speaker, I ask for the yeas and nays.

DELEGATE FOLK. Point of inquiry. Are we receiving a report for S. B. 257?

MR. SPEAKER, MR. ARMSTEAD. Yes.

DELEGATE FOLK. 257?

MR. SPEAKER, MR. ARMSTEAD. 357.

DELEGATE FOLK. I think he said 257.

MR. SPEAKER, MR. ARMSTEAD. The bill we that we are receiving committee report is S. B. 357 as indicated on the board.

DELEGATE CAPUTO. Speaker, first of all, point of inquiry. If I want to support the gentleman's

motion, it will be shall the bill be rejected. Is that correct and that would be a green vote?

MR. SPEAKER, MR. ARMSTEAD. That is correct.

DELEGATE CAPUTO. I would like to speak to the motion.

MR. SPEAKER, MR. ARMSTEAD. Gentleman may proceed.

DELEGATE CAPUTO. Thank you, Mr. Speaker. Ladies and gentlemen, I would ask that you support the Minority Leader's motion. This bill quite frankly, I believe, violates the single object rule as the Minority Leader alluded to but it needs a lot of work. I mean, it is called the Creating Coal Jobs and Safety Act. Please look at the safety provisions of this act. It rolls safety backwards, ladies and gentlemen. This will be the first time in history that we will be voting on a bill to take coal mine safety backwards in this House. I think compromise can be reached.

Mr. Speaker, please, I call on your leadership to bring the stakeholders together, to bring us together and let us work toward compromise. I don't think we are that far apart but I think it is going to take some work from you and your leadership team to put us in a room, force us to the table and find some compromise on this bill, a bill that everybody can be comfortable voting on, so once again, I rise in support of the Minority Leader's motion and I would ask the members to vote green.

DELEGATE LANE. Thank you, Mr. Speaker. Would the Gentleman from the 48<sup>th</sup>, the Minority Leader yield to a question? Thank you. It sounded like when you made the motion it was based on the single object rule and a potential violation there and then. Our friend from the 50<sup>th</sup> seemed to be making an argument on the merits of the bill that it should be rejected. Is it the gentleman's contention that the motion is based on the single object rule or on the merits of the bill?

DELEGATE MILEY. My motion is on the violation of the single object rule.

DELEGATE LANE. And not the merits?

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DELEGATE MILEY. Not at this time.

DELEGATE LANE. Thank you. Thank you, Mr. Speaker.

DELEGATE COWLES. Thank you very much, Mr. Speaker. I oppose the gentleman's motion and ask that, or I would like to say that, this bill is not unlike many other bills that we see here. The Supreme Court has held that where the Legislature undertakes to legislate upon a particular subject for the accomplishment of a certain object it is competent to embrace within the act all regulations germane to that subject of legislation, which may be appropriate to accomplish the object of. It is only the joining of a one act or two separate subjects of legislation which is inhibited and not the joining of many separate provisions touching one subject and having for their object the accomplishment of one purpose. Ladies and gentlemen, this does not violate the single object. I urge rejection of the motion. Thank you, Mr. Speaker.

DELEGATE FLEISCHAUER. Thank you, Mr. Chairman, Mr. Speaker. I think the gentleman from Harrison gave you the outlines of this issue. This has been litigated in the Supreme Court several times and just because maybe we have passed bills that haven't been challenged doesn't mean that the single object rule isn't violated. There are so many different topics here that are kind of unrelated to each other. There is reclamation, there is penalties for water quality, there are mine safety or lack thereof. It is a huge broad swath of topics that are not necessarily related. This is not all about coal mining. This is not all about water quality and you know if you look at *Kincaid vs. Mangum* case, that is one where the court ruled that the statute that we had passed violated the single object rule in Article VI, and I have litigated, and been successful in challenging legislation before I was in the legislation on the single object rule. I think this is clearly unconstitutional and I think the gentleman's motion is warranted that it be sent back and fixed and divided up in a way that makes more sense.

DELEGATE ROWE. Thank you, Mr. Speaker. I also think that this bill clearly violates the multiple purpose rule that is in the constitution. We deal with water quality standards, penalties

and civil administrative proceedings, court proceedings then we deal with the tracts that are required in mines. We deal with reclamation matters and we eliminate a state agency. The only thing that joins these things is the word coal, c-o-a-l. That is the only thing that joins any of these measures. These are truly, at least, there are at least three to four separate bills in this one bill and I would point out that there was a ruling today from the Chair on germaneness where we had a proposed amendment that affected the same section of the bill just to add coal miners in along with homeschoolers and that was ruled to be not germane. Well, germaneness really comes from the same root principle and that is look if you are dealing in a bill on one subject you shouldn't be allowed to bring in something that is independent. What we did this morning was to have a ruling from the Chair that that simple amendment, in the same subsection of the statute was not germane, was really a statement that...look you are in a bill and you are not introducing anything that deals with the one purpose. So you know we need to be consistent. If we are going to rule on germaneness as tight as it was this morning to exclude anything that doesn't deal exactly with the bill presented, we have got to look at this bill with so many aspects of the coal industry. I mean basically, it's really a coal industry bill and anything that comes under that umbrella is put into it. That is not an omnibus bill. An omnibus bill deals with one particular agency.

We passed a major bill on child welfare agencies where we reorganized. You can do that. You don't have to deal in one section or even in one chapter of a code but you have got to deal with one purpose and the purpose of this bill is it is many faceted and it ought to be broken up into constitutional parts and I think the solution is correct that the gentleman has proposed and that is to send the bill back to Judiciary where we can clean it up. We have the ability to do it and the interest in doing it and then the pieces that appropriately constitute one individual bill can be sent back to the floor. That is appropriate legislative process and most importantly, Mr. Speaker, that is constitutional process.

We control how we proceed in this Body but we have to do it under the rules and requirements of the Constitution and we don't get to decide

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whether we have done that or not. It is the State Supreme Court that will have to decide it. As a practical matter for folks who want to see the provisions in the bill to succeed and be available in the next year or two or three, it certainly seems wise to have those provisions split up into several separate bills so that they won't be considered unconstitutional because it probably will be litigated and we will be here next year before we even get a decision about whether the bill was properly divided or not, so I urge that the gentleman's amendment or the gentleman's motion be adopted. I think it is practical. It is commonsensical and it gives us an ability to do the right thing and to have the Constitution upheld by us rather than having the Supreme Court tell us that we have violated the Constitution. Thank you, Mr. Speaker.

DELEGATE MANCHIN. Thank you, Mr. Speaker. This bill smacks of political implication and motivations. There are many in this body that are very desirous of helping and assisting the coal industry in many respects and in many unrelated respects to that of safety. They are being forced to sacrifice their desire to help the coal industry in certain respects but at the expense of coal miner safety. That's what at issue here. By joining various other unrelated matters that could help the coal industry, they are being forced into voting against coal miner safety and that is improper and that is what the rules are all about with regards to single purpose. I urge adoption of the gentleman's motion.

DELEGATE FLEISCHAUER. Thank you, Mr. Speaker. I would like to explain a little bit more what this single object provision in our constitution comes from. Forty-three states in our country have adopted some form of one subject rule in their constitutions and there are at least three purposes. The primary one is to prevent log rolling and that is a term in the enactment of laws the practice of several minorities, combining their several proposals as different provisions of a single bill and that is consolidating their votes so that a majority is obtained for the omnibus bill where perhaps no single proposal could have obtained majority approval separately. That is one.

A second stated purpose is to prevent riders from being attached to bills that are popular and

so certain of adoption that the rider will secure adoption not on its own merits. I think that is what the gentleman from Marion was referencing and a last purpose is served by the single object rule to facilitate orderly legislative procedure by limiting each bill to a single subject. The issues can be better grasped and more intelligently discussed. The...our court talked about...took references from the debate of our constitution and talked about it. For example, one member of our constitutional convention said if you strike out this provision you can, towards the heel of a session, take any bill whether important or not and make it omnibus to carry through all sorts of schemes tacking them on as amendments. Then the court went on to say clearly the constitutional framers of this state thought it was important for the members of the Legislature to be fully aware of the subject on which they were voting an informed legislature is even more important in modern times considering the complexity of many rules and regulations. I would argue that as we have switched over to the computer, it is very important that we know what we are voting on. It is difficult to access the amendments and the bills. It was a little bit easier when we had our bill books. I think the court...this decision isn't that old, it is 1993...I think they are saying that it is complicated to keep everything straight and that the reason the framers put that in there are that they had a reason to make this requirement, which is mandatory and one thing that we should know here, is shall means shall. This is a mandatory provision in the constitution and I urge adoption of the gentleman's motion.

DELEGATE FAST. Thank you, Mr. Speaker. Sitting on Judiciary...this bill just came out of Judiciary and we spent the equivalent of a full day debating it and working on this bill and now the pending motion seeks that it return this bill to Judiciary and I just counted and there were four proponents now that have spoken in favor of this motion, yet not one word was mentioned in Judiciary about the single object rule or any violation thereof. Mr. Speaker, I believe that Judiciary has mullied this bill over quite thoroughly and I urge rejection of this amendment and we not send it back where it just came from.

DELEGATE ZATEZALO. Thank you, Mr. Speaker. I too rise to urge rejection of this

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amendment. I was on the Energy Committee, and like my colleague, I heard nothing, nothing to even hint that this was an issue. I look up at the board and I see...Creating Coal Jobs and Safety Act. I see nothing in this bill that goes counter to that title and I urge once again rejection of this amendment.

DELEGATE LANE. Thank you, Mr. Speaker. Ladies and gentlemen, as most of you know I take very seriously whether or not something is constitutional and have in the past, for some of you who may be new, have voted against things that I would like to support because I thought they were unconstitutional. I looked at some of the case law around this single object issue earlier today and I can tell you clearly that this is, in my opinion, this is within the single object rule.

The lady from the 51<sup>st</sup> is right. The last case that we could find that was on point was in 1993 and it was the Kincaid case. Let me just read to you Syllabus Point 2, which for those of us that aren't lawyers, the West Virginia Supreme Court is required to make law in what is called a syllabus point. So if it is not in the syllabus point, it is not the law from the court. Syllabus Point 2 for this case says that if there is a reasonable basis for the grouping of various matters in a legislative bill, and if the grouping will not lead to log rolling or other deceiving tactics, then the one object rule in the West Virginia Constitution is not violated. There is nothing deceiving about this bill. There is nothing log rolling about this bill. The provisions are very clear. They deal with either ways to create coal jobs or ways to enhance safety in the coal mines. Now, we may disagree on the underlying merits of whether or not the provisions in the bill actually create jobs or whether they promote safety, but it is clear, by comparing the language of the bill to the title of the bill, that it fits wholly within the single object provision in our West Virginia Constitution. I don't think there is much...you know we don't have to look back too far to find other bills that were comprehensive that dealt with various agencies, various matters but we determined we were able to, as a body, as a legislature, to put them in one bill.

Last year at about this time, we passed the above ground storage tank bill. That was a pretty

far-reaching bill. We dealt with water quality. We dealt with infrastructure. We dealt with inspections. We had planning. We had management. We had DEP. We had the Department of Public Health. We had DHHR. We had criminal penalties. We had everybody and their brother involved in that bill. The reason we were able to do that was because the single object at that time was to create the above ground storage tank bill in an effort to prevent chemical spills that contaminate water. Well if you are trying to do that, you have got to touch various agencies and various code sections to be able to accomplish that goal.

Let's go back a couple years before that. We had the horizontal drilling act that dealt with horizontal wells. It dealt with deep wells. It dealt with surface rights. It dealt with how much timber...how much you get paid when timber is cut, whether there is a severance tax on those types of things. Now if you look at that disjointedly, those seem to be unrelated but when you talk about them under a single object concept of regulating horizontal drilling, and we felt that these were all important aspects of horizontal well drilling, it is clearly within the single object.

Now my friend from the 50<sup>th</sup> is talking about log rolling which is specifically mentioned in the syllabus point. Log rolling as most of us know when you take various subjects that nobody wants, a majority of nobody wants, and you put them all in one bill and you cobble together ten votes here, ten votes here, ten votes here on down the line until you get to 51, and if you put all those unpopular bills together, you might be able to cobble together 51 votes. That is certainly not the case with this bill. These aren't unrelated subjects. They all relate to coal mine safety or coal mine jobs. It is disappointing really that we have to argue the single object of a bill when we have had comprehensive bills that have touched on so many various aspects just in the last few years. I am sure if we sat down and looked through, we could find a half a dozen or a dozen more. At the risk of offering ways to deal with my friend from the 48<sup>th</sup>'s concern, I would suggest that returning the bill to committee is not the proper way to deal with concerns of separating the different matters out and perhaps he could look at 44 and dividing a question.

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Perhaps he could offer amendments to reject various parts of the bill when it is on second reading. What we have I am afraid is that the hand was tipped when my friend from the 50<sup>th</sup> in his support of the motion, talked about the merits of the bill. He talked about the merits of the bill, not the process, not whether it was constitutional but whether or not the merits of the bill should be sent back to Judiciary and end up in the Speaker's Office where there is a group of stakeholders who can hammer out a compromise. It wasn't a compromise regarding how many bills we were going to split it up in and to meet the single object rule. It was a compromise on the merits of the bill before us that is being reported out. It is an argument against the merits which is masked in a procedural motion. Believe me, I appreciate procedural motions. As my friend from the 48<sup>th</sup> knows, being Speaker and Chair of Judiciary, when I was up there, I had a lot of fun with procedural motions and still do. I think you have heard me say many times we have got to take that rulebook out and dust it off and see what happens when we use them. The problem is that this is not. This is not a violation of the single object. The case law says it is not. Our history and practice in the House and Senate and the full Legislature for the last few years says it is not. Unfortunately, my friend from the 50<sup>th</sup> has tipped their hand in his discussion and shown that it is not an argument, a motion based on procedure and whether or not it violates the single object but rather an affront and a disagreement with the merits of the underlying bill. For that reason, Mr. Speaker, and ladies and gentlemen of the House, I would urge that the gentleman's motion be rejected and that the Judiciary Committee's report be received and accepted.

DELEGATE FLEISCHAUER. I don't know if you remember this but when counsel was explaining the bill to him I asked him if there was a potential violation of the single...or the one...that must not embrace more than one subject. Do you recall me asking that one question?

DELEGATE FAST. Actually, there were days' worth of questions and no, I don't remember that question.

DELEGATE FLEISCHAUER. That was one of the earlier questions and I hope you will take my representation that I did ask that question. You

also might recall at the end of our debate that the Chairman asked the Vice Chair for a motion and I thought...and then he indicated he asked for discussion. I did not hear that and I wanted to discuss that. Do you remember that discussion there?

DELEGATE FAST. I remember that debacle.

DELEGATE FLEISCHAUER. It wasn't a debacle it was...he said that he had asked for discussion. I did not hear him say that ....

DELEGATE FAST. No offense intended, no offense intended. I do remember that situation, yes.

DELEGATE FLEISCHAUER. Would you believe me if I told you that I had wanted to raise this issue before the committee and debate it then because I do think it is a serious flaw?

DELEGATE FAST. I would believe that is what you intended to raise if that is what you represent.

DELEGATE FLEISCHAUER. And I have one last question and that is, I want to ask you if you are familiar with the case...I think that is a question....I was going to ask you if you are familiar with the case State of West Virginia Public Service Commission vs. Glen Gainer and if you ....and what the holding that if it would change your opinion, if you knew what the holding in that case was. That case stated, held that an act of the legislature embracing two and separate distinct subjects of legislation both of which are expressed in the title is void in toto, and in that case, concluded that both subjects of the legislation, like in this case, were included in the title of the legislation and that it did not embrace only one subject and it said where the title includes both subjects, embrace in the act the whole act must fall for the very sufficient reason that is improper for the court to choose between the two. Do you think you might have listened if I had an opportunity to make that argument in the Judiciary Committee?

DELEGATE FAST. Let me answer the question with a question. Were any amendments offered on this issue in Committee?

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DELEGATE FLEISCHAUER. Yes.

DELEGATE FAST. There were?

DELEGATE FLEISCHAUER. Amendments were offered to this bill.

DELEGATE FAST. On the single object rule?

DELEGATE FLEISCHAUER. No, there were no amendments offered to that.

DELEGATE FAST. No amendments were offered, so now let me answer your question. No, it would not change my opinion nor my previous statements on the floor a moment ago. No amendments were offered and I failed to see that there is a violation of the single object rule in this bill, so to answer your question; no, it would not change my opinion.

DELEGATE FLEISCHAUER. Thank you.

DELEGATE CAPUTO. Thank you, Mr. Speaker. To my friend, the Vice Chairman, who is full of assumptions tonight and wants to talk about me tipping my hands so to speak. I make no apologies that I am concerned about the safety aspects of this bill. I have been concerned about the safety aspects of this bill from the day it has been introduced. I would love to sit here and just argue the merits of the safety provisions of this bill. That is why I support the gentleman's motion. Let's break it up. Let's break it up into three, four parts and let's argue the merits of each of those parts. I can take it either way it comes out.

To my friend, I respect your opinion and I have heard many of your arguments on procedure throughout my years here and I see you grinning a little bit over there. I think you know we have a good argument so I am going to make an assumption here too. I think you ought to change your mind because of what side of the aisle you are on now because I know where you are I have been there and I can certainly appreciate that. But with all due respect I am concerned about the safety aspects of this bill and I think they should stand or fall on their own merits. I think the Minority Leader makes an excellent point. I think there were excellent points made by my colleagues. You know I have heard people come

to me and say, "You know, I really want to vote for the environmental stuff of this bill but I don't want to vote for the safety stuff and back and forth and back and forth so you know I don't know what the legal term for logrolling is you know. I don't know. I am not a lawyer. It seems like logrolling to me when you put a bunch of provisions in a bill that gather up the votes as you describe. So with all due respect once again, Mr. Speaker, and to my friend the Vice Chair, I think compromise can be reached but I think the only way it can be reached is if we properly divide this bill the way it should be and get back to the table and do what we are sent here to do. Thank you.

DELEGATE ROWE. Thank you, Mr. Speaker. I rise not to speak at all about the merits of the bill that we are considering at all. What is important is that we understand the proper procedure for a legislative process. This morning, everyone observed a germaneness ruling. Now that is under the rules of the body but it is necessary to the one object rule of the constitution. The point is that you can't add an amendment to a bill on child welfare that relates to water quality standards. They are just two different purposed. You can't do that and that is an appropriate germane ruling from the Chair that the amendment is not germane and it shouldn't be accepted but what we had this morning, and I've had some germane rulings in some of my committees, what we had this morning was, we had a very simple bill that allowed homeschoolers to not have to take the GED test in order to be able to get a Promise Scholarship. The amendment very simply was that in addition to that, we would include coal miners as having the same right to be able to file for Promise Scholarship two years after they have been unemployed....

MR. SPEAKER, MR. ARMSTEAD. Is the gentleman speaking to the amendment before us?

DELEGATE ROWE. Yes, sir. Yes, Mr. Speaker, and I am speaking directly to this because germaneness and single purpose are the same thing and I would say to the gentleman who is our Vice Chair of Judiciary that it is very important that we be consistent. If we are going to include the kitchen sink in bills then when we get to amendments stage on germaneness we should be consistent and include things that are

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logically addressed in the bill. That is the only point I would make Mr. Speaker. Thank you.

DELEGATE SOBONYA. Thank you, Mr. Speaker. Will the Vice Chair of Judiciary yield for question? In looking at S. B. 357, I was going through it and I noticed it only pertains to one chapter unless I am mistaken, Chapter 22 which deals with environmental resources, is that correct?

DELEGATE LANE. I don't have the bill in front of me, to my friend, but I believe that is correct.

DELEGATE SOBONYA. The bill that you referenced, S. B. 373 that we did last year to protect our water after the chemical spill, would you agree that it included two chapters; one on public health, which was Chapter 16, and one on it also included another Chapter 22 environmental resources? Is that your understanding?

DELEGATE LANE. Yes, to the lady, I certainly remember last year when we dealt with the above ground storage bill. It was several different code sections, articles, chapters throughout the code. I would point out that I don't know that the case law deals with whether or not the single object is in a certain chapter, article or section, so I would qualify my answers by that. I think it is the subject matter and so we certainly can put two different, if we are talking about children for example and, for example, the bill that we had for drivers' licenses that has a reference in it to health just a moment ago that has references in it to children, drivers licenses, there is some provisions in there deals with schools so in that one code section there is all these different items that could be dealt with. In the bill before us the gentleman's motion is the subject of, in my view it is clear that everything in that bill whether it is in the water quality standards, the rail provisions, the rubber tires, the whole gambit deals with either creating coal jobs or the safety of miners regardless of what chapter, article or section it is in.

DELEGATE SOBONYA. My final question would be is it your recollection during Judiciary this morning that the Chairman asked twice if anyone wanted to make any comments to speak to the bill? Is that your recollection?

DELEGATE LANE. Yes, to my friend. It was my recollection the Chairman asked once, paused asked twice and then moved on for discussion.

DELEGATE SOBONYA. And there was no discussion?

DELEGATE LANE. There was no request at the time when the Chairman requested or offered the opportunity to discuss and then once the question had been put there was a demand for a roll call and then my friend from the 51<sup>st</sup> had requested, had inquired of the Chair as to whether there was discussion and at that point my recollection was that the Chair had informed the lady that we had passed the point of discussion.

DELEGATE SOBONYA. Did you share in my surprise that there was no discussion on that bill?

DELEGATE LANE. I was very surprised that there was no discussion.

DELEGATE SOBONYA. Thank you.

DELEGATE MILEY. Thank you, Mr. Speaker. There is not a whole lot more that I can add to support the motion I've made beyond that which has been stated by, especially the Gentleman from the 36<sup>th</sup> but I can address some of the things that have been raised in opposition to the motion. Starting with the premise that if it wasn't raised in the Energy Committee or if it wasn't raised in the Judiciary Committee then we have waived all right to question the constitutionality of the bill and its multiple objects. Interestingly one of those gentlemen, no offense taken, was a lawyer who made that suggestion but there is no citation to any case law nor could there be that would support that premise. This will apparently, ultimately be decided by our State Supreme Court but to suggest that it wasn't raised in either of the underlying committees somehow waives the right to make something done or do something on the floor is quite frankly nowhere to be found in the rules of this body or in logic. Now, interestingly we are talking about single object of a bill. So doing and so talking about this bill, we always talk about two issues, safety and jobs. That is ...the very conversation suggests that multiple objects if you think it is just limited to just two subject matters. I will agree with the gentleman from the 38<sup>th</sup>. It doesn't matter what sections of



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the code are addressed or referred to in this bill, what matters is what the fundamental purpose of the bill is and whether it has a single object, not addressing multiple subjects. So let's go through what some of those subjects are. By the way, to address the gentlelady's question from the 18<sup>th</sup>, it does touch upon two different chapters, Chapter 22 and Chapter 22a, both of which are very different chapters but it talks about coal waste piles. Not sure what that has to do with jobs or safety but it talks about surface mines. The bill deals with rulemaking for having mine operations placed on inactive status. The bill deals with water quality standards that importantly impact not just mining activities but non-mining activities under the Water Pollution Control Act. It addresses lowering underground mine safety standards. It addresses drug testing of miners. It abolishes the diesel commission. Now keep in mind that Chapter 22 applies to all environmental regulatory requirements relating to solid waste, air pollution, water quality, oil and gas, quarry reclamation, ground water protections among others. Chapter 22a deals with miner's health and safety. Folks, I am not naïve to think how this vote is going to turn out but I think we are all being naïve if we think this will withstand constitutional challenge. In fact, the Gentleman from the 38<sup>th</sup> and I have a friendly wager on the outcome of this legal challenge and perhaps I shouldn't have admitted that openly but in any event, I don't think there really is much question in anyone's mind if they are thinking honestly about this that it does indeed violate the multiple object or the single object rule in our state's Constitution. If we want a bill to pass and ultimately be upheld then I think we need to send this back, break the bill up and address each of the provisions on its merits because there are many.

Mr. Speaker, I appreciate the time you have given not only to me but to my colleagues both on my side of the aisle and across the aisle, and now to address the issue, and I encourage the Members to vote in support of the motion to send it back, clean the bill up so we can pass all or some parts of the bill on their individual merits, not as part of the omnibus bill that so often happens, to stick a lot of things in there some of which we support and some of which we don't. So thank you, Mr. Speaker. I ask for support of the motion and I ask for the yeas and nays.

**S. B. 357**

REMARKS

of

**MEMBERS**

*February 27, 2015*

DELEGATE MILEY. Thank you, Mr. Speaker. Several...at least a couple or few evenings ago, we had a discussion about my belief that the bill is unconstitutional because it violates the single object rule and we had a very spirited discussion on that and the request was to send it back to committee to divide the bill up to make the bill constitutional, that effort failed. But during the course of that conversation, the Gentlemen from the 38<sup>th</sup> I believe it was, invited me to try and divide the bill. Well, pursuant to Rule 44 a member is permitted to call for a division of any question before the vote thereon is taken. Well, we asked the Parliamentarian, yesterday, when the appropriate time to make such a motion was and we were told it was third reading. Now I understand that despite the authoritative nature of our rules that we adopted, that takes...that is much greater authority than anything we have done prior to today, that it is going to be called out of order. But nonetheless, Mr. Speaker, under Rule 44, I move that S. B. 357 be divided as follows, that it be divided in three separate sections: One, a section dealing with environmental and administrative procedures issues as contained in §22-3-13 and 19 and Chapter 22, article 11, section 22a. The second portion of the bill being divided into a section related to provisions that relate to miners' health and safety that are contained in Chapters §22A-2A-101, 402, 403, 404, 404a, 405, 501, 601, 602, 603 and 604 and finally, Mr. Speaker, I move that the bill be divided into a third section related to the repeal of the diesel commission contained in sections 22a....Chapter 22A, article 2a, sections 301 through 310. By doing so, Mr. Speaker, we will make this bill constitutional in my opinion and will give members the opportunity to vote on separate and distinct portions of the bill that are addressed in this comprehensive omnibus bill.

MR. SPEAKER, MR. ARMSTEAD. To the gentleman, I have conferred with the Parliamentarian and have also reviewed though

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our rules...on 135 the.....when our rules are to be interpreted they are to be interpreted in relation to Jeffersonian Rules. In Jeffersonian Manual and the Rules of the House of Representatives, having reviewed those, it is the ruling of the Chair that the motion is out of order under the Jeffersonian Manual and I will read relative portions here...If a matter of one bill would be better distributed to two, any part may be struck out by way of amendment and put in a new bill. The notation states that where it is proposed to divide a bill, the object is accomplished in the House of Representatives by moving to recommit with instructions to the committee to report two bills. The gentleman had made a previous motion to do so. That motion was defeated by the House. In terms of the Rules of House of Representatives, I will also read a relevant clause...The question on engrossment and third reading, under former clause one of Rule 21, is not divisible and in voting on the engrossment or passage of a bill or joint resolution, a separate vote may not be demanded on the various portions or on the preamble. For that reason, it is a ruling of the Chair that the gentleman's motion is not in order.

DELEGATE MILEY. Mr. Speaker, you refer to Rule 135 and it said on any question of order or parliamentary practice, where the rules of the House or the Joint Rules of the House and Senate are silent or inexplicit. The rules aren't silent on that, so Rule 135 shouldn't apply, should it?

MR. SPEAKER, MR. ARMSTEAD. It should because of Rule 44 that in our rules is not clear in terms of how that rule is applied in relation to a dividing of a question....a dividing of a bill into separate sections. The rule relates to a question and therefore I do believe that reference to the Rules of Congress and the rules...Jeffersonian Rules...is appropriate.

DELEGATE PUSHKIN. Thank you, Mr. Speaker. Gentleman, please yield?...Judiciary Chair?

DELEGATE SHOTT. I will yield but I will warn you that I am not a coal miner. I have only been underground twice so if you have specific technical questions I may yield to some other member.

DELEGATE PUSHKIN. Are you a scientist?

DELEGATE SHOTT. I am not.

DELEGATE PUSHKIN. You stayed at a Holiday Inn Express last night? Questions about science...you say that this changes the aluminum standards in accordance with the latest science. That is what you stated?

DELEGATE SHOTT. I did say that, yes.

DELEGATE PUSHKIN. How does it change the aluminum standards?

DELEGATE SHOTT. Well it doesn't....it asks that the DEP, the promulgated rule dealing with water hardness base standard, which I understand, and I am not a scientist, so I will just explain the way I understand it. The hardness of the water can affect the toxicity of the aluminum in the water. The harder the water is the less the aluminum can have any type of toxic affect because there are certain ions that bind to the tissue of the aquatic life that protected from the aluminum. That's the best I can do to the gentleman, not being a scientist.

DELEGATE PUSHKIN. So the harder the water is, the less toxic the aluminum?

DELEGATE SHOTT. The less likely the aluminum will have a toxic affect. Let me put it that way, on the aquatic life. I would defer to any scientist that is in the assembly but that is the way I understand the gentleman's question.

DELEGATE PUSHKIN. I don't think I see any in the room right now...where did we gather this science from that says the harder...the hardness of the water affects the toxicity of the aluminum in it?

DELEGATE SHOTT. I am sorry I didn't....

DELEGATE PUSHKIN. Where is that science from?

DELEGATE SHOTT. I can't give you a cite. That is just a testimony we received.

DELEGATE PUSHKIN. Okay, thank you.

DELEGATE CAPUTO. Thank you very much, Mr. Speaker. I appreciate the member's indulgence and I know there is a lot of people saying right now, how many more times is this

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guy going to talk this year, but you know, Mr. Speaker, when I came down here, I made a promise to the people that I represent that I would always stand up and speak in what I firmly believe in. I made a promise myself that I would never take the easy way out and just go with the flow because I do know how this vote is going to turn out but I don't think that is an excuse to just sit down and roll over when you believe strongly in something. More importantly, I made a promise to my friend who lost her daddy in the Blacksville #1 mine disaster in 1972 that I would speak and I would fight until the end of the day for her, her family and the eight other families who lost victims that tragic day in 1972. Now, we can say what we want and we can justify this vote all we want but to say this is a safety bill is just wrong. If you spent any amount of time in a coal mine, you know this bill does nothing to improve health and safety. We've abolished the diesel commission which was created when we allowed diesel equipment in the mine back in the late 1990s and we have had six members on there who learned through experience the ins-and-outs of putting safe and efficient diesel equipment in the mine from both the industry sided table and the labor sided table, and now, we are handing it over to one man or one woman whoever may be the director. Now, if we get a director that wants to rubber stamp diesel equipment that is what you are going to get in the mine. You are going to get unsafe diesel equipment and for those of you who came here saying you want smaller government, the director said in testimony that he would have to hire at least one, possibly two people, to handle this work that we are using six people on a per diem basis for, for about a third of the cost. We have extended the distance of tracks allowed to be from the working face. Now, you can spin it any way you want but at the end of the day, it is going to take more time to get an injured miner out of the mine. You can say you have that distance through variances now, you can say anything you want, but at the end of the day, if you work in a mine, you know the longer the track is from the face, the longer it is going to take to get that injured miner out of the mine. You know that. We have a variance process now that works beautifully but for some reason the operators don't want the hassle. They don't want to have to go back every year and be reviewed to make sure the process is safe. That is what that provision is about. The one that concerns me the

most...is we have had a law in place since the early 1970s to prevent miners from being in by in the event of a fire of major equipment moves. Now I am not talking about routine rolling stock. I am not talking about everyday equipment that moves throughout the mine. I am talking about abnormal circumstances when major pieces of equipment are being moved that is higher than, wider than normal rolling stock. If you are a coal miner, you know what I am talking about and you know that things can happen when you do that and if there is a fire like there was that dreadful day in 1972 and you are in by that fire you are in harm's way and you know that if you are a coal miner.

Mr. Speaker, since 1983 this state has led the nation in mine fires. In the last 20 years, we have either been first or second in coal mine fatalities. Since 1970, we are tied with Kentucky in coal mine disasters. Today we have another first. It is the first time we have ever voted to go backwards in coal mine health and safety. Now, you can justify it if you want, you may think all these provisions are okay and that is fine but we are going backwards and no one can deny that. You can argue that there is a new technology. You can argue that nothing has happened. You can argue other states but the truth of the matter is we are going backwards. Mr. Speaker, we have tremendous opportunity here. We could have sat down with the industry and the workers and the union and found common ground like we have always done in the past. I have been here 19 years we have always done that. That never happened because the industry has the votes to get about anything they want and I counted votes for eight years as you know, Mr. Speaker, and I know how this vote is going to come out but is that the right thing to do? Because you know I truly believe we weren't that far apart. We could have found common ground that would have made a safe working environment and helped the industry, profit and hopefully put people back to work which is what we all want but we didn't do that. We also had a tremendous opportunity to divide that bill up because there are many members in this House that are torn because the environmental provisions in this bill. We all want to vote for those environmental provisions in this bill because of the rules that the EPA is putting on us now. We want to relax those rules as much as we can so our people can work and

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we can have a vibrant industry. We all want to do that but we also got to vote for health and safety. We are torn. My friends have been coming up to me. "I don't know what to do, I don't know what to do." I said do what your heart tells you. Do what your heart tells you but make no mistake about it, you are going to hear from others and they are going to justify why this is a good bill and I wish we could divide it, I really do because I want to vote for the environmental provisions in this bill. I really do but I can't do that because of the promises I made and what I know in my heart to be right. You know, I don't want to be first in the nation to go backwards in safety. I don't want to look at a newspaper one morning and say, "God, if we wouldn't have done that maybe this wouldn't have happened or that wouldn't have happened. You know I truly believe that the passage of this bill is going to hurt people and I truly believe it will cost human life. Now you may not read about it as an Upper Big Branch or Sago. You know, maybe someone passed away unfortunately of a heart attack and say, "Oh, the poor guy," but maybe he could have got out of the mine a little quicker and could have been saved. I don't know. I mean we don't have a crystal ball but I try to err on the side of caution when it comes to safety.

You guys have heard me for the last three days and those of you have served with me have heard me for the last 19 years. Not one pound of coal is worth the life of a coal miner, not one. There is a balance but we need leadership to bring the people to the table to find that balance and that is what I would like to do but unfortunately, we don't have that opportunity anymore. So I am going to ask the members to vote no because of the health and safety provisions in this bill and the harm it could put miners in and I hope we can address the environmental issues on another day as they should have been separate and distinct with fair open debate but we don't have a choice. So, Mr. Speaker, in closing, I ask once again the members vote for the health and safety of coal miners instead of the profits of coal operators. Thank you, Mr. Speaker.

DELEGATE R. PHILLIPS. Thank you, Mr. Speaker. Will the gentleman yield? Friend, the other day you said you are all about the safety of the coal miner.

DELEGATE CAPUTO. That is correct.

DELEGATE R. PHILLIPS. A couple of years ago we passed a bill, a safety act, correct?

DELEGATE CAPUTO. There has been two or three bills since I have been here, Delegate, but I don't know which one you are referring to.

DELEGATE R. PHILLIPS. There is a section of this bill that is drug testing.

DELEGATE CAPUTO. Yes, sir.

DELEGATE R. PHILLIPS. Why wasn't the drug testing a few years ago the same as it is today?

DELEGATE CAPUTO. Because it was a due process issue. I want to be perfectly clear to you, my friend, I absolutely do not support drug use in this industry or any others but I do believe in due process and a man is innocent until proven guilty.

DELEGATE R. PHILLIPS. But this is a double standard.

DELEGATE CAPUTO. It is not a double standard.

DELEGATE R. PHILLIPS. You had a ....you and your group fought to keep a different process than the regular non-union mines compared to union mines.

DELEGATE CAPUTO. Which companies agreed to. It was a table agreement.

DELEGATE R. PHILLIPS. Our party was in the majority at the time, so they had to agree.

DELEGATE CAPUTO. That is correct but it was a company agreement. Everything that left that table that day was agreed to by management and the union.

DELEGATE R. PHILLIPS. But I don't believe....you know I am involved in coal industry and every coal miner I talk to, union – non-union, believe in drug testing.

DELEGATE CAPUTO. Absolutely. I agree with that, I absolutely agree with that.

DELEGATE R. PHILLIPS. But they don't agree with what we passed a few years ago.

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DELEGATE CAPUTO. Well, the ones I talked to agreed that every man should be innocent until proven guilty because if that man had a false positive or that miner had a false positive, that miner should be allowed to go back to work because they do happen. In instances, there are false positives and that is all that bill done, Delegate, was to make sure that that member, that miner was dirty. If he was dirty, he was gone.

DELEGATE R. PHILLIPS. If I am not mistaken, I think the number is over 500 coal miners that have lost their certification.

DELEGATE CAPUTO. I trust your judgement.

DELEGATE R. PHILLIPS. Not many of them union.

DELEGATE CAPUTO. I disagree with that. I know of 135 in the last two years that worked in the UMWA operations that lost their certification.

DELEGATE R. PHILLIPS. But I am glad this bill is getting everybody on the same playing field because I believe the intent of this bill is to put us on more of a playing field throughout the rest of the mining industry in other states.

DELEGATE CAPUTO. Is that a question?

DELEGATE R. PHILLIPS. Well, it is just a statement.

DELEGATE CAPUTO. Okay.

DELEGATE R. PHILLIPS. Another question. Was it 1903, I think Henry Ford?

DELEGATE CAPUTO. You have to ask Delegate Overington about that.

DELEGATE R. PHILLIPS. Did Henry Ford on his first car.....?

DELEGATE CAPUTO. *(Laughing)* I'm sorry....

DELEGATE R. PHILLIPS. Did he have airbags?

DELEGATE CAPUTO. Again, you have to ask the gentleman across the aisle....no, he did not.

DELEGATE R. PHILLIPS. You know where I am going, the technology, he didn't have seat belts. He didn't have airbags. He didn't have sensors to

tell you when you was going to bump into something. I mean everything...so in other words...look at 1903 A model up to what we are today. Technology has come a long way. You know 1903....in 1969 we put a man on the moon and guess what we brought him home?

DELEGATE CAPUTO. I don't deny that. That is why we need to keep moving forward not backward.

DELEGATE R. PHILLIPS. So technology has brought us forward and I think some of this old language at the right time in '72 was right to do. The equipment of today's time to the early '70s would you agree that they have come a long ways?

DELEGATE CAPUTO. I would but I would also agree it is a lot larger than it was in the 1970s, a lot larger and a lot heavier.

DELEGATE R. PHILLIPS. In the 70's....well but in the 70's you had more men underground too, correct?

DELEGATE CAPUTO. Well sure.

DELEGATE R. PHILLIPS. And today we've got not even a third....

DELEGATE CAPUTO. I don't know what that has to do with the moving of equipment but go ahead, I am listening.

DELEGATE R. PHILLIPS. Well you said technology; we don't need as many men getting the same volume of coal.

DELEGATE CAPUTO. I agree with that.

DELEGATE R. PHILLIPS. There is a lot of good stuff in this bill, it moves us forward, and on the diesel commission, how many other states have a diesel commission?

DELEGATE CAPUTO. Pennsylvania has some kind of commission. I am not sure how it works and we modeled our law after the Pennsylvania legislation because I was here and that was in the late '90s.

DELEGATE R. PHILLIPS. And we were the last two....

DELEGATE CAPUTO. There was two states that did not have diesel at the time and it was us and Ohio.

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DELEGATE R. PHILLIPS. But we were the last one to come on board, right?

DELEGATE CAPUTO. I don't know if we were the last one, Delegate, but we were one of the last. If I recall the debate in the 1990s we were one of two states that did not have diesel in the mines and I can't remember what other state it was.

DELEGATE R. PHILLIPS. But technology is what brought the diesel equipment....

DELEGATE CAPUTO. It is a great thing. It absolutely is.

DELEGATE R. PHILLIPS. As far as the track, how many mines in the state right now use the track?

DELEGATE CAPUTO. Well, I don't have that number. I know most of the mines that I represent in my job have track. I don't know about down here. I have no idea.

DELEGATE R. PHILLIPS. Is there many mines, that under 40" of coal, that have track?

DELEGATE CAPUTO. You told me the other day there was not. I am going to have to take your word for that. I don't know.

DELEGATE R. PHILLIPS. Okay, because the track sits up so far ....

DELEGATE CAPUTO. Raises you up a little bit....

DELEGATE R. PHILLIPS. Yeah, and then you got the flat car and if you put equipment on to it.

DELEGATE CAPUTO. That provision wouldn't affect those mines if they don't have track.

DELEGATE R. PHILLIPS. Exactly, so there is only six mines I believe in the state that has....

DELEGATE CAPUTO. I believe there's more than that but I don't know. The answer is I don't know how many but the answer is, it would affect only those mines that have track.

DELEGATE R. PHILLIPS. Well, but I am going on now, back on the trolley with the track,

because if you are going to have trolley you got to have track correct?

DELEGATE CAPUTO. Yes.

DELEGATE R. PHILLIPS. Okay. There is only six mines, I believe, that has trolley?

DELEGATE CAPUTO. You have asked me three times and I am answering you the same way, I don't know how many mines have that track.

DELEGATE R. PHILLIPS. The mines that have energized trolley wire, are they going to fall under the new move law that we are going to pass?

DELEGATE CAPUTO. Are they going to fall under this bill that we are running right now?

DELEGATE R. PHILLIPS. Yes.

DELEGATE CAPUTO. Yes.

DELEGATE R. PHILLIPS. But they are going to have to pull them in if that trolley is energized, correct? But if they don't....

DELEGATE CAPUTO. If they have trolley.....not if they don't.

DELEGATE R. PHILLIPS. Right. Mr. Speaker, at the appropriate time I would like to speak to the bill. Ladies and gentlemen, it is a no brainer. The west gallery is plumb full of supporters. We have all received emails, phone calls in support of this bill. The people have spoken. The coal miner has spoken. If we are going to move our state forward and be competitive on what has built this state, the backbone of the state, the coal, the coal miner we got to move forward. We cannot not continue to let DC, EPA and other groups overregulate our industry. We have lost jobs after jobs. It is time to step up, swing the bat and let's knock it out of the park. I encourage you to push green here shortly. Thank you.

DELEGATE J. NELSON. Thank you, Mr. Speaker. I am going to rise in support of this bill today and for several reasons I am going to speak about today. But first, I have got a letter from Mr. Shawn Turley, who is a continuous mine operator of Boone County, I want to read to the

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Body, says...I've been an underground coal miner for almost 20 years and, as a underground coal miner, I strongly support S. B. 357. I think if equipment moves should be allowed out...should be allowed by out by men with men working in by...with exceptions of mines with energized trolley wire. I think S. B. 357 strengthens drug testing. I don't think there should be any difference between union and nonunion miners because when you turn the other cheek, someone gets killed. I believe the diesel commission should be abolished. The commission is six men and no one is an expert. No one is certified and we would want them to decide our health and safety? UMWA diesel appointed Commissioner Gary Trout testified that he is not diesel certified and no other commissioner has any underground diesel mining experience. This bill S. B. 357 puts diesel equipment approvals in the hands of mine safety experts at the state mine safety office. The state regularly grants variance of up to 1600 feet from the face of the mine. However, there must be readily available self-prepared rubber tired ride at the track that is beyond 500 feet. Increasing the limit to 1500 seems very reasonable...Signed, Shawn Turley, Continuous Miner Operator, Boone County, West Virginia.

Now that I have read that from a miner in my district, ladies and gentlemen, I want to explain to you that there is never once been a variance that has been denied as far as track is concerned from the face of the equipment and there has to be a rubber tired piece of equipment to get people out and if they happen to have a need to get out of the mine. Also in regards to the diesel commission, again, I want to say it, I said it yesterday, but I want to reiterate that during questioning, we found that basically the diesel commissioner receives packages of equipment. The size of the packages are correct then have to send them to the state mine inspectors in which they have to go out and ensure that these pieces of equipment are in compliance with the law before they can ever be used. Mr. Light said that his agency could indeed handle that.

Another question that has been brought up is the situation with sideboards on shuttle car operators. I used to be a shuttle car operator, and quite frankly, I may go back to being a shuttle car operator one day. What happens when you are

setting underneath a continuous miner and you don't have sideboards on the side of that piece of equipment is coal gets dumped in your lap. It gets dumped underneath your feet where the peddles are, so quite frankly, especially with the fact they are going to have cameras on them, I think having side boards on there, indeed does increase safety because I don't want coal dumped in my lap every time I go to get a load off of a continuous miner.

As far as drug testing is concerned, I am DOT certified to administer these drug tests. I have done that for the company that I currently work for. The accuracy of these drug tests are very, very, very high. So yes, in theory I guess one could possibly be wrong but it would be very, very unlikely. If indeed that does happen, there is a process of appeals to get your cards back. Now, I will be the first to admit that the company could let them go but there is a process to get that back. My friend from Marion, who has worked in the mines just like I have and in that sense I would consider him a brother, stated that the most important thing to come out of a coal mine is the coal miner and I fully agree. I would never, ever, ever vote on a piece of legislation that I thought would put myself, my brothers that I have sweated with in harm's way. I would never do that. As a matter of fact, I told a story about my son Elijah to this Body, I think it was yesterday and I am going to tell you right now my wife is pregnant with our second son and his name is going to be Sawyer and if I thought for one second that this bill is going to keep me from going home to see Elijah, Sawyer or Brittney there is no way on God's green earth that I would vote for it. I have been in the mines for five years and that is not nearly as long as my friend from Marion and definitely not as long as our friend from over there has been in the Legislature. I do have a whole lot of experience working many, many different jobs in this industry and I would also want to tell you that please let's stand up for these guys' jobs. These guys in the west gallery want to go to work and so do I. I want to be able to feed my children just like they do. Let's support this bill. Let's get it passed. Let's get miners back to work. Thank you, Mr. Speaker.

DELEGATE CAMPBELL. Thank you, Mr. Speaker. I am going to talk a little bit about

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something that I have already talked about in this House and I want to make it very clear to everyone here that I do support coal and I do support business and I do support the coal miners. But what I have to remember when I sit in this chair and I talk about coal miners, I have to think of the one that I knew personally. The one the only way I knew him was because he was disabled and he couldn't work anymore because he was injured in a mine. You know what? He was injured at a very young age. He had four children. One of those was my father. Back in the 40s there wasn't much assistance for anyone who was hurt in the coal mines at that time. I just want to let you know that it ....we talk about the coal miner but let's not forget about all the people that the coal miner takes care of who is the bread winner of the family. When that coal miner is injured....what happens? Well I can tell you what happened in the 1940s. I can tell you that there wasn't any assistance. I can tell you all they were allowed to have was a radio in their house. They weren't allowed to have a TV. People came by and checked on them all the time and do you know people were leaving West Virginia? My father left West Virginia at the age of 16 looking for work. My father left and went to Washington, DC at the age of 16 but when my father went to school because his father couldn't work, he didn't have the proper shoes to wear. He was made fun of by other kids and do you know how they heated their house? They heated their house with coal but do you know how they got the coal? They took a burlap sack and went up the railroad tracks every night and put coal in that sack so they could heat their house. I have to stand here and say I do not want to be a disgrace to my grandfather and what he went through and what my father and all of his family went through. If I can prevent one coal miner from being injured, I want to do that. I don't want to go out of here knowing that I might vote for something that I don't have 100% assurance and go home and see something happen and say, "Denise, you voted for that." You know I will say it again, I support coal, I support the business, I understand that we need to make it where it is friendly where we had business that we can get our coal miners to work but I also work in the health care field and the first thing I am taught every single day of my life is, "Denise, assess the situation...is it safe?"

If you are a fireman, if you are a nurse, if you are a doctor, if you are an EMT, if you are anyone before you go into help anybody you have to assess if that situation is safe before you even put yourself into that situation. I just want to say that I myself cannot vote for this but what I want to say is I do want to be sure that everybody is safe no matter what job you have in the State of West Virginia. I support West Virginia. I support the coal miners. I support the business people, but what I want everyone to realize is that you know my father passed away this year and you know he taught me more about hard work than anybody has ever done. But you know my dad was one of those people that didn't get to finish high school because he had to leave and go to work. But one thing that I am the proudest of him, we were talking about GEDs and we were talking about the Promise Scholarship, you know we all want to say what is the price of giving our coal miners an education, well you know what the education that I have is priceless. There isn't a price you can put on education. There isn't a price. Nobody can take it away from you and if somebody can help you gain that education then it's a priceless privilege that someone gives you. But you know what? My dad got his GED the same year I graduated from high school. You know what? I am proud of him for that but I know had my father not had a father that was permanently injured in a mine, my father probably would have graduated high school but he had to leave West Virginia and go to DC to get work because my dad said I will never go into a coal mine because I do not want what happened to my dad to happen to me. Thank you, Mr. Speaker.

DELEGATE HOWELL. Thank you, Mr. Speaker. In 1804 John Moore, my fourth great grandfather wrote in his journal that after a summer or spring rain storm washed out and exposed a vein of coal on his farm. That vein of coal is 14 feet thick. I know you may have heard of big vein or Pittsburgh vein coal. My family began mining coal in 1804...the gentleman from Berkeley may have read about it in the paper. They would take coal by wagon, team of horses over the northwestern turnpike to Winchester, Virginia and sold it to the blacksmiths. As time went on, they began to haul it to Cumberland, Maryland when the C&O canal was completed there so it could be hauled to Washington by canal barge.



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When the B&O railroad was completed to Piedmont...at that time Virginia...which is in my district, they began to haul it to the railhead when it went to Baltimore. My grandfather was a member of the United Mine Workers. I still have family that mine coal. For over 200 years my family has been in the coal business in one form or another. Over that time technology has changed. My mother has a collection of carbide lights. You can see the improvements over the years, how they made the lights safer. I am pretty sure today you would not be allowed anywhere near the coal mine with a carbide light.

The point I am making is, times change. We heard the gentleman from Marion talk about what happened in 1972. It is no longer 1972. It is 2015. It is time we updated these laws for safety. Time changes. Technology changes. We must make sure our coal miners are safe. I support this bill and I hope you will too for the safety of our miners. Thank you.

DELEGATE FLEISCHAUER. Mr. Speaker, thank you, Mr. Speaker. I rise to urge rejection of this legislation. I reside in the county where that explosion took place. Those family members that still live in Mon County are my constituents. I also worked for the United Mine Workers. Twenty years later I was general counsel of District 31 for five years and I was involved in litigation involving fires, several different kinds of litigation where the coal company was trying to reduce the number of people on the fire crew. Those didn't result in fatalities fortunately but it is a very dangerous, dangerous occupation. I remember what the secretary/treasurer of our district said to me one time was that he was in his class of red hats and he looked around the room and he figured which one of us isn't going to be here and he told me thirty years later he was right, several of them did not survive. I want to echo what the gentleman from Marion said; there is not anything in this bill that improves safety, nothing. I can't believe after all the fires and explosions we have had in this state recently, we would...and you know what they are, Upper Big Branch, Aracoma, Sago....that we would ever consider rolling back safety protections. Whatever good there is in this bill, I cannot in good conscious represent the people that live in my county and vote for it because it just is safety is a basic principle and I think that in fact it is in

the Constitution of West Virginia. Article III talks about the happiness and safety of the citizens in two different sections and I think that we have a duty to look out first for the safety of West Virginians and I urge a "No" vote.

DELEGATE MORGAN. Thank you, Mr. Speaker. Would the Chair of Judiciary answer a question for me? Maybe two of us who don't know what we are talking about..... How...this bill originated in Judiciary, correct?

DELEGATE SHOTT. No sir, it is a Senate Bill it came over and passed the Senate by a vote of 26-8.

DELEGATE MORGAN. It was only taken up by Judiciary went through one committee on the House side?

DELEGATE SHOTT. This particular bill that we are voting on today was directly referred to the Judiciary Committee. That is correct.

DELEGATE MORGAN. It is the Creating Coal Jobs and Safety Act, is that what it is titled at least?

DELEGATE SHOTT. That is the title yes.

DELEGATE MORGAN. How does this bill create jobs?

DELEGATE SHOTT. It will create jobs by reducing the cost of mining that will allow expansion of mining. It will create hopefully save jobs by that same factor. It will save jobs by putting the drug testing standards on equal ground so that a miner who has taken drugs will not come back into the mine and expose other miners to that risk.

DELEGATE MORGAN. So like any other business we are cutting expenses so we .....not getting to the safety part right now, but we are cutting expenses so we have more funds to spend to hire other workers or other things it would then be a sort.....

DELEGATE SHOTT. Like any operation, any business, you want to try to be more efficient. You want to try to do things more efficiently and you hope that will save money and you hope that

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that money will allow you to grow the business and hire more people and provide jobs to allow people to earn a living to support their families.

DELEGATE MORGAN. Thank you.

DELEGATE MANCHIN. Thank you, Mr. Speaker. I rise up today for coal but most importantly, and first and foremost, I rise up for coal workers. It would be very easy for me to overlook the rollback in safety that is contained within this act and to vote for it because, quite frankly, if I don't I am probably going to see thousands and thousands of coal dollars come at me again this election saying that somehow I am against coal when all it is, is that I am for coal miners and a fair shake for coal miners. There has been a lot said about this would create jobs and it would cut costs and I went into the committee meeting with an open mind. I said, "Well, we are going to hear something about how much this costs, how much it will save, how it is going to help them in reducing the cost of their coal that they will have better markets....we didn't hear any of that. Asked questions about it, the only thing we got was a slick talking lobbyist with the fancy suit and a fancy tie on who came up and just smiled and said, "Oh trust me, no, I don't have those numbers but it will." That is all we have been doing since we have been here quite frankly. Every time we asked for numbers in this session there is either, "Oh, we don't have those numbers" or "Oh, we will get you those numbers" but those numbers never come. We don't want to be confused by facts this year. We want to do what somebody tells us to do. That is wrong. This bill is wrong. This is a political sham. This bill was put together as a political piece. That is why the efforts to try to separate it, not withstanding clear unconstitutionality have been resisted. Notwithstanding the fact that we get told on one night, "Oh yes it is okay for you to bring the motion to sever the issues for tomorrow," and then the next day, "Oh no you can't sever those today, Jefferson rules won't permit it." Nobody looked at Jefferson Rules when the question was asked. So yes, I am going to vote against this and I will take the political consequences but I know when I go home and I look at the coal miners in my eye that I will never have voted against their safety. I will never have voted for the Coal Mine Safety Roll Back Act.

DELEGATE KESSINGER. Thank you, Mr. Speaker. For the last several years I have had the opportunity to actually work in a coal industry. I work for a contracting company that employs currently around 50 underground coal miners. I have dealt with hundreds of miners over the last several years and the phrase that I always hear, over and over and over, is I just want to work. I will give you some numbers. In the last five years, more than 4,000 coal miners have been laid off. These are miners whose jobs have been taken from them because of the adverse market conditions that are a result of the over regulation of the coal industry in West Virginia. Like the Delegate from the .... from Boone County, I spoke to some people yesterday. I called some of the miners that have come in and that I have talked to over the years and I explained certain portions of this bill and I asked them how it made them feel, if they felt that their lives are going to be in danger in any way. Not one single person felt that this bill was going to put their lives at risk. I have a letter, like the gentlemen from Boone, from a friend of mine who works for Alpha Natural Resources. I just want to share a little bit about what she thinks about this bill. She said...Thank you for standing up for coal miner's jobs and against the liberal special interest groups. Doing what is right is not always doing what is popular. You have demonstrated great conviction by doing so. We all have been beleaguered for doing the right thing for those of their own self-interest in mind. Thank you for representing the core West Virginian. As a single mother working to put her son through college and provide a better life for myself and for him I am grateful for a good paying job, an affordable power bill, health insurance and etc. that the coal industry has afforded me. I can proudly say that the coal industry has paid my mortgage, car payments, bought my groceries, and paid my taxes for 16 years. I say with great pride that I have never had to draw any type of government assistance all because of the West Virginia coal industry. I wear my stripes proudly.

Today, Mr. Speaker, I would encourage everyone to vote in favor of this bill for the 4,000 miners that have lost their jobs in the last five years and for those that will continue to lose their jobs if we don't take drastic measures and create a more business friendly environment for the coal industry in West Virginia.

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DELEGATE MARCUM. Thank you, Mr. Speaker. Friends, I rise today in support of this bill. I want to read something to you. This is from the MetroNews on November 25, 2014. It is talking about the unemployment rate for October in the State of West Virginia. The numbers show unemployment increased in Boone, Lincoln and Wayne Counties because of coal mining layoffs. Mingo County, another coalfield county which I represent, had the highest, and I again say this not proudly, highest unemployment rate in the state at 10.8%. When you drive into Mingo County, for those that have been there, you see a sign that says, "Home of the Trillion Dollar Coal Fields". Friends, my county has carried this state for years. We have put the coal on the ground. We have had the coal miners there and we have helped this tax base for this state for years and I think this bill has a chance to help us get back to work. I am proud of Mingo County. I am proud of Logan County, the two areas I represent. We got some of the best people in the world. When I stand up here and say this, we hear a lot about our coal miners, our timber industry and our gas industry. It is the people of Southern West Virginia that are our number one resource. So when I vote for this bill, it is for those people. It is for those people who are laid off, who are suffering, who have seen their houses go back because they can't pay their mortgage. I am voting for the coal miners of Mingo, Logan and Southern West Virginia who are suffering today. We got a lot of struggles with our federal EPA. They have put a lot of men and women out of work. I feel this bill has the opportunity to help, has the opportunity to give our coal miners a chance to give them hope to go back to work. I worked underground. I have been there. I understand the challenges facing the industry. I understand the rules and regulations that are involved and I came in here today with an open mind. I came in here today wanting to help the coal miners of West Virginia. When I say help them I want to get them back to work and I want to make sure they are safe. So, I came in here with that open mind in hopes of hearing the great debate to lead us all to understand how the coal industry has changed. How things have changed. But more importantly, how things have changed in Southern West Virginia. We can go back to the 80s and look at the statistics. McDowell County, West Virginia, friends, was one of the richest counties in the nation, again I

repeat, in the nation. They had more millionaires per capita in McDowell County, West Virginia. Now go look at it. So when I vote for this bill today, I am voting green for my friends and my family and those who work in the coal industry, those who work in the rail yard in Mingo County who are suffering. This is not an industry bill. This is not a labor bill. This is a coal miner bill, friends. This is a bill that I think we have to vote for. I think it has the opportunity to help our coal miners and their families who are suffering. They are suffering so bad. If you have not been to Southern West Virginia and seen it, I encourage you to just take a drive down the corridor and look at what our friends and our families who are in my back yard, who are in many peoples, sitting right here in this little group I am in now, they are in our back yards. These families are struggling. They are used to living a decent life, going to work, coming home safe and making a good day's wages. So when I vote for this bill, I want to be clear friends, that this bill is for those individuals, those families, those coal miners who many have lost everything and I want to stand up and say today friends that I would never vote for a bill, through my experience as a coal miner, that I feel would jeopardize their lives. I have been there I have done that. I got to enjoy the fruits of a coalbin and I was blessed by that. The good Lord above blessed me to work in an industry when the boom was here and literally we could sell our coal when we had a market for our coal but now what we got to do is pass this bill and help revive that market for our coal. Friends, we got another year and a half or two years until there is time for a new president and hopefully we can undo what he has done to the people of Southern West Virginia. I also hope that this bill...I hope you will vote with me on this bill to help improve somewhat what we can do to help the coal miners of West Virginia. The Obama Administration has done a lot and it is going to take a while for us to undo that, to roll back what he has done to put my friends and my family, my friends and my colleagues down south, who have lost everything and I think we have a challenge ahead of us to rollback what he has done but on the same token we in this chamber have a chance to do something that can help. We can't completely rollback what he has done but I think we have a chance to help. So with that said friends, I am going to vote for this bill. I am going to vote for

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the coal miners of Southern West Virginia. I am going to also bring into this today, the railroaders. We forget about the railroaders and the coal truck drivers in Southern West Virginia who are also laid off. If coal miners go back to work, our railroaders go back to work, our truck drivers go back to work and Southern West Virginia can again prosper.

Friends, I encourage you to vote green on this bill. I also encourage you to let's not stop where we are at today. I encourage you to look at what the West Virginia University of Bureau and Economics says about a House Bill that has been introduced by myself and numerous other Delegates here from Southern West Virginia, H. B. 2166. I encourage everyone here to take a look at that. The West Virginia University of Bureau and Economics has looked at this bill and said this bill will increase coal production in West Virginia. This is one piece of the puzzle. That is the other piece, and Mr. Speaker, I am calling upon you and your leadership team to put that bill on the agenda and let's get it moving because we got one piece of the puzzle here but we got some other pieces that can help our coal miners and I encourage you to take a good look at this bill. We talked about economic impact studies and how they are going to affect things but this bill has already been studied. We know this bill will work. We imported 41% of the 31 tons consumed in West Virginia in 2013. H. B. 2166 will provide a 5% tax credit per ton credit for those who use West Virginia coal in West Virginia. The study found it will work. It will increase coal production because the companies using coal will increase their use of the coal. More coal jobs equals more use of our coal. More coal severance tax and more jobs for Southern West Virginia. Thank you, Mr. Speaker, and thank you members for listening.

DELEGATE R. SMITH. Thank you, Mr. Speaker. You knew it was going to happen. You knew I was going to talk. To my colleague from the 50<sup>th</sup>, who we might disagree on a lot of things but we still remain friends, I feel like after this debate of teaching everyone in here exactly what coal miners do and giving you a tremendous education on coal miners that we should be eligible for the alternative teacher certificate that we just passed a few days ago. I do ask from all

you have heard about the coal mining issues, if nothing else, when you go home and turn on your lights or go in your office and turn on your lights think about these men in the gallery, that is who provides that for us. You know, life is not fair. Some people, life gives them lemons, sometimes you get lemonade.

The Lady from the 43<sup>rd</sup> was talking about her grandparents being injured in coalmines. How poor they was. I am going to tell you a little story about me. My mother raised 7 of us kids until....by herself until she was...until I was almost 9 years old. I can remember having an old coal stove. That is the only heat we had. My older brothers and sisters, we lived along the railroad tracks and they would go out when the coal cars would stop there waiting to switch out. They would go out and shovel coal off the coal cars so we would have heat. Was it right? No, it was stealing but it was survival. That is all we had. I can remember as a kid going to school, torn pants, torn shirts, toes sticking out of my shoes, kids making fun of me. I remember that just as clear, I will be 55 years old next month, and to this day, I can still remember the hurt from being made fun of. I made a promise to myself that my kids, when I grew up and I had kids, no matter what I had to do, my kids would not go through what I went through when I was a kid. In the coal industry if we was poor, education wasn't a big concern. You know soon as you got old enough, you get out and you get a job and you fend for yourself. Yeah, you know I am not saying there wasn't other avenues for education, couldn't afford it but I started in the coalmines. Well I started out at the state hospital....put a plug in for raises for state employees and about starved to death for a year. Then I finally got on at the coal mines. I would go to the mines three or four different mines a week. The one mine that was close to me, I went every day for a month and a half I was at that coal mines asking the superintendent if they was hiring and it was always no, this is 1979. Finally, after a month and a half he said, Yeah, start Monday because you are here every day anyway. So that is where I got my first job. I can remember the first thing I did with my first check was, we had fives and tens back then so you know it has been a long time, I took my little girl who I introduced...she's not so little anymore but she will always be daddy's little girl...I took her to the five and ten

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and let her buy anything she wanted because we could never afford anything. She went through and she got a wheelbarrow and I couldn't tell you what all she ....I spoiled her rotten with my first paycheck from the coalmines. Here is a picture my little girl gave me on my birthday here a couple of years ago. This is when I was first starting in the mines. I am walking to my vehicle with my dinner bucket and she is dragging my thermos with her and walking me to the vehicle to go to work in the mines. She was a year old. I was 19 years old and had hair. This here is that same dinner bucket. I can't carry it any longer because the bottom came out of it. Most of you recognize this from my office. I turn it over and use it for a candy dish now. This bucket, this part of my history, part of my life. I have been a coal miner for almost 36 years and this made it for 33 years of it and I always said when it was done I was done but I am still here and it is retired. But that is who I am. I get up every day between 4 and quarter after 4, go to work sometimes 6, 7 days a week, just the nature of the beast. Has it been an easy life? No. Coal miners in the gallery, are they down here asking us for handouts, food stamps, welfare? Are they asking us for any kind of special favors? No. All they are asking us is for a chance to keep their job, a chance to improve their life.

If somebody would have told me in 1979 or if somebody would have told me in 2009, that I would be in this great House down here, a coal miner, a hillbilly from Terra Alta, West Virginia, would be sitting at this desk under this great dome of ours, I would have laughed at them and asked them what they have been smoking. But what got me down here was people like this, good hard working coal miners who were been under attack by no other than Barack Obama. Started it all. It was his fault that I am here so if you are mad at anybody get mad at him because without him I probably wouldn't be standing here today, I decided enough was enough, and I was going to do something about it. I was going to make a difference so that is why I am standing here today, is to try to make a difference. You know I am getting old. You know I am in the autumn of my coal mining career, I hope. But my son, he is involved in the coal industry. He don't go underground every day but he goes underground fairly often. These men go underground. I have underground men that work

for me twenty some years old. All they want is a chance, is to make a life for their family, to have a job. They are not asking for anything special and I feel we have the components in this bill, is this a cure all problem? No, but it sure is a start. It is sure a start.

You know the reason I went to go to work every day is because my kids and grandkids and family and that is why we all work. It has been said we didn't sit down and compromise. What a lot of people don't know, I think it is four of these bills here originated was mine when I came down here, or three of them because one of them was last year, we sat down and compromised, took things out that I couldn't agree with. I told them right off the bat, that if these was left in I wouldn't be a sponsor on it because I believed in it and I believe if my colleague would be honest, he knows issues with jacks and stuff like that we put back in. You know we put in the sideboards was an issue. We put the TV where we had to put the TV cameras. We added that in there...so we added that in there, so that was a compromise. We put the trolley wire, energized trolley wire back in there because by federal standards, the rest of the country, we were the only state that has the law with trolley wire but we put it back in there. Originally, it wasn't in the bill. It was amended in the Judiciary. It was put back in there with the trolley wire. The stiffest law in the whole United States. No other state has that law in there and this law protects exactly what happened at Blacksville 1972 that was caused by trolley wire and it was a tragic. There is no way in good conscious that I could supported a bill that was still going to let miners in by where energized trolley wire. Energized trolley wire is dangerous. There is no way I could accepted that. We got the amendment in there and it protects energized trolley wire, which was the original intent of this bill because there are so many trolley mines in, so we took care of that.

I've heard that there is no safety in this. It does nothing for our safety. It just takes safety out. To me the drug testing part of it is a huge safety aspect...huge. If you are a coal miner you can ask any of these coal miners setting in the chambers or up in the galleries, you don't want to work with someone that is high, that's on drugs. It don't matter, don't matter if it is a man or a woman, black and white, union, non-union, you

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don't want to work with these people. This bill I drew up this summer because I had UMWA members come to me complaining that there was some people, I'm not going to say there was thousands or hundreds but there was people being sent back underground failing drug testing and they didn't believe that they should have to work with them. Seems simple enough fix to me. That is where the drug testing come, just make it you know, the state Department of Mines handles that, takes... you know if you are non-union you sent directly to the director and they pull your certification. With the unions eventually, most of them do get de-certified. I am not going to argue that point...but not always. My point is, if we put one or two drug users back underground in this unsafe environment, it is one or two too many. All this part of the law does is strengthens this up. It says we as a coal industry. Union, non-union, legislators, everyone, friends of coal are not going to tolerate drug use. Simple as that. Makes everybody safer, puts everybody on the same playing field and makes everybody safer. I mean, I don't know how you can defend that and that is one of the...like I said with the sideboards, putting the side boards back on it, those laws the way we have got it written, would solve if they put the sideboards on, they would have to have TV cameras on it. You know, they make it look like, sound like, sideboards are terrible. They not only..., they say, "Well, you can pile coal up to the roof." Believe me, I was a buggy operator for six years and I piled coal to the roof whether it was sideboards on it or not and it was laying on my lap and all over the ground. Any coal miner can tell you, because you're production oriented, this happens. The sideboards keeps...it creates or stops a violation as far as spillage, which creates combustion material.

All right, I am going to hit on the track a little bit. We have beat it to death...to track variances...they give variances clear up to 1600 feet now...this just standardize the law. I'm not going to....and now instead of having one-man trip you have two-man trips. You are going to have a man trip at the end of the track and you got to have one in by that track. So I feel it strengthens it. We put self-propelled vehicles capable of transporting a man. That is increase in safety. They can't use a wheelbarrow. You can't roll a car down with....or a tire down with a

board fastened to it, you have to have a self-propelled vehicle. The move, which is probably the most moving of equipment, like I said it's mostly federal law. You know that the gentleman was talking about the height and width restriction. Federal law already covers that. Federal law covers that. We have to abide by federal law. It doesn't matter what West Virginia says if you don't have the clearance. A federal law, everyone has to come out anyway. It is not an issue with how wide or how high...federal law covers that and this with us putting this in here about the trolley wire. It strengthens our state law and makes it higher than the federal law. The Diesel Commission, you have heard me talk about the Diesel commission. I know you guys are all Diesel Commissioned out and I am too, to be honest with you, but it took me several years because I have been involved with the diesel commission for several years. It is the best thing that ever happened to West Virginia, is when they started the Diesel Commission and passed these laws and wrote these laws up. I worked in the Maryland mines where diesel was legal. I worked in mines like I said almost 36 years and I have been in diesel since day one so I do know a little bit about diesel and I can tell you when we left Maryland to come to West Virginia with these new regulations it was a Gotsend and I will defend every one of these diesel regulations to the core. It has made miners' health and safety, it's tremendous now because of the good work in West Virginia and it was implemented to create the laws and get everything set up because our state Department of Mines knew nothing about it but now the state Department of Mines basically runs the whole thing. The commission, you know like I said before, the state of the art equipment is sitting outside for 3, 6, 9 months waiting to get approved. They say they have a fix now. I don't know why it took since 1995 to now to get it fixed. My concern is if we don't do anything about it next year we are going to be back in here addressing the same issue and basically they don't do anything now the Department of Mines does it. They have certified diesel inspectors and diesel inspectors will take care of all this, these are....and Mr. White said, "Yeah, he would probably have to hire one more person but he got it as either...I can't remember, it is either 7 or 9 openings that he has got the okay to hire for and he only needs one. He hires one more. He is still

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going to have; you know, 5, 6 openings to fill. These guys are highly trained and qualified. They come to the mines and they do the emissions testing on it to safety testing....they do all the testing these state inspectors, before it can go underground, so it is not like we are throwing something into the director's lap he don't know about. The director is not going to take care of this. You know how...it is like saying the Governor takes care of everything in the government. You know you have people that take care of this stuff and so does the director. The bottom line, as I said, I have been a coal miner and I will be a coal miner. Like I told you when I am done here on Saturday, Monday I will go back underground. There is not one thing I would do to hurt myself or my colleagues. I told you the story the other day about losing the best friend in the coal mines, how his little girl climbed up on my lap with a photo album of her daddy...ripped my heart out. April the 8<sup>th</sup>, 1990 is when he got killed. I remember it every year. It was on a Thursday before turkey season came in on Monday and we was going turkey hunt.....we was going out Friday morning to...the day after he got killed....we was going out that morning to listen to turkeys to try to locate them. But, to this day, this little girl is 29 years old now and when I see her I tear up. I can't hardly talk to her. It hurts me to even look at her because she looks so much like her daddy. So to say that I don't care about coal miners, the only thing that I am worried about it company profits, whatever. I could care less about company profits. They are going to make a profit. Right here is what I am worried about, right here. We are not friends of coal we are coal. Everyone in here is probably a friend of coal, I don't doubt that one bit or most of you but couple of you I am wondering about but most of us are not against the coal miners, you know what I am saying. We are coal. We live it and breathe it. You get a ....talk to coal miner that has been retired for 30 years and the only thing he wants to talk about is coal mining. They can't wait to get out and then when they get out all they want to talk about is coal mining. I mean, I know my father-in-law is a retired coal miner and when I would go to see him, all we would talk about is coal. Some of you remember when I first came down here when I was first elected. I was on a knee scooter because I had been in a mining accident. I broke my foot; I broke my ankle;

crushed my heel; smashed my leg; broke my shoulder; couldn't use crutches and I was on a knee scooter and you try to get around this capitol with all these steps on a knee scooter and I will tell you it is not easy. So I know a little bit what I am talking about. I know what sadness is. I know what ....is it dangerous? We pass this bill...is it dangerous...yeah it is going to be dangerous if we don't pass this bill, still going to be dangerous. All this does is bring us in line with technology. Some of the Delegates here I had the opportunity to take underground and if anyone wants to go underground I will make it happen. They was amazed by the technology. They could not believe the technology, computers, everything was run by computers. Remote control you know. There was people. Manual labor, there was still a little shovel and everything you know. Your miners run by remote controls but the technology is unbelievable. I think about when I started in '79 until now. The technology. They monitored everything from outside on computer screens: your error, your volume of error going through the mines, if your CO monitors, if there is a fire, your communications. They can you know the days of us being able to lay around in one place don't happen anymore because they know exactly how long you are staying in that place. They can't do nothing about it but they know you are there so the technology, you know, with all due respect to my colleague, because he feels he is doing what is right for his men for the coal industry. The tragedy was in his district. We talked about this. I know how he stands on it and I respect his opinion on that and if I was in his shoes, I would probably be the same way but I am not. He made a statement last night that he represents 3,400 hard-working coal miners and I would say he does a good job at that....little bit too good for me but he does a good job. But the bottom line is we are here to represent every coal miner in this great state of ours to do what we can do to make sure that they have got the chance to go compete in the market and to go to work and stay safe. That is our job. We represent everybody not only coal miners like the colleague said, truck drivers...it goes clear down to convenience stores. Some convenience stores in these mining areas that is what they rely on. My colleague, stopping and buying Copenhagen, you know a beer after work or two, our economy, especially in the southern part of West Virginia

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and the northern part rely on coal miners and like I said before we are not asking for handouts we are just asking for a fair shake. That is all we are asking for is a fair shake. I know I got a little long winded and I am about done. But right here is the regulations we have to face now. We are not taking any of these regulations away. Here is the Federal Mining Regulations. We are not changing a thing in this book, not a thing in this book. I have to know these regulations. Ignorance is no excuse from the law. This is a federal book. I have to know this. I am a section foreman now. I have been a section for the last year. I have to know this book in and out. When a federal inspector comes out, I got to know what the law is. I don't have any choice. I don't even like to read but guess what? I have to read. This is a West Virginia state law-mining book. I got to know this whole thing. This is here to protect us. This is here to protect these men. We doing away with these? No, we are changing a few things and modernizing, bringing them up to date. We are not taking any of this away. The Diesel Commission, yes, it is in here but we are turning it over to the West Virginia Department of Mines. That is what that agency was made for, for the coal mines to regulate the coal mines. The laws stay in place just under the Department of Mines. So it is not like we are throwing the coal miners out in the trash. When we leave here these laws are all still in place. They can...the feds and the state can add a law anytime they want to. It doesn't have to go through us. It doesn't have to go through Congress. If they go to a mines and they see something wrong they can add a variance or where...in our coal mines is an inspector come in and they thought man trips was trolling each other too close so they just wrote a new law that says we have to be 150 feet apart. If they see a danger, they address it right then. They don't need the authority of the President or MSHA they can do it themselves and we are abided by it. So I don't want you to think we are just throwing the coal miners under the bus. All we are doing is giving them a fair shake. So for these reasons, I ask that you put your political aspirations behind you or whatever it is and stand up for these men in this gallery and this man in this house and pass this bill. Thank you, Mr. Speaker.

DELEGATE MILEY. Thank you, Mr. Speaker. Would the gentleman, the Chairman of Judiciary,

yield for a question please? I wasn't in the Judiciary Committee nor was I listening in but was there anybody who provided any facts or figures as to the cost savings per ton of coal the passage of this bill will accomplish?

DELEGATE SHOTT. No. We heard in general terms, how this would make operations more efficient would be better for production. Allow the mines to operate and more efficiently and hopefully keep the employees they had and add employees to it.

DELEGATE MILEY. Thank you. May I speak to the bill, Mr. Speaker? Thank you, Mr. Speaker. I don't have a lot to add beyond what already has been said but I think we need to slow down a little bit and really look below the surface. The Coal Mining Jobs and Safety Act that does about 7 or 8 different things. As my colleagues have heard me say, the bill is unconstitutional and I believe it will be declared unconstitutional because it violates the constitutional requirement that a bill only address a single object. But it doesn't do that. What it does is, it has a fancy sounding, very publicly appealing name that does a number of things. Now some of the things it does I don't see how it could have an impact on the cost of mining. If non-union mines already have the drug testing policy that is here in the bill it won't change how non-union mines are operated with regards to that aspect of the bill. If we have these mines who have already been given variances and who have apparently routinely get variances as far as the distance of the track from the face of the coal this bill won't have any effect on the cost of doing mining operations in those circumstances. If they have gotten the variance and the track is already 15-1600 foot back from the face, this bill won't cause that mine to save any money because apparently they are already saving the money.

Now what I fear that we are doing is creating a lot of unjustified expectations. We brought a lot of miners down here and let's be candid with each other. Who is against coal? Who is against coal miners? Who is against coal miner safety? I would challenge any one of us to raise our hands if we are against coal miner safety or against coal or against coal miners. The fact is that none of us are. But to spite my belief and my strong belief that this bill will be declared



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unconstitutional, last night we had a chance to make amendments to the bill to see if the bill did exactly what it is being proposed it would do. I had amendments that would say well if this is a coal jobs bill let's have an economic impact statement to study what effects this law will have on the creation of we are saving of coal mining jobs. While I had a few members of the opposing party support my amendment that was soundly rejected. Why wouldn't they want you to know how many jobs are going to be created? Wouldn't we all want to know that so we can come back here and say see we told you so. In that same amendment I asked for a study by the Office of Miners' Health Safety and Training to come back a year and half from now at the end of 2016 and every year after to let us know if the effects of this piece of legislation if that passed and if upheld has had any impact on the safety of our miners. Seems like a reasonable question to me if we really truly care about the health and safety of our miners. Had a few members of the opposing party support that amendment but it was flatly rejected. Why wouldn't anyone want to know what effect this legislation would have on the health and safety of miners? If you wanted to know, if you truly wanted to know you would have supported the amendment but we want to proceed in blissful ignorance and continue to perpetuate this myth that somehow this bill is going to create coal jobs and enhance coal safety. When I submit to you I strongly question whether it will do either, in fact I don't think it will at all. There is a lot more I could go into....there is not much more I could add to what people have said I certainly don't have any coal mining experience to draw from. I certainly applaud and respect to those that do but I am concerned we are passing a bill that creates unjustified expectations that will never be met. I have heard several buzz phrases around here this evening, or this afternoon I should say, about coal and coal jobs. We haven't even heard the cost savings per ton as to what this bill will accomplish. Wouldn't you think....you can measure man-hours saved by activities in the mine that you do or don't have to do as a result of this bill. You can measure that how many man hours, combined man hours does it take to stop the mining operations, move heavy equipment and then bring the miners back in. You can measure all of that. This is the 21<sup>st</sup> century. You can measure all that. We can measure what effects is cost savings...the

environmental aspects of the bill will have. We can measure how much it cost to lay track. We can measure all of that. That is how you come up with the cost per ton as far as how much it cost to mine a ton of coal. If it really were to going to save that kind of money to reinvest back into creating jobs I think we would know that. We don't have that information. It was conveniently not provided. Now we can blame a lot of things on the coal mining...the conditions of coal mining in our state and they really are devastating, no doubt about it, but there is a lot of factors contributing to that, that won't ever be addressed by this bill. We are going to be addressing a bill here in the next few days that is going to make it more efficient to drill for gas. A competing energy source. Might that have some impact on our coal operations? Perhaps. Our coal exports are down. They don't have an EPA overseas. They don't have EPA overseas so you can't blame the EPA on our exports being down. So my point is I think we all need to be honest not just with ourselves but the people we bring down here who we all respect and applaud for the hard work they do. I would never, ever .....I will be frank with you, I would never want to go down to a coal mine. I just wouldn't and those who do we can't pay them enough. We can't protect them, enough but my fear is, we are misleading them in believing that this bill is going to be the cure all for jobs in West Virginia. I introduced someone yesterday who repurchased a mine in Wyoming and McDowell Counties, Jim Justice, and is going to put 150 miners back to work with a hope and expectation that within 3-5 years there is going to be 300-500 miners back to work. He didn't have to wait until we passed a bill or not to do that. So to suggest that this bill is the lynchpin for opening the flood gates or hiring miners in West Virginia is just wrong and misleading in my opinion and I am sure we have differing opinions but he certainly didn't have to wait for that to happen.

This bill is being used as a political ploy so that those of us who vote against it for the reasons I have stated, that primarily it is unconstitutional and I think it does enhance or excuse me decrease safety, will be accused of being against coal miners and the coal industry generally and nothing could be further from the truth. Mr. Speaker, thank you for the opportunity to stand up and address my colleagues and

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address the members in the galleries who are here today but I will be voting against the bill.

DELEGATE GUTHRIE. Thank you, Mr. Speaker. Ladies and gentlemen, I am from Kanawha County and we in my district have an awful lot of coal mining. I respect coal miners and their families more than I can tell you. It is a hard job and if I could take away the anger and the hurt and the intimidation of folks who have worked in those mines, suffer on a daily basis, and suffered generationally, I would do so in a heartbeat. But like my colleagues have mentioned, I don't believe that this bill addresses any of those wrongs nor do I believe that this bill is going to make one miner any safer. We have a law on the books that has been there since 1972 and it hasn't failed. There is a saying around these chambers, if it ain't broke don't fix it. This is a law that is not broken. I know a lot of you on the other side of the aisle would like to make it seem as though we are out of touch. That new modernization... it makes everything that we try to do about safety and caring for others somehow obsolete and outdated but I am reminded about the day that I walked into this chamber after our last explosion. After the last miners were not able to be taken out of the mine because of negligence and I thank God for every one of the safety measures that we do have on the books and so we all know how this is going to turn out.

The young lady over on the other side of the aisle was talking about how proud this one person is to not have to be on the public dollar or take public assistance and I get that. That letter is going to stand you in good stead until that mine blows up and that person can never write another letter. I think that what the gentleman from Marion tried to say all along and at the very beginning of this discussion is, "Let's err on the side of caution." Please for God's sake, let's err on the side of caution. I love every one of the miners in my community and I love their families and their children and their great grandchildren and all of the young people who will follow along them in that proud but very dangerous profession. We have never made coal mining easy in this state and the communities that have had the most of it have received the least. I think the least we can do is to stop trying to fool people into believing that somehow, if you put a creative name on a bill, creating coal jobs and safety acts

while you are gutting safety and try to pass that off as a good piece of public policy, I think you insult every miner that goes into a mine and their families. It's 1:30, the Year of Our Lord 2015. Two thousand fifteen, and we are about to roll back mine safety. When the next explosion happens and you know you voted on this bill, I want to look at your faces. I want to see what is in your heart then. Thank you, Mr. Speaker, for the indulgence. I will be voting no on this bill, too.

DELEGATE MOFFATT. Will Delegate from 48<sup>th</sup> yield for question? Just a few questions. The drug issue, the cost of having a drugged miner working side by side, I think that does address safety, would you not agree?

DELEGATE MILEY. I am not going to agree that there are miners working side by side, one of whom is high and one of whom is not, because they are all drug tested. If they test positive they are taken out of the mine.

DELEGATE MOFFATT. The extra that goes in the paperwork creating variances, does that cost anything? The personnel, the reviews, the processing....

DELEGATE MILEY. I don't know. But wouldn't you think we would have liked to have known before we voted on this?

DELEGATE MOFFATT. So you believe it is free?

DELEGATE MILEY. I said I don't know, but if there is cost, could you give me what it is?

DELEGATE MOFFATT. I am sure it varies by miner, by mine.

DELEGATE MILEY. That is what I thought.

DELEGATE MOFFATT. Do you see increased efficiencies by this bill?

DELEGATE MILEY. In what way?

DELEGATE MOFFATT. By not shutting down the mine, not moving everything out....

DELEGATE MILEY. I mean...is there going to be increased efficiencies in certain aspects of

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what this bill does? Perhaps. I didn't say otherwise. What I asked for though was the cost savings that is being attributed to this bill and the jobs will be created as a result of those cost savings.

DELEGATE MOFFATT. I may have misunderstood you. I thought you said you didn't see any cost savings and those would just be common sense cost savings I would think.

DELEGATE MILEY. No, what I said was there is clearly manpower hours that could be calculated when you stop and figure out what you're losing and maybe perhaps now not losing, by having pulled men in and out of a mine as you move heavy equipment. Clearly manpower as you can calculate in a cost savings. My question has always been is what savings? Are we talking about.. and is it really sincere savings or we going to create jobs? And, if we were really interested in knowing that information we would have had it all in our fingertips because easily calculable.

DELEGATE MOFFATT. Your amendment though... insisted on the university studying it when the...if you actually talk to the coalmines they can probably provide that information for you once these savings are realized.

DELEGATE MILEY. Well, the amendment nearer to the rule that I think you supported, calling for an economic impact statement to be done by two of our state's universities which I assume, when they do their research in forming their opinions, they reach out to coal mine operators and any resource they can find to make informed decisions.

DELEGATE MOFFATT. Okay, I'd like to address the bill. Thank you. I think it is clear all this... from the southern states... see the pain, see the agony, see the issues...if we can reduce costs and save mines we are voting for it. It is not a safety issue. We don't specify in our regulations how many times we feed the mules and how often the mules have to be changed-out because we don't have mules in the mines anymore. We have trolley wire in six mines in this state. It has been addressed. I am not going to beat a dead horse here. Thank you. Please support the bill.

DELEGATE KELLY. Thank you, Mr. Speaker. I am not a coal miner. I have been in a coalmine one time. I went through the exhibition mine in Beckley when I was in high school. It is probably not a real good example of what a coalmine is and how it really works but that is the best evidence that I have as far as a coal miner goes. Those of you that do know me know that I am retired from industry and more specifically the chemical industry. During my time in the chemical industry, I spent more than 30 years there. Six of those years, I was chairman of department safety committee. Our safety committee, five of those years, was determined as a world-class safety committee or safety department. We obtained that world-class safety designation because we kept our safety rules updated and from time to time, we went through and changed those rules that were obsolete. I think that is, what this bill does today is changes some of those obsolete rules today. For that reason, I stand in support of the bill. Thank you, Mr. Speaker.

DELEGATE ZATEZALO. Thank you, Mr. Speaker. I, too, rise in support of this bill. Many of you have talked to me about my background. One thing I have to say, that Mother's family comes from a small coal-mining town named Duncanwood, Ohio, which isn't there anymore. It was a model company town, complete with a central town pump and I have pictures of my mother and her sisters walking back from the town pump with the water that she used in the house. They also used to walk the tracks to get coal, which Goodyear the company, was more than happy to have them use to help heat their house. I come from a steel town and of course, that steel town is Weirton where we had 13,000 workers in 1969 when I played football. Now I have one thousand people in that mill and probably dwindling. I came to this Body because I felt that I could help with some of the issues that surround coal...surround gas...because I particularly think that is going to be the renovation of this state.

Energy is the driving engine for the economy for this state. There can be no doubt about that. We need to nurture it but for anybody in this Body that thinks this bill or my good friend from the 23<sup>rd</sup> and Mr. Marcum, they are... look at 2166 is that correct? Which I will be looking at

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pretty...bill for using West Virginia coal in West Virginia. I think that needs a definite look because every little piece of the puzzle that we put together is going to add up. Can I tell you that this bill is going to be the economic driver for the State of West Virginia? No, but it surely, surely is going to help and it is my wish that as we use energy to go forward we work together on these issues get them done one at a time and build the future of West Virginia on those blocks and this is one of them. I urge you to vote yes, thank you.

DELEGATE SHOTT. Thank you, Mr. Speaker. I can assure you that my passion will not match what you heard here today. There certainly is a place for passion and there certainly is a place for compassion but for those of us here that aren't directly affected by the coal industry on a daily basis, and when I say directly affected, it don't have to enter coal mine, don't have to know a loved one is entering a coal mine, don't have to have been in a coal mine in the circumstances that these gentlemen have to be in on a daily basis. It is also a time for quiet and careful reflection as to what the effect of this bill will be. I have heard two reasons, today, that we should vote against this bill. One of them is it might set unrealistic expectations. Frankly, that is a first for me I have never been asked to vote against a bill because it might create unrealistic expectations but apparently that is one of the reasons it has been offered today that we shouldn't vote for this bill. My question to you is, "Who is better, who is better situated to judge the expectations that this bill will produce? The coal miners who work in the mines on a daily basis and are familiar with how the details of this bill will be implemented or someone like me who is a lawyer or someone like the former Speaker who is a lawyer? Who is in a better position to tell you how reasonable these expectations will be when this bill is implemented? The other issue that was mentioned was safety or perhaps more accurately the lack of safety and I think my good friend has indicated that there are no changes to the regulations that this bill will produce. No changes whatsoever. No abandonment of regulations. The federal regulations will be unchanged. The state regulations will be unchanged. But we will modernize the regulations in terms of the practices that are prevalent in the industry today. I find it very

disingenuous to suggest those people who work in the coalmines are not concerned about safety. It is also just defies common sense to suggest that these individuals, these gentlemen you have heard from today, that not only go into the mines but depend on the mines to work, would take a chance on a bill like this and risk their lives and the lives of their friends and family. If you examine the safety argument, it all boils down to a horrific event back in July of 1972. That appears to be, I have heard the word lynchpin mentioned today, that appears to be the lynchpin of the safety argument. One thing wasn't mentioned and if you read the information that the Gentleman from the 50<sup>th</sup> distributed, you will know that in fact there was a law in place at that time, the same law that will be in place when we adopt this, this act that required directing men to work only out by whenever a continuous miner was being moved. That law was enacted not after the tragedy, the tragedy at the Blacksville mine, but before it happened and the problem there that caused the fire was not that there wasn't a law, it was that the law wasn't being followed and, of course, we all know we can adopt all the laws in the world here, if they are not followed, they don't do a bit of good. So representation that was made that this law came along after the Blacksville mine fire is not correct. There was a law in place, it simply was not observed. But I tell you something else that I noticed, if you go beyond the materials that were supplied, if you look at the MSHA investigation at the mine, there is some interesting findings and I am going to read these from the findings if you will bear with me a minute. Keep in mind there were nine people that died tragically on that day from the smoke produced by fire that came in on a piece of equipment that came into contact with electrified trolley wire. Let me also remind you that the law that we would be passing today would require that men be out by when equipment is moved in the presence of electrified trolley wires. So in other words, if the law we passed today was in effect at that time and followed there would have been no fire. Here is what the report says. The foreman in forward in the A-2 section and the forward in the A-3 section were contacted by telephone about 8 p. m. and 8:30 respectively. Reportedly, there was no smoke on either section at that time. Keep in mind the fire started around 7:30, so these gentlemen were contacted in one section at 8 and

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another section at 8:30. According to the statements received, the fire burned for at least 45 minutes before smoke was detected on the A-2 section and at least 60 minutes after the fire started...at least 60 minutes after the fire started, smoke had not been detected on the A-3 section. The report goes on to say the foreman and workmen in the A-2 section and the four workmen in the A-3 section were approximately 2,200 feet and 3,600 feet in by the origin of the fire respectively. There were at least two separate and distinct travelable passageways maintained to assure passage at all times of any persons including disabled persons and were designated as escape ways. Here is the key. There should have been sufficient time for the persons in A-2 and A-3 sections to escape had they been instructed to do so immediately when the fire started. So when I saw that, I asked my friends who are here today and in the coal mines, what is the difference in communication equipment between 1972 and today? I was told basically that it is a difference of night and day, almost an Alexander Graham Bell difference between your cell phone and the first phone. What men have today, is each of them have their own personal communications device. There is often communications devices on the equipment and so had this happened today there would have been ample time with the communication devices that are available today to warn those men and have them use the escape way that was available for them and they probably would not have suffered the harm, the terrible harm that they suffered. Now that doesn't change the fact that they died a terrible death. I am not trying to say that. What I am trying to say is things change, technology changes and the question is, do we allow something that happened 42 years ago, 43 years ago paralyze us from accepting and embracing the changes as they come and adapting our systems, our methods of operation to that change? Ladies and gentlemen, this bill modernizes mining in this state and it enables our coal mines to remain competitive, actually to become competitive because right now they are not. They are not. We have, much more stringent requirements on the coalmines today in other states and this bill will put us back in the ball game. It will give us a chance to ward off the attack that is coming that is pushed upon us. This is not a partisanship bill as I said. Earlier in the Senate, the vote was 26-8, half of the

Democrats in the Senate voted for this bill and to suggest that they aren't concerned about the safety of the miners that live in their district, to suggest that Senators Kirkendoll, Laird, Miller or Palumbo, Plymale, Stollings, Williams and Woelfel are unconcerned about the miners that lived in their section, frankly, I think that is insulting. I think that is insulting. It is as insulting as to suggest the gentlemen who serve us here in the Legislature, that are coal miners, would dare risk the safety of their miners. When we look at this dispassionately and with careful reflection there is no basis to vote against this bill. There is no basis whatsoever. There is no change in safety. In fact, there is improvements in safety in various ways, not the least of which as has been said several times, it is the fact that we are going to reduce the chances of a miner who has been taking drugs from returning and jeopardizing the life of his brothers in the mine. There have been safety enhancements in availability of rubber-tired vehicles at the face of the mine or near the face of the mine to transport miners out. This bill improves our chances, and our miner's chances, to keep their jobs and our mine's chances of staying in business and Mr. Speaker, I urge passage.

### H. B. 2478

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#### REMARKS

of

**HON. JOE STATLER**

*February 27, 2015*

DELEGATE STATLER. Thank you, Mr. Speaker. This is another bill that is going to take money away from counties choosing for growth. I will start off by thanking Chairman Nelson and also Vice Chairman Ashley. They've listened to me over the past week whine and cry around about this and what it is going to do and I certainly appreciate the generous time they have given to me. I am asking for your help here tonight.

Under Code §8-19-4, in 2003, we, Monongalia County, negotiated a contract with Longview Power Plant to build in lieu of taxes, and in that section of code it says it is not subject to state or county taxes. We went on that belief, working with Steptoe and Johnson, that this money would be set aside separate from any

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money that comes back from the state in the State Aid Formula and it has up until now. Now we need to balance the budget so we know everybody is looking for money and I give everybody credit for that. We all want to save money where we can as long as it is not in our back yard and that is what I am here for tonight. It is my back yard. We are building new schools and remodeling schools constantly in Monongalia County because we do have growth and we do have an excess levy in place now. We have a bond in place now. So we are doing everything at the local level that you would ask us to do to keep up with this growth. This money is part of the budget in place for 2015 and 16. As the Delegate said earlier, and as you all know, the way the code reads now, I believe it's Monday or maybe tomorrow or Sunday, I don't know what day it is that you can no longer move your personnel within the school system because it is closed. So they are simply going to lose and I will get to that, in the other counties about \$1.7 million out of their budget that they are going to have to figure out where that money will come from next year. My fear is we got a new elementary school that is now on the drawing board, I can't say that that is going to happen but it could be in jeopardy. We are not the only county in this predicament.

There is eleven of us that is in lieu of taxes that is what we are talking about and I would like to read those off: Berkeley stands to lose \$2,250,710.00, Brooke \$15,250.00, Kanawha \$5,845.00, Mercer \$6,884.00, Monongalia \$1,788,501.00, Nicholas \$115,348.00, Pleasants \$385,561.00, Raleigh, \$36,896.00, Upshur \$10,593.00, Wetzel \$338,268.00 and Wood \$74,330.00. It is a total of \$5,694,190.00 that we are talking about so it is...so what I am asking for is for you to consider this. I know we are coming to the well and we are double dipping here. We ask...we just got growth money but believe me people, we need it. We are growing. We got to build those schools. We can't simply allow them to stand still. So with that, I ask for the right to close and I would ask for the yeas and nays on this. Thank you.

I thank this body for giving me time to speak. I will tell you I am just an old farm boy, that turned out a coal miner and I know what is right and wrong and I know we negotiated a deal and

where I come from when you negotiate a deal you ride the deal out. Just because things has changed, times got worse, you don't go back and try to take that money back, you simply change the formula how you done it. You can call it redistributing, whatever you want, but it still comes down to the same thing. It was a deal that was negotiated by Monongalia County Schools and a county commission. The worst thing about all this is going to be, you can take the school board's money and I guess I shouldn't say this, but the county commission is going to get to keep their money, so if you look at it, we would have been smarter, looking now, to said, "All right county commission, take all the money, then if you have any extra just give us a little." We didn't do that. We set up and negotiated a contract the way we felt it was supposed to be done. As I stand before you here now, I know I have one vote for this. What I am asking for is nothing. I am not asking the whole Body to join in with me, just 50 of you, just 50 is all I need, so if you could find it in your heart, you know this amendment allows us to continue to do what we should encourage counties to do, is look for ways to work and help themselves. That is what we are all about is trying to find a way to help ourselves and that is simply what we have done in 2003. We saw a need, we saw that we had growth coming and we couldn't go anymore out and ask more bonds we simply bonded all the money we could bond and our voters said yes we will support that. We took an excess levy. We asked for the excess levy and it makes up 24% of the budget for Monongalia County, and two years... and we got to go back for that again and ask for that. When we start losing this kind of money down here, then I can tell you when I go back to the voters of Monongalia County and they say, "What did you do for me?" I will say I gave away \$1.7 million of your money and that is basically what I can tell them. So you know with all this said, I am just asking you here tonight to join in and allow a contract, as any of you would do, that has been negotiated and it was negotiated by code in the law and approved by somebody in this body somewhere. It wasn't me. It is Code §8-19-4 and just honor that code and allow it. Now, if we want to change it, as I said, and change it, then change it down the road. Don't change it in the middle of the stream. With that, I thank you very much for allowing me to speak.

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### COM. SUB. FOR S. B. 361

REMARKS  
of  
MEMBERS

*February 28, 2015*

DELEGATE TRECOST. Thank you, Mr. Speaker. Real quick, I just want to tell everyone that you know three times in my family's history, my immediate family's history, we have received social benefits. One was when my mom's mom died when she was four, my dad's dad died when he was eleven and right now my mom is in a nursing home and we do get help and we are very appreciative. She worked in a workforce for 40 years to get these privileges. I talk about my mom because growing up, my mom on Sunday made a big pot of pasta sauce because we knew we were eating pasta every Sunday. She put some in the refrigerator for later in the week and she would freeze some because you never know because noodles were cheap. But, we didn't have the economic impact that I have as a union worker. We ate out because it was somebody's birthday. We ate out for anniversaries. Now I don't want you to think we weren't happy....I was fed, I was clean and more importantly I was loved. Me and my brother had a wonderful home but at the same time, now that I am a union worker on a budget living Friday to Friday, me and my son have the privilege that we go to dinner because we are hungry. We buy new tires, not because they are bald but because they are worn. Within our budget sometimes we walk through the mall and we buy new clothes because we like them. Now growing up I had one blue suit. All my friends had the same blue suit. We didn't know any better. We wore it everywhere and anywhere for anything. 45,000 people in the State of West Virginia right now are prevailing wage workers. That is .25 of 1% of West Virginian's out of 1.8 million people. 52% of West Virginian's right now are at some sort of social benefit. That is 925,000 West Virginian's, some of them are like my mom....they need our help and anyone that needs our help we will gladly give it to them. But today, today, we are going to choose to find a problem in the 45,000 people that aren't asking us for help. We don't know how to get the 52% of people that are asking us for help down....we don't know how to

do that. We don't talk about that. We don't know how to get that number down but by God, we will find out how to take 45,000 people and blame them for our problems. Do we not deserve the right to earn a living that means we don't have to depend on the State of West Virginia? Do we not deserve the right to earn a living that we don't need to deserve....rely on Washington D.C.? Is it a problem that we want to give to our charities? Is it a problem that we want to give to our churches? Have we not earned the right to not be dependent on anybody? Have I not earned a right by going to work and working in the cold and working in the heat and privileged to stand along people that do it every day and send my son to college without anyone's help? How about the fact that I have the privilege to do something my parents did because of me and my brother. I have the privilege to save. I am preparing to save so that I can retire and not work until I am sick and in a nursing home because that is what my parents did for me and my brother? They never stopped working. I would like to stop working. The reason I am able to stop working is because I have the privilege of making a fair income. Now, if there is problems with the prevailing wage that we need to fix, sure I am willing to do that but to blame the problems in West Virginia on prevailing wage...help me understand why we are focusing on 45,000 that we're not having to support instead of the 52% of 925,000 people that need us. Why are we focused on the 45,000 that aren't dependent on us? I hope you will vote no on this bill and for reasons you can see to me are very personal. Thank you. Thank you, Mr. Speaker.

DELEGATE MANCHIN. Gentleman from the 56<sup>th</sup> yield?

MR. SPEAKER, MR. ARMSTEAD. Gentleman yield? Gentleman yields.

DELEGATE MANCHIN. Now to the distinguished Chair and my friend, I am trying to understand the full effect of this bill. First and foremost what I understand this bill to mean is that from this day forward instead of projects that are built by the government with government money that are 25, I think was the threshold, maybe it is \$50,000 but from that point up to 500,000 those will no longer be governed by prevailing wage, is that correct?

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DELEGATE HOWELL. \$500,000 is the new limit.

DELEGATE MANCHIN. No matter what happens, all those projects between the old one...was the old number \$25,000? Am I remembering that correctly? Or \$50,000?

DELEGATE HOWELL. That would be to let a contract through purchasing.

DELEGATE MANCHIN. Alright, so from \$25,000 to \$500,000 no longer governed by prevailing wage, correct?

DELEGATE HOWELL. That is correct.

DELEGATE MANCHIN. So they can pay minimum wage the lowest they can ...they can bring in workers from out of state that will work for nothing on those projects and that will now be allowed, is that right?

DELEGATE HOWELL. They could also bring in Union workers from out of state or from in state union workers. They could pay a lot higher wages if they want. This does nothing but set wages.

DELEGATE MANCHIN. Could you tell me how many projects we have that fall in that range every year?

DELEGATE HOWELL. Changes from year to year. We do not have that data. We also know that there are projects that are on hold, a lot of municipalities...

DELEGATE MANCHIN. Tell me for any year can you tell me how many projects we have in that range?

DELEGATE HOWELL. We don't have comprehensive data for all public authorities.

DELEGATE MANCHIN. So can you tell me how many workers are going to be....well first of all can you tell me how many contractors are going to be affected by this bill. How many small West Virginia businesses who are in contracting are going to be affected by this?

DELEGATE HOWELL. I could not tell you how many more contractors are going to be bidding.

DELEGATE MANCHIN. Can you tell me how many workers are going to be affected by that measure?

DELEGATE HOWELL. I am not sure how many more workers will be employed.

DELEGATE MANCHIN. So we have not done any study to determine what effect it will have on the working families of West Virginian's small businesses engaged in construction that provide these services for these government projects, is that right?

DELEGATE HOWELL. We can only go by the word of the contractors across the state that said they are not bidding on state contracts especially the small ones because of the sheer amount of paper work trying to calculate it and those workers are losing jobs to big out of state contractors that come in here.

DELEGATE MANCHIN. Well I certainly have gotten plenty of letters from small contractors but let that be put aside. So in terms of those over \$500,000, do we know how many projects that we have that are over \$500,000?

DELEGATE HOWELL. Again we don't have a full list of all the various agencies that let contracts.

DELEGATE MANCHIN. Okay, so we don't know any of those things do we? But what we have decided is that somehow prevailing wage rates right now are too high and that what we are going to do is we are going to find another way to recreate those prevailing wage rates, is that right?

DELEGATE HOWELL. Based on the available data we have, they are not calculated correctly currently. We are coming up with a new system to calculate them with Marshall University and West Virginia University to make sure they are right and this legislative body through the Joint Committee on Finance will have oversight of that process to make sure it is done correctly.

DELEGATE MANCHIN. Now thus far at least for the 12 ...what for the 14 years that I have



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been here this prevailing wage has been created by sending out a survey to every contractor in the state, is that right?

DELEGATE HOWELL. Yes.

DELEGATE MANCHIN. Those surveys have been returned to the state and the Department of Labor has taken what numbers were reported in those surveys and that is how they have calculated the prevailing wage rate, is that correct?

DELEGATE HOWELL. Partially. Not all of the surveys are returned so we get an incomplete picture. However, Workforce WV using Bureau of Labor Statistics and other data will get a more complete picture so it will be more accurate.

DELEGATE MANCHIN. Well I assumed that those numbers are created off of surveys also, right?

DELEGATE HOWELL. It is required reporting it is not voluntary like our current system.

DELEGATE MANCHIN. Okay, so, but in any event we are going to change this without even knowing whether the rates are too high, whether we are paying too much we are going to change this law for those projects between \$25 and \$500,000 even though we don't know at this point whether those rates are too high, correct?

DELEGATE HOWELL. I don't think I can answer the way you are trying to get me to answer it but we are going to have more accurate data and it should be a truer number than what we currently have. The system we have now is flawed.

DELEGATE MANCHIN. So can you tell me why we have decided to go ahead and make the prevailing wage inapplicable to all these projects although we don't know how many there are or how many businesses they will affect or how many workers they will affect we have decided that we are already going to go ahead and knock those out of prevailing wage even though we don't know for sure whether prevailing wage is high. Why would we make that decision before we even have the information back that you are seeking to get?

DELEGATE HOWELL. We want to be competitive with other states, it also was dealt with, with negotiations with the stakeholders in this.

DELEGATE MANCHIN. Well, I understand but I have seen some statistics but I will talk about that later. Thank you for that information to the gentleman.

DELEGATE FLUHARTY. Thank you, Mr. Speaker. I rise in opposition to the S.B. 361 and in support of the hardworking men and women seated in our gallery today like my father who has been a hardworking electrician. The people who build our schools. The people who ensure we have a strong infrastructure and, Mr. Speaker, they are not even the ones I am hearing from the most. I am hearing from their employers, their employers back home in Ohio County. We have a great relationship between business and labor. All these letters I am receiving, for instance the Ohio Valley Construction Employers Council representing over 400 contractors...they don't want this bill...400 contractors, that is 400 contractors. That is a lot of business owners. We know about small business. We hear about it all the time come November and they usually vote red. They are reaching out to me and saying why are the people down here doing this? JD&E up in Wheeling, been in business for 90 years, 90 years and they are telling me local companies like ours will find it hard to compete for projects with a low bid mandate. We will be undercut by companies from outside our region resulting in lost business not only for our company but also for subcontractors, vendors and employees. So they don't want this, the employers...the employees surely don't want this. I am wondering who exactly does ...who wants this bill? Who is pulling the strings down here? That is what I would like to know. I will tell you who is going to benefit the most...prevailing wage, the only people prevailing from this are going to be out of state workers, out of state companies coming in underbidding, taking jobs away from hardworking West Virginians that live here, that pay into our state on a daily basis. I am having a hard time with this because, as we have learned by my good friend from Marion County, doesn't seem like the facts have been laid out. I feel like we have a great story. This isn't policy, this is public relations. We are down here selling a

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story, much like we sold other stories this legislative session. We sold stories for deliberate intent. We sold stories for tort reform. Non-stop, no facts, never let the facts get in the way of a good story. I am tired of stories. We are down here for policy. We are down here in the House chamber, the people's chamber for the people of West Virginia, not for the US Chamber of Commerce. They are the ones pulling the strings. We will start doing real policy. I rise in opposition. Thank you.

DELEGATE FERRO. Thank you, Mr. Speaker. Make no mistake this is a total repeal of prevailing wage. Lowering the threshold from \$1 million to \$500,000 is not a compromise at all. What that does it makes us the highest in the nation tied with Maryland in that regard. Obviously I rise in opposition to this bill because what it does it cuts wages, it reduces safety standards for workers and potentially puts local contractors out of work. It makes West Virginia open for business, open for business by opening the door for cheap substandard labor and undocumented workers. We heard a lot of testimony in the public hearing that I was at the other day and all most to the person these gentlemen, these contractors, these business owners said that union workers were highly trained, they were skilled, they were drug free, they did background checks and as one contractor said prevailing wage allows us, the business owner to invest in them. Also, in the committee meeting I was in they talked about a survey and the delegate from the 3rd alluded to this, if I did a survey the survey that I got I received six letters from contractors telling me to repeal prevailing wage. I received 59 letters telling me to not repeal prevailing wage in any way and these came from business owners, they came from school systems, they came from hospitals in my area and that is what I look at right there. Ladies and gentlemen these people up here they are the hard working men and women in West Virginia. They are my friends. They are my neighbors. A lot of them I saw the other day were former students of mine and they have been successful in getting a good job and being able to take care of their families and buy things for their families. They live in our communities. They are the ones that buy houses. They buy cars from local businesses. They buy groceries. They coach our youth teams. They participate in civic activities.

They send their kids to the local schools that they build. They go to the local churches. They eat at the local restaurants. They go to our local doctors, hospitals and physical therapy facilities. They pay personal property estate taxes on their wages and on their homes and on their vehicles. These hard working men and women have a stake in our local community. There in this whole thing is the group that is trying to eliminate prevailing wage are the ones that own these same car dealerships that they buy their cars from. They own insurance agencies that they buy their insurance from. They own flower shops, convenience stores, restaurants. They own all the businesses that these gentlemen and ladies spend their hardworking money on. I just want you to consider that, that what you might be doing if you own a local business, you might be cutting your own throats a little bit because these hard working men and women may not have the means now that you have cut their wages approximately, from what I have heard, about 30% to buy from your local businesses and again Mr. Speaker I urge rejection and I will proudly vote no on this bill.

DELEGATE MORGAN. Will the gentleman from the 56<sup>th</sup> yield? Thank you to the gentleman from the 56<sup>th</sup>. Yesterday, I think it was, we voted to approve an amendment rather lengthy with lots of sections, three or four pages, having to do with this bill which came from Government Organization. On page 3 of that amendment, beginning with line 9, there is a section that is completely removed from the bill as it came from the Senate as I understand it and replaced by the section that is in this amendment. Is that correct?

DELEGATE HOWELL. Yes.

DELEGATE MORGAN. And then the bill that is in the system that I am looking at on my magic box here on my desk does not reflect that change, is that correct?

DELEGATE HOWELL. It does not.

DELEGATE MORGAN. Then could you explain to me the meaning of on page 4 of that amendment there is a section B added that says any legislative rule in effect prior to the effective date of this article implementing the provisions of this article is hereby repealed. What is it we are repealing?

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DELEGATE HOWELL. That would be the Division of Labor's calculation method. It is because we are coming up with a new method through Workforce WV therefore that would no longer be needed.

DELEGATE MORGAN. When would that be repealed?

DELEGATE HOWELL. When the bill becomes law.

DELEGATE MORGAN. Is it not, has it not been general practice to allow the new law simply to repeal the old law without a special section that calls for repealing the old law?

DELEGATE HOWELL. It is actually repealing the rules.

DELEGATE MORGAN. Well the rule then. Would we not normally just have a new rule and the old one would be repealed?

DELEGATE HOWELL. I am told that the reason for the repeal is because the old rules would conflict with the new rules being that they are in different sections.

DELEGATE MORGAN. Will you to the best of your ability, and to your attorney's ability, state that this would not in any way affect any prevailing wage that is in effect until September the 30<sup>th</sup>, which I think is the extended date assuming that date is asked for?

DELEGATE HOWELL. They would remain in effect until July 1 unless an extension is granted and they can extend up to September 30. So the existing prevailing wage rates would remain in effect during that time frame.

DELEGATE MORGAN. Thank you.

DELEGATE HICKS. Thank you, Mr. Speaker. I rise in support of the elimination of lower wages in this state. In fact, we have a lot of hard working people with us today that has spent years of training and working in conditions that, that it would be almost inhumane to work in. They work in cold weather, snowy conditions. They work under adverse circumstances to say the least. To repeal wages that have been established

for many, many years for these people would be a slap in the face. I can't believe this bill is being brought before the House today. These people are like everyone in here. They are hard-working West Virginian's. They have kids to raise. They have mortgages to pay. They pay taxes. These people just want to work and get a fair wage just like anybody else in this state. If we repeal the prevailing wage we are going to see a loss of income to not only our citizens but we are going to see a loss of money going into our state, county and local tax municipalities. I have, like several of the gentlemen received more than 100 letters not from union contractors but contractors that have had decades of experience. Non-union contractors, all the union and non-union contractors are worried about this bill. They want to maintain like everybody else in here and enjoy a comfortable life and they employee people who in turn pay taxes, contribute to the economy of this state. I urge rejection of this bill, thank you.

DELEGATE GEARHEART. Thank you, Mr. Speaker. Two requests....first I would like to request consideration of Rule 49 as a licensed contractor in the State of West Virginia that occasionally does bid and receive contracts for jobs that involve prevailing wage, I would ask for your consideration. Could I speak to the bill please? As I have mentioned, I am a contractor and I am the smallest of the small contractors in the State of West Virginia. I can say unequivocally that the jobs, the people that are employed, to do work for my company on contractors jobs, their wages are altered by this prevailing wage rate. A wage that they are happy with, that is readily negotiated, and everyone is satisfied with and is changed for the specific individual jobs that we may take. Now raises a certain amount of discontent because someone that may make a different higher wage or a lower wage, all of a sudden we have a singular job out of a group of jobs for private contractors where someone, out of many, all of a sudden gets a pay raise for one specific job. It makes it extremely difficult. I would also mention to you that trying to provide a certified payroll for people that have different wage and benefit rates than what might be typically offered is an undue convenience.... inconvenience on a company like mine. I would also mention to you that I contract on occasion with public jobs in other states, have recently

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received some jobs in Virginia. A considerable amount of distance from my home and we have done the work. The cost of the jobs of comparable jobs that I do in states without a prevailing rate wage are considerably less than those that I do here in the State of West Virginia. In other words the taxpayers in those other localities are paying more for the same laborers. I don't change to get different laborers because there is a different rate involved they are just simply paid more. So the cost of the projects paid by the folks here in WV, the taxpayers in WV is considerably higher than those that I pay in other states that don't have that mandated wage and they are in fact receiving the same product and the work is being done by the same individuals. As such it would appear to me by not repealing and changing this rate that we are doing an injustice to the taxpayers of the State of West Virginia. As such I would encourage adoption.

DELEGATE ELDRIDGE. Thank you, Mr. Speaker. I too rise for Rule 49. I am a contractor as well and sometimes do bid on jobs. Haven't gotten very many of them but I do bid on them. Can I speak to the bill? I rise today and ask in hopes of rejection. I think it went through the committees. We have tried to make it better, I mean, just the \$500,000 threshold I thought to me was very high for our working people in West Virginia. It is tied with the most highest rate in our nation other than Maryland. It has been a great concern. I have a lot of letters. I didn't bring mine in here today and count them but there is a folder full of them all across the state asking do not repeal. These people up here in our gallery today could have been at home enjoying a little TV time from a hard week's work spending it with their kids, family....they know this bill is going through....they understand. I think the working dog has been awakened. A lot of people don't have a chance sometimes to enjoy their family because of all the hard work they do. I know I don't. I usually work 6-7 days a week. You've got to do what you've got to do to put clothes on your kids and food on the table. When opportunity arises you got a good job, you work it until it is finished. You don't work four days a week, you work until the work is done. I understand that. Now we are changing the rules because we think, not we know, but we think they are being paid too much. To me that is a

slap in the face. You know I really can't stand up here and say a whole lot that others haven't said. I do know these are the people that live local, buy local and little bit extra money they got they have become a middle class and they do go out and buy a little better truck. Maybe they can get out of the Ford Ranger and get into the F250. So they are the ones that pays the bills in West Virginia. They are the working people. It has always been on their back and now we are asking we are going to change the rules. Haven't had five or six people to call or send me letters said change this legislation....I have had thousands contact me to ask me to help kill this bill. I tried....but the train keeps moving forward. So today I urge everybody in here to vote no on this as I will. Thank you, Mr. Speaker.

DELEGATE DEEM. Thank you, Mr. Speaker. I want you to know first of all I am not opposed to prevailing wage. I am just opposed to the way that it is being done. You know the prevailing wage is a result of what is called the Davis-Bacon Act which was back in before 1920 or something like that and they had a \$2,000 threshold at that time meaning that every work was done with federal money had to pay the prevailing wage. Consequently, a lot of states like West Virginia adopted a prevailing wage....and to dealing with the prevailing wage.....Father Hacker who is from southern West Virginia and brought suit on this prevailing wage and he said West Virginia prevailing wage is a good law, however, the way it is calculated he has a problem with. That is where we have a problem with the way it has been set. Legislation simply... originally a wage determination should base at least 40% of the labor engaged in the trade. However, 1961, when the legislature assumed that 40% provision by empowering the Labor Division to use its own discretion into determining prevailing wage investigation. I looked this up on Wikipedia, however you see that word in the dictionary, and it says most recently prevailing wage has become known as code word for union wages, as no smaller interpretations identified just...so union wages has been the benchmark. Now Father Hacker is an independent consultant, also said that without prevailing wage West Virginia could invest...in 2007 the Division of Highways spent over \$600 million....Hacker said proof of prevailing wage would find 500 more laborers a year and resulting

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in 25 additional miles of road at the same price. Now the.....when the Labor Department and we change...and the Labor Department too recently and the gentleman from Marion had a fit about the change but we changed instead of not only representing labor but industry too which is the way it should be. Now as I understand this bill, we are not eliminating prevailing wage. We are under the opinions and methods that calculated, which is intended to really represent what minimum wage throughout the state is. As I understand it, Workforce WV will, I guess, put it into effect with consultation with WVU and Marshall University and that will then become law. I believe the chairman of the committee could amend this...or speak to it...I believe there is oversight by legislative committee before that newer prevailing wage can come into effect. Would the gentleman yield, is that correct?

DELEGATE HOWELL. The legislature does have oversight before any new one comes into effect through the Joint Committee on Government and Finance.

DELEGATE DEEM. Okay, thank you. I have had, like all of you, a lot of people calling me in my office and by writing and so forth and one of the things the union people brought up to me which I agree with is that they don't want residential to be melted in with commercial because as we all know commercial rates are much higher than residential. I think that is an unfair discrimination against union workers. It is my hope that the organization responsible for putting things into effect, the prevailing wage of West Virginia, will take that into consideration that union and commercial wages are a lot higher than residential wages and I hope that the people in the audience will be satisfied with what they get because it is not my intention as a member of this Body to cut their wages. Thank you.

DELEGATE SKINNER. Thank you, Mr. Speaker. If the Chairman could yield? Thank you. Did the committee look at the cost savings benefits or detriments for what would happen if the wages of workers go down and the impact from that?

DELEGATE HOWELL. We did no analytical studies.

DELEGATE SKINNER. Did you see any data? Did anybody present any data of what would happen if you lowered the workers' wages?

DELEGATE HOWELL. Workers were represented at the meetings. They provided no data.

DELEGATE SKINNER. Well I mean did anybody provide data that showed that impact?

DELEGATE HOWELL. Nobody provided data.

DELEGATE SKINNER. Did one of the things as the body has heard we are building a lot of schools in the eastern panhandle.....did anybody look at the impact of what would happen to the cost of school buildings with or without prevailing wage?

DELEGATE HOWELL. Based on the information we had most school projects are over \$500,000 and under this bill they would be bound by the prevailing wage.

DELEGATE SKINNER. But even if they were bound by the prevailing wage, did you look at whether in the prevailing wage states or the non-prevailing wage states whether there was any impact on the building?

DELEGATE HOWELL. We don't have the calculations yet until the law passes to make those comparisons.

DELEGATE SKINNER. Were you all aware of the study that actually took a look at the projected costs on school buildings in West Virginia versus non-prevailing wage states including, I think, they used Ohio, Virginia, North Carolina....?

DELEGATE HOWELL. Nobody provided that in any of the committee hearings.

DELEGATE SKINNER. I am looking at a study by Michael Kelsay. We have economic impact from the repeal of the prevailing wage law in West Virginia and it looks specifically at this problem. Were you told at all that in the non-prevailing wage states ...those three that I just mentioned....the average per square foot school building construction cost was \$215 but that in

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West Virginia right now it is only \$209 per square foot? Were you all told that?

DELEGATE HOWELL. That data was not presented at our meeting. Who prepared that?

DELEGATE SKINNER. It is a study by Michael Kelsay.

DELEGATE HOWELL. Which is?

DELEGATE SKINNER. Were you told about secondary school costs that in non-prevailing wage states they are \$228 per foot but in West Virginia it is only \$205 per foot?

DELEGATE HOWELL. Without knowing what that data included West Virginia's includes fringes, the new one was going to include fringes so....again I am not sure how this would help.

DELEGATE SKINNER. The other thing....this is the last one that I was looking at in the study. In the non-prevailing wage states, were you told that it is \$402 per square foot but that in West Virginia the prevailing wage projects on University projects were only \$344 per square foot, nearly \$60 less per square foot?

DELEGATE HOWELL. Again, this data was not presented to the committee. There was ample opportunity. Members asked questions, nobody came forward with this.

DELEGATE SKINNER. Do you think it would be a good idea to study this kind of data before we make such an enormous decision like this and cut the wages of thousands of West Virginia workers?

DELEGATE HOWELL. I don't think this data would be useful at this time because it has not been vetted. The study you are citing.

DELEGATE SKINNER. How much time would you need to vet it?

DELEGATE HOWELL. Don't need any.

DELEGATE SKINNER. What?

DELEGATE HOWELL. Don't need any. There was ample opportunity to present this. All sides

were at the bargaining table. The stakeholders were there. This information was not presented.

DELEGATE SKINNER. I have just been told before we came here that this information was distributed to everyone. Did the members of the committee not look at it?

DELEGATE HOWELL. You would have to ask the members of the committee. We had people come up. We asked for people to come up to explain stuff. Nobody came forward....or at least nobody came forward that represented the state I should say.

DELEGATE SKINNER. Thank you and I would like to speak to it, Mr. Speaker. Thank you. I look at the data here, the actual evidence that we have and it is cheaper to build a school in West Virginia with the prevailing wage we have right now than it is in the states that don't have a prevailing wage. What are we doing? Why are we doing this? The Gentlemen from the 3<sup>rd</sup> got it....who is pulling the strings and why and where is this money going to go? I got all those letters. I couldn't believe it. I am not a contractor. I don't know about this stuff....yet I started getting all these letters from contractors, from the job creators saying don't do this...don't mess with the prevailing wage in West Virginia. This is good, this gives our workers a living wage....a living wage. I spoke to a contractor....I spoke to a contractor who bids on public projects in the eastern panhandle and I said what does this mean to you? He said it doesn't really mean anything, doesn't matter to me, you know the workers want to be on the projects. Of course they would rather be on these projects than on private projects but this is how they make a living wage. Doesn't affect that contractor's bottom line. What it does affect, it does affect....are the people who deserve to get paid...this is our money, our moral obligation. I mean are we really going to start bringing in the contractors from Texas? From Mexico? From wherever? Are we going to let our people thrive and be able to spend money? Where is the data? There is nothing. We haven't had the evidence. It is all anecdotal. It is not fair. We make a decision like this and we talk about it hasn't been vetted. I asked, "Why do you need to vet it?"..."We don't need to vet it." I don't know a lot about this guys, I don't. I been trying to find out. It doesn't add up. The only

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person it adds up for is not in this room, they are listening in. They can't wait for this vote. You are on the menu. I am a no.

DELEGATE MCGEEHAN. Thank you, Mr. Speaker. Would the Chair yield for a quick question? My question is, if the prevailing wage was truly prevailing, why would we need a law? Seems like a little bit contradictory.

DELEGATE HOWELL. Is that a rhetorical question?

DELEGATE McGeehan. Little bit, yeah. Thanks for your question. Would the gentleman from the eastern panhandle yield, too? You mentioned Michael Kelsay, PhD. Economist, in the study he did. Are you familiar with Michael Kelsay's background and what he studied and what his school of thought is in economics?

DELEGATE SKINNER. I don't know.

DELEGATE MCGEEHAN. I am, he follows the Keynesian School of Economics which is a bit of flawed logic, so I question the validity of that impact study that you referred to but that is just informative. Thanks a lot.

DELEGATE HAMILTON. Thank you, Mr. Speaker. Well this is one Republican that votes with the working men and women of West Virginia. I am voting no on this bill. I didn't mean to excite the crowd here, Mr. Speaker. Didn't realize I had that kind of influence. I am the son of a union worker, federal employees' union. My oldest son is a painter, a journeyman. I am retired now from the insurance business, 45 years...30 years I was an employee of that agency...the last 15 years I owned it. Never in my life have I ever condemned somebody for what they made, except maybe CEO's, attorney...makes \$6 - 7 million as a bonus. This is wrong. I was one of the more fortunate probably kids that grew up in my neighborhood because my dad worked at the VA Hospital in Clarksburg, WV. He made a decent wage. From 1951 until I was 19 years old we were covered by health insurance. They didn't give that benefit to him because they liked him, it was because his union negotiated it. I say again that I support the working men and women of West Virginia and I will vote no, thank you.

DELEGATE FOSTER. Thank you. I would rise in support of this bill. What the problem that was found was that the bill whenever these wages were determined that it was determined incorrectly and nobody disputed that fact. Everybody said these are not figured correctly so we had a law that was passed and it was not figured correctly how the wage was determined and what I would like to say is that I stand on behalf of all, not just the prevailing wage construction workers or the prevailing wage workers, I stand on behalf of everyone who works in this state and pays the tax to this state. There are....including anybody that works at a restaurant, anybody that serves tables, anybody that....also not only on top of that, your teachers. You have somebody else whose wages we pick which that whole issue here just earlier if everybody doesn't understand it that was about a bill to raise teachers' salaries, there was a fight about that. Well right now let's read one of the average wages according to the prevailing wage. For a carpenter we have a prevailing wage rate that is \$47.74 an hour which works out on the hourly rate over the year, that is including wage and fringe benefits \$99,000 a year. Now, I would ask did we set that high of a wage rate for a teacher that also requires a four year degree and, also, we heard from the Gentleman from the 4<sup>th</sup>, we have 45,000 individuals that make the current prevailing wage in West Virginia. 45,000? We have 1.8 million people in West Virginia so we are saying we should that the interest of this 45,000 is more important? What they do is more important than what the rest of the working class of West Virginia? These payments are going to public school projects, your local fire departments which the reason for the issue is they were saying it cost too much. We have had fight after fight over the budget and then we have people from the counties, people from all over, saying these projects cost too much and, I believe we discussed it for an hour, hour and a half over a project whenever we were discussing on the floor the other day on school funding and when we come and we discuss these about the budget then this budget is paid for by the entire taxpaying citizen base of West Virginia, and as the Gentleman from the 4<sup>th</sup> clearly indicated, we are not concerned about the entire tax base. We are concerned about...well, who can we establish out of this group to give an extra wage...that we are only concerned about their wage. We

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established a law that said we make this a group of people that we believe should be paid more than the rest of West Virginia because they work on a public project and in lieu of that we are also paying higher wages...or higher cost for our schools, our playgrounds, our fire departments, our police departments whenever we do any type of work on those. We are paying a higher wage at the expense of the taxpayers of West Virginia.

DELEGATE MARCUM. Thank you, Mr. Speaker. Would the Gentleman from the 15<sup>th</sup> yield? Thank you, very much. Have you ever worked a job that deals with prevailing wage?

DELEGATE FOSTER. Yes, I have.

DELEGATE MARCUM. Okay, would you agree that you made pretty good wages with that job?

DELEGATE FOSTER. Yes, I would.

DELEGATE MARCUM. You are saying that those wages you made when you were working a prevailing wage job, were they unfair?

DELEGATE FOSTER. When I made \$37.50 an hour as a 15 year old working a labor position when a teacher is making much less than \$37.50 an hour, I would say, yes, that would be unfair.

DELEGATE MARCUM. At 15? Who owned that company?

DELEGATE FOSTER. Well, the person that owned that company was my father.

DELEGATE MARCUM. Okay, I have no further questions, Mr. Speaker. I would like to speak to the bill. Ladies and gentlemen, we are here, this is West Virginia....again I am going to repeat, this is West Virginia, home of the working man. I stand here today proudly to stand with the blue collar men and women of West Virginia. You have heard this saying a thousand times, if not, come to Mingo County and you will, it is not our coal, it is not our gas, it is not our timber that is our best resource...it is the blue collar working men of West Virginia that is our best resource.

So today, I am going to stand here and I am going to support these working men, and before I go any farther, I want to read something. This

is by Stephen Herzenberg he has a PhD in economics from MIT. He was also an employee of George Bush Sr. when he was President of the United States. Consistent with the original rationale for establishing prevailing laws, a rigorous body of economic research shows that efforts to repeal these laws, again, efforts to repeal these laws lead to less workforce training, a younger less educated and less experienced workforce, higher injury rates, lower wages and lower health and pension coverage. Would anybody in here, and I ask that you raise your hands, like for that to happen to you? Higher injury rates, lower wages, lower health and pension coverage? Mr. Speaker I hope this record will reflect that no individual in this room raised their hand, because no individual wants that. No individual wants to see less workforce training, less safety on the job, higher injury rates, lower wages, lower health and pension coverage. No one wants to see that. Friends, we always see the rankings of West Virginia ranks towards the bottom. We are always 48<sup>th</sup>, 49<sup>th</sup> and we have heard many times in here...Thank God for Mississippi. Friends let's don't be like these states. Let's get out of the bottom. Let's run job bills. I haven't seen one job bill come through this Legislature. I want to see something that will get people back to work. Yesterday, we put one piece of the puzzle together to try and help our coal miners get back to work. Today we take two steps back. That makes no logic, no logical sense whatsoever. The repeal of the prevailing wage law would cost West Virginia residents and their families between 51.3 million and 77.28 million dollars. Look at the effects to our economy, look at the tax base we are going to lose. The money that would come back in here that our distinguished Finance Chair will have to figure out where we going to get the money from, where is the money coming from? We already know we are in a tight budget year so we are going to cut wages which in return is going to cut the tax revenue for this state. When people have more disposable income they spend it. Friends, the blue collar working men and women of West Virginia, the middle class people are known to spend their money. The upper 3% save it. They put it up in their annuities and their bonds and all their fancy stock trades. The middle class spends their money. Their money comes back into our economy. Let's don't cut their wages. Let's do what is right for these men and women. Look, I



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want everyone in here to look at these individuals when you vote against them and by voting red on this bill you are voting against them. Thank you very much Mr. Speaker.

DELEGATE IHLE. Thank you, Mr. Speaker. I rise to speak to this issue as someone who my father has been a union man for about 20 years now and throughout the process that we have discussed this and throughout the process that I have talked with constituents, guests in my office, all the way through I have considered that heritage of mine in mind. As we have went on, I have then looked at committee and the testimony, debate, the comments, I have heard in there and I heard in there multiple times comments about concerns about undocumented workers and, today, at least one time on the floor I have again heard about undocumented workers.

It reminds me of debate that occurred at the federal level many decades ago when our colleagues up in the US Congress were discussing whether or not to implement a form of prevailing wage. So what I want to do very briefly is take a little look at a couple of the quotes from folks who are discussing that issue, at the time implementing Davis-Bacon, testifying in favor, AFL President William Green complained, "Colored labor is being brought into demoralize wages." Representative John Cochran, a Missouri Democrat, commented, "I have received numerous complaints in recent months about southern contractors employing low-paid colored mechanics, getting work and bringing in employees from the south." Alabama Democrat Representative Miles C. Allgood described why 1931 was a particularly important moment to block minority laborers from public works jobs, "Reference had been made to a contractor from Alabama who went to New York with bootleg labor, that is a fact that a contractor has a cheap colored labor that he transports and he puts them in cabins and it is labor of that sort that is in competition with white labor throughout the country. This bill has merit and with the extensive building program now being entered into it is very important that we enact this measure." Representative William Upshaw of Georgia responded wryly to Representative Bacon's parochial interest, "You will not think that a southern man is more than human if he smiles over the fact of your reaction to that real

problem you are confronted with in any community with a superabundance or large aggregation of negro labor."

My opinion, the racial and economic animosity was palpable and my fear is now that instead of discussing African-Americans, now we are talking about undocumented workers in the similar context and, to me, that is not a valid reason for this issue. We need to rise above that as Republicans, as Democrats, and as West Virginians and do what is right for this state and for that reason I support the bill. Thank you.

DELEGATE CAMPBELL. Thank you, Mr. Speaker, would the Chairman from Gov. Org. yield? Thank you sir. We have heard in here that maybe we are all misunderstanding but the bill reads eliminating prevailing, hourly wage requirements for construction of public improvement but another fellow delegate said that is not what we are doing, we are recalculating. So will you be having a title amendment to this bill?

DELEGATE HOWELL. Yes.

DELEGATE CAMPBELL. And currently, though the individuals that are under contract right now with jobs that are not likely to be completed in the next three, four months, what would the wage be paid to the people who are currently getting the prevailing wage?

DELEGATE HOWELL. They will stay under the current system.

DELEGATE CAMPBELL. So it will only affect new contracts after the date of the evaluation of the new wage.

DELEGATE HOWELL. That is correct.

DELEGATE CAMPBELL. Okay, thank you.

DELEGATE WILLIAMS. Thank you, Mr. Speaker. First off, I was totally surprised on this issue this year. I thought I knew about all the details after being here for 20 some years but I was extremely surprised that I received over 100 letters from people in the industry doing various jobs employing from five to roughly 50 individuals in the construction industry. They did

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not support messing with the prevailing wage. I also received a lot of information from hospitals recognizing the fact that good wages meant a lot of good care for patients serving on a hospital board I realize now do a lot of care for Medicare, Medicaid. You do a lot of care free for individuals who cannot pay. Third party payers as well as private payers make up the difference for these individuals without good insurance, without good paying jobs that is going to be rougher on the hospital. Like I said I do serve on a hospital board also we are building a new hospital right now, should be open within two months. We didn't require union workers but we did pay the going prevailing wage. We are getting the good product for the money. Actually it is moving along faster than we anticipated. I also served on the board of education for almost 16 years. I know that good paying jobs means better support for bonds, better support for levies and that is what is needed when you need support to keep up the public school system. I also am a private business man in a retail operation as well as a farmer. I am a self...I have never received a prevailing wage but that is my choice. I just work longer hours. But again, that is my choice. A matter of fact I am here today because of this bill and one other or I would be home planting my first...planting of seeds in my greenhouses. My choice would be to do that tonight and tomorrow. But, I am 71 years old and have seen a lot of people grow up and I have seen a lot of people leave this state but what I have noticed in Preston County for the last few years through a great vocational school we have there men and women being trained in various electrical receiving a lot of electrical training getting the journeyman license and going into work...it is the same in construction jobs and other jobs. I have seen a lot of young people starting to stay in Preston County and raise families, which is a turn around. We are lucky in our area we are near Mon. County and the unemployment rate is right around 4% which is lower than most of the state but again I have seen a turn around. I know a lot of those men and women and I have heard from a lot of those men and women and I do support keeping the prevailing wage. A matter of fact Mr. Speaker I may have to ask for Rule 49 since it probably going to cut my income in my retail business if the bill doesn't pass. The....I really believe that we are doing an injustice to the whole state by attempting to eliminate this prevailing wage.

DELEGATE BUTLER. Thank you, Mr. Speaker. I need to ask for a Rule 49 because I am a small excavating contractor. Mr. Speaker I would just speak again from my own experience. I don't often do jobs for the public where federal money or state money is involved. One of the experiences I had, I actually....to make a long story short, I did \$60,000 on a job thinking that was a fair wage. I don't have employees so I was doing the job myself. So really prevailing wage didn't figure into it for me but when I went to sign the contract to accept the bid I asked the mayor of our town, "Can I ask what the next highest bid was?" Again, remember I bid \$60,000. The next highest bid was \$100,000. So that was just personal experience that someone who was paying prevailing wage rates to the city and who pays the taxes for municipality for the state when a state job is taken place. It is the people working it, Appalachian Power, the people working down the road, people making minimum wage at McDonald's or Wendy's or something like that, it is teachers. I mean all of us pay the taxes that are paying these rates so I think it is only fair that we pay a fair rate. Now, as I read this bill I don't see where it reduces wages for anyone. If I am an employer and I want to hire someone I can pay them whatever I want to as long as it is above minimum wage and if I want to pay them more than what the current prevailing wage is, I think I can still do that. So this really isn't an easy vote but I will cast the vote keeping in mind that a lot of the people in my district don't make prevailing wage, they are struggling to get by every day and I just can't see putting the extra cost on them and actually that brings up another thing and there may be other members in this body that can recall this better than I can and I think it was in Sissonville. Wasn't there a firehouse that burned down recently and volunteers wanted to rebuild the fire house for free but they weren't allowed to because there was state money or federal money involved in the construction? I am also aware of another instance where there was and I can't remember what town it was in where a gentleman wanted to build a sports facility for a high school....same kind of a deal....they built it for whatever the amount of money was \$100,000 or whatever I can't remember and then he came back and he was sued because it was built on state property and they had to pay the difference to build that to and it was like another \$100,000

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or \$50,000...it was a large amount though so I apologize for not having all the figures straight because I didn't plan on speaking really but again just thinking of the taxpayers back home. Thank you.

DELEGATE SPONAUGLE. Thank you, Mr. Speaker. I am going to start right off with figures from the US Census Bureau. West Virginia's per capita income is \$23,000. The national average is \$28,000. We are 49<sup>th</sup> or 48<sup>th</sup>. Household median income \$41,000. The national average is \$53,000. We are \$12,000 below the national household median income putting us at 49<sup>th</sup>. My colleague from Mingo said earlier thank God for Mississippi. The biggest issue facing the State of West Virginia are our wages, income and salary. That is greater, if not more...greater than the jobs we are bringing into the state is what type of incomes and salaries can we have? We are at the bottom. In the early 80's, the State of West Virginia was higher than the national average. All we have heard today from proponents of this bill is that we are paying these contractors, these people in the galleries too much money. You are making too much so we are going to take from you and we are going to get to that 50 spot and we are going to show Mississippi how we do it here in West Virginia, we are going to get below you. What is it about these people that bothers everybody in here so much? Labor, non-labor, they are middle class working people. We should be doing bills and focusing on raising salaries and incomes in the State of West Virginia and not gutting it. Not cutting it. It is embarrassing, it really is absolutely embarrassing. I don't think anybody in here has any guts. We all know this bill is going to pass. We are going to cut the working middle class, salaries and incomes and it is a shame. It is a flat out shame and the State of West Virginia deserves a lot better than this. I urge rejection.

DELEGATE WALTERS. Thank you, Mr. Speaker. By way of qualification here I am going to talk to you from the standpoint I owned an insurance agency for many years. My brother is a pipefitter in a union. I have been a member of a union off and on in my lifetime. My mother was a union organizer and a shop stewardess in a union. A couple years ago my volunteer fire department burned down to the ground. I represent Sissonville. They received a million

dollars in insurance proceeds. They went out and had bake sales and raised approximately another 3-4 hundred thousand dollars. In our largess, this state decided to give them \$40,000 and because they were given \$40,000 they were required to build...a two story fire department, volunteer fire department, that the community was going to come into and volunteer to build most of it...using prevailing wage. Today that fire department is two stories but the second floor remains unfinished because we didn't have enough money to finish it after that \$40,000 required it to be built with prevailing wage. I urge passage of this bill and I urge it for my volunteer fireman and the volunteers who are going to help them. Thank you very much.

DELEGATE KELLY. Thank you, Mr. Speaker. Over the past couple of weeks I have had a number of people in my office and we talked about this bill and there is a lot of concern about it. The majority of my mail has been against prevailing wage. I believe that part of what the committee has done is the right thing to do. They have come up with a recalculation and they have come up with a recalculation that makes the establishment of that wage fairer. The second thing they did was to put a \$500,000 cap on it and that I don't like. I believe if the salary is computed, it is computed fairly. We don't need to put that wage or don't need to put that cap on it and that cap becomes an artificial barrier within, written within the law. As long as that cap is there I can't support the bill and won't support the bill and if the bill continues in the manner it is right now, I will vote red. Thank you.

DELEGATE MANCHIN. Mr. Speaker, I rise today in frustration and I say frustration because of not just this bill on the agenda today but what this whole session has represented. Make no mistake that 2015 is going down as the year of the war on working people. This is the year when we have encouraged employers to ignore safety laws and have given them immunity in exchange for their ignoring those safety laws. It is a year when we have rolled back mine safety. It is a year when we have deprived working families of their constitutional right to go to juries and seek full redress for wrongs that have been committed by providing immunities to hospitals and other wealthy people. Here we are in a time

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when our public employees often times qualify for public assistance when our teachers are lowly paid, when we haven't got enough money to provide drug treatment and prevention, when we have so many other needs and one of the bright spots that we have are people that are making a decent living and the only thing that we can think of to do is to pay them less. Now what are we going to do with that money? Well you know there is a bill sitting right over there on House Calendar, it is on third reading, it has been parked there for a little while and you know what that bill is going to do? That bill is going to give back coal mines and oil and gas operators and timber operators somewhere between 60-100 million dollars this year in a year when we can't afford to do anything for working people, when we just voted down a little bit ago a motion to discharge a bill that would have allowed us to consider teacher pay raises.

MR. SPEAKER, MR. ARMSTEAD. Point of order has been made.

DELEGATE FOLK. Is he speaking to the bill or you making general statements?

MR. SPEAKER, MR. ARMSTEAD. Gentleman would please reserve his comments to the bill before us.

DELEGATE MANCHIN. Let's get to the bill. Unlike my friend from the 67<sup>th</sup> I have a little bit of experience with Davis-Bacon wages. When I was a youngster we didn't have a whole lot of money. Don't know that my dad could have ever found the money to send me to college but he did happen to have a good friend who had a contracting company and I got hired on every summer for seven summers and I made a good wage and I appreciated that wage and I worked hard for that wage and I left every year the first day after exams were over and I returned usually two days after school had started because they didn't do anything for the first two days. So I have a little experience and I have a little experience with what it takes today to put college kids through college and we should not be taking money away from workers that they would like to use to put their kids through college, we should not begrudge them a prevailing wage. This bill is extreme and it is radical and it is wrong. It is extreme because it is throwing the baby out with

the bath. We already know that we are going to recalculate but we have already decided...Oh even though we are going to recalculate, we are still going to take all these other projects out of the mix. It is only going to be for over \$500,000. So before we even know what the new wage is going to be, we have already said we are not going to pay that on these others. Do we know how many projects it is going to apply to? No, we don't care about that. Do we know how many workers it is going to hurt? No, we don't care about that. Do we know how many small businesses in West Virginia it is going to hurt? No, we don't care about that. We just want to get-er-done. Ladies and gentlemen, someone asked why do we have a prevailing wage? We have a prevailing wage for two reasons. Number one it creates a fair playing field for people who we had on public projects because the wages are set and so from there on out it's just their efficiencies that matter, how good a contractor, how well they can get things done. The second reason we do it is because we get good quality public projects done, projects that last for years and years and in the State of West Virginia there is second to none and they even cost less. Know in closing this bill is not good for God's children, it is not good for the State of West Virginia. I will stand up for the working families in West Virginia and I will vote no on this bill and I encourage all of you to join me.

DELEGATE RODIGHIERO. Thank you, Mr. Speaker. I rise to stand with my fellow union brothers. I am 28 years teamsters. I know what it is like to work for an unfair wage. The job I had before made ends meet, when I got with the Teamsters they assure every time we went to the table that we came out with fair wage. I went to the grocery store this morning as I always do when I go home and 2 lbs. of meat was \$7.56, a loaf of bread was \$2.79, a gallon of milk was \$4.59. How can we ask these people to take a 30% pay drop? Would anyone here that don't support these guys take a 30% pay drop? I don't think so but I just want the union guys to know I am standing firm with you guys. Thank you.

DELEGATE CAPUTO. Thank you, Mr. Speaker. You know we dealt with this bill in committee for a long time. We tried to do some things to lower the caps but no one wanted to talk about it. You know I grew up in a coal camp right next to

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the railroad tracks and I still live in that town and you learn something at an early age that when you are playing on a railroad tracks, my friend, that train comes along you got two choices, you get off the tracks or you get run over. My brothers and sisters are here today, they have refused to get off those tracks and they are going to stay here until you run over them with that train. They know what the vote is going to be. But they are not moving. They got locked out in a hearing in the Senate, said there wasn't enough room. Fire Marshal wouldn't let them in there. We had an early morning public hearing in the House, well if you think these guys aren't going to get up early and come to a hearing you are wrong about that, they were here making their voices heard. We went into committee, they were there. These are the most highly skilled workers in the world. They build our schools, they build our bridges, they build our office buildings. We want them wired soundly, we want them structurally sound, we want them safe for our children and our grandchildren but we are about to run over them with that train. I bet you if I asked for all the millionaires in that gallery to stand up I bet you nobody would stand up. The Gentleman from the 15<sup>th</sup> said he made \$37.50 an hour working for his dad at age 15. I don't know how old he is but I bet you 98% of the people in this gallery don't make \$25 bucks an hour and they look a heck of a lot older than 15. Let me tell you what these folks want. They want to be treated fairly. They want a nice home to raise their children in. They want to be able to send their kids to college. This is the group of workers who sometimes don't even get to work all year because of the weather. They don't get paid when they are off work. They don't usually even get a full year's work but they work every day they can. They are down here because they are concerned about their interest. What are we now in a race to the bottom? I can't believe it! A race to the bottom! We want to cut people's wages. Now you can put lipstick on that pig, Mr. Speaker, but it is still a pig and there is no doubt these folks' wages are going to be cut and they know that. Their way of life is going to change.

You know I got contacted by several business owners but I want to talk about one in particular. I don't even know where the company was from, I think Gilmer County, L & L Contracting, said he had 12-15 workers year round, non-union

company, and he is deeply concerned that when he can't bid these prevailing wage jobs that, he is a small contractor rarely bidding over \$150,000 job, he is going to lose the skilled workers that he has in his work place and they are going to go somewhere else. Those folks are going to be out of a job, that company is going to close down, the little stores like my office mate talked about are going to probably have to board up their doors because those folks aren't going to be able to go there anymore. They are going to go somewhere else to look for work. Who does this benefit? Who's hiding behind the curtains that this benefits? We tried to put a second tier in there in the committee to take care of those smaller contractors...rejected. The chairs said there was no comprehensive data. Don't know how many workers. Don't know how many projects. Don't know how many over \$500,000. No analytical studies. I thought that is what we had staff for. I thought we try to get to the facts but I know for a fact in that public hearing Affiliated Construction Trade shared data with everybody here. Mr. White in his remarks talked about that but it fell on deaf ears, brothers and sisters. I just don't get it. I just don't get how lowering wages to the people of West Virginia makes us a better state. We've got one other state with a \$500,000 cap and that is Maryland. All the other states that have a prevailing wage are much lower or they have a two tier system but that is not good enough for West Virginia. We don't even know what this study is going to look like but we are ready to move on it. We are ready to cut your wages. Your lifestyle is going to change. Your lifestyle is going to change and it saddens me that this is the new direction for West Virginia.

I urge rejection of this bill. Let's do it for the folks that build West Virginia. Let's do it for our friends and for our neighbors who voted for us, who voted for all of us to come down here and I bet you not one member of this body said elect me because when I get there I will cut your wages...I bet you not one. But here we are we are cutting their wages. The Gentleman from the 13<sup>th</sup> said this is not a Republican issue, this is not a Democratic issue....well I respectfully disagree with that because you are going to see it is a Democratic issue when this vote is cast. I urge rejection. Thank you, Mr. Speaker.

DELEGATE WALTERS. We rank 49<sup>th</sup> in the nation in income don't we?

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DELEGATE CAPUTO. Well we are probably going to go below 50 or 51 by the time we are done with this.

DELEGATE WALTERS. Mississippi is behind us aren't they?

DELEGATE CAPUTO. If you say so. You are the numbers guy.

DELEGATE WALTERS. And Mississippi also has prevailing wage don't they?

DELEGATE CAPUTO. I don't know the answer to that.

DELEGATE WALTERS. Let me tell you they do. So that means every state in the country that doesn't have, has a higher average income than West Virginia doesn't it?

DELEGATE CAPUTO. I don't know the answer to that but I do know that prevailing wage lifts working class folks above the poverty level, I know that.

DELEGATE WALTERS. Thank you.

DELEGATE SUMMERS. Thank you, Mr. Chairman. Will the gentleman from the 15<sup>th</sup> yield? As a 15 year old working for your father, did he choose to pay you \$37.50 an hour to be a flag man or did he have to pay you that because it was a prevailing wage job?

DELEGATE FOSTER. It was required by the prevailing wage that the minimum be \$37.50 an hour.

DELEGATE SUMMERS. Okay, did he pay you \$37.50 an hour as a 15 year old on non-prevailing wage jobs?

DELEGATE FOSTER. No he didn't.

DELEGATE SUMMERS. I have one other question for you. Did you hear the gentleman from the 55<sup>th</sup> say that he assumes that this bill will pass?

DELEGATE FOSTER. Yes

DELEGATE SUMMERS. Did you hear him, or the Delegate from the 48<sup>th</sup>, the 50<sup>th</sup>, the 3<sup>rd</sup>, the

67<sup>th</sup>, the 19<sup>th</sup>, the 22<sup>nd</sup>, the 20<sup>th</sup>, the 45<sup>th</sup> or the 10<sup>th</sup>, did you hear any of them yesterday offer us an amendment on the floor so that we could lower the threshold?

DELEGATE MARCUM. She is asking questions...and not even relevant to the bill.

MR. SPEAKER, MR. ARMSTEAD. To the gentleman I believe they are relevant to the bill. Gentlelady may proceed.

DELEGATE SUMMERS. Did you hear any of those delegates offer an amendment yesterday on the floor, the members of this Body, 100 of us instead of a committee, could decide if we would like to lower the threshold of \$500,000?

DELEGATE FOSTER. I did not.

DELEGATE SUMMERS. Thank you.

DELEGATE ESPINOSA. Thank you, Mr. Speaker. Earlier this afternoon my colleague from the 67<sup>th</sup> posed a question, not unlike a question I posed several weeks ago, basically trying to ascertain what is the impact of this proposed legislation or what impact might this have on institutions...near my district? I got a response back from an institution that I know is near and dear to my colleague's heart and if you will indulge me for a few moments I will read a bit of that response. It says...having become aware of legislative discussions as to a possible change in the prevailing wage roles in West Virginia for public works projects, Shepherd University attempted to access the impact on Shepherd of the prevailing wage requirement. The prevailing wage rules do not have anything to do with the prevailing market rates of labor. They are a schedule of wage benefits payment which the public works contractors must provide to their employees regardless of what is typical in the local market place of employment. We compared the 2015 state prevailing wage rates chart provided by the West Virginia Department of Labor and compared that to the data from the US Bureau of Labor Statistics for the Hagerstown/Martinsburg Statistical Zone which denotes is published on the internet. The United States Bureau of Labor Statistics data provides mean wages on an hourly scale and we factored those wages by a 20% increase for benefits. On

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an almost comprehensive basis the state prevailing wage rate is twice the amount of the actual market conditions here in the eastern panhandle.

This official went on to describe how they assessed nine projects completed over the last three years at Shepherd ranging from \$150,000 to \$11 million. The conclusion was this, based on the comparison of the US Bureau of Labor Statistics data against a West Virginia prevailing wage rate, the elimination of the prevailing wage mandate would have saved Shepherd \$4.5 million on those nine projects. Now, as a member of the Education Committee and hearing from education officials throughout our state, not only our public education system but our higher education system, you can only imagine what \$4.5 million would do to assist Shepherd University to expand their campus and accommodate their students at their institution. And again, this is just one institution Mr. Speaker and if you extrapolate that to each of your districts here with just nine projects that have been completed over the last three years, \$4.5 million above and beyond what is widely recognized as a reflection of actual market rates. Mr. Speaker I would suggest this is not a matter of wishing to reduce rates...working rates for employees, it is about looking out for the taxpayer and paying an appropriate rate based on data that truly reflects the market rates in a particular market. I would also suggest that those expressions of concern that by relying on that market data from our United States Bureau of Labor Statistics and our Workforce Development Office along with West Virginia University and Marshall University, those expressions of concern that somehow can result in lower wages than what we have today under today's flawed prevailing wage calculation essentially is a concession that what we have in place today is flawed. Mr. Speaker, I urge support of this legislation.

DELEGATE PERDUE. Thank you, Mr. Speaker. I kind of thought about asking for a Rule 49 because you said if you have a personal interest, I do have a personal interest but I won't ask for that ruling. In 1974, my brother, a union ironworker, was shot gunned off a picket line in Huntington, West Virginia. The Painter's B.A. that was with him was killed. I have a personal interest. A year or two before that I was working

in the Iron Workers' Union on a construction job in Ohio and I got notified that I was going to get into pharmacy school and I left the next day and on that day the girl I was working with went in a hole, you guys know what that means, one was killed, four were seriously injured, so I have a personal interest, Mr. Speaker.

Mr. Speaker, as I looked up the word wage in ....on my computer, it references a couple of examples of what that speaks to as both a noun and as a verb. The example for the noun was...as I believe I am correct on this and I will check to make sure....is that we were struggling to get better wages, that was an example. The example for the verb was, it is necessary to destroy their capacity to wage war. Now think about that, the objective position of that noun and that verb as the gentleman said earlier, let's not mistake what this really is. It is war, it is being waged on these folks. Earlier...but I need to get away from those personal comments, that is not really appropriate. I want to speak to two things that I think are very....were made very visible to me. Number one, that \$500,000 cap, 20 times what it was before. That sounds more punitive than it does practical to me. Results discussed that we didn't have any analytics. Gentleman from the 50<sup>th</sup> pointed out very effectively I think, we don't have any analytics. I would characterize that for those of you who know a little about my current background...former background...that is like a doctor going into surgery without trying to figure out what he is going to cut on. So what we are going to do, we are going to take off somebody's appendage because we think the whole body is diseased....because somebody thinks the whole body is diseased. That makes no sense to me. That is illogical. It also sounds punitive. John Stewart Mill used a phrase that I am going to use now that I know, I have no doubt, is going to irritate some folks in this room but it is accurate. He talked about the tyranny of the majority and it is not that the majority knows even that they are being tyrannical. They don't have to even know that but they can become that way when they don't analyze effectively the effect on the minority and I am talking about those folks, analyze effectively the effect on the minority of their actions. I don't suggest that anybody here is being politically ....is operating out of anger or frustration or wanting to deliver a blow but I

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think that is what is happening and I think it is happening because a lot of folks haven't really thought about what we need to analyze here, who we need to know. Those are people we know. All these people are people we know. Many of us here have friends who are sitting up here, we know these people. But do we really know what the impact of this legislation is going to be on their lives. I don't think we do. I have to vote on for personal reasons and for practical reasons.

DELEGATE ZATEZALO. Thank you, Mr. Speaker. There are a couple things here that I think are pretty instructive and the process is, we are working through the process slowly but surely. Lady from the 43<sup>rd</sup> asked the right question, do we need to change the title of this bill? The answer to that question is most certainly, because it is not eliminating prevailing wage. Why is that? Why it is, is because the Senate came together worked out a bill and got bipartisan support for it and there are a lot of people in this body that were all set to eliminate prevailing wage but when people come together, come to an agreement, I feel that you need to look at that and work hard to try to work things out. So, I think we are doing the right thing here. We basically relented in that. We need to change this bill because it does not eliminate prevailing wage. That is not true. What it does is look for a way to recalculate it. I have heard a couple things here that disturbed me greatly and one of them is in the '80's our wages were much higher. Well people who were in charge during that decline have some answers that they must give us. But I think if we go forward together, I think we are going to get out of this. I hope in the rest of the session we make some moves that are going to provide jobs for this state. It is inevitable that they will be there so I would urge us to as one piece of the puzzle take this from the Senate bipartisan bill and pass it and let's move on to the next thing and hopefully when jobs start to come in there won't be enough guys to do the work and what happens then? The wages always go up, they have to. For right now in a deficit as far as that goes. We have to work hard to eliminate the deficit and move forward and prosper and I hope together. Thank you.

DELEGATE HOUSEHOLDER. Thank you, Mr. Speaker. First I would like to request a Rule 49, I own a contracting business that does prevailing

wage work. I would like to speak to the bill. Ladies and gentlemen the gentleman from the 1<sup>st</sup> is correct. This bill when it started off on the Senate side it was a total repeal bill and after careful deliberations and discussions the bill has changed to what we are dealing with now, Senate Bill 361 it is a great compromise and I would love to say that I would love to continue to pay the flagmen in West Virginia \$82,000 a year, I would love to but ladies and gentlemen we just can't afford it. It is not possible. This bill, this compromised bill that we have before us today is good for the taxpayers and I would like for you to think about this. Where was the consideration given to the employee flipping hamburgers or to the employee driving the garbage truck around, where was the consideration given to them about their wages being taxed to subsidize something that we can't afford. Ladies and gentlemen I think today that we are going to establish a true prevailing wage that benefits the taxpayers of this state and I urge your support. Yes, Mr. Speaker I am for the working people of West Virginia and that is why I support this bill. Thank you.

DELEGATE FLEISCHAUER. Thank you, Mr. Speaker. I would like to respond to a couple of the points that were made today and I have done a little bit of math. It has been stated that there are 45,000 people in our state who benefit from prevailing wage and it also has been stated that there could have a 30% cut in their wages. Well let's say what if it is a 5% cut? What if it is a 10% cut? Do you know what that means in your own county? That is probably 5 or 10 thousand people whose income is going to go down in your county. What does that mean in your county for the grocery store, for the car dealer? It is going to have a big impact depending on whether it is 5% which it is definitely going to be or whether it is 10% and who is going to get that 5 or 10%? The contractors, that is what I think. Another thing I have heard a lot about is the way the labor department calculated this was wrong and the reason it was wrong was because not enough non-union people filled out the questionnaire. Well that sounds like whining to me. That sounds like if you really wanted to justify the wages you paid you would have filled out the questionnaire and that would have evened out the wage rate.

I agree with the gentleman who spoke about the debate on the Davis-Bacon Act, the



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gentlemen, because there weren't any women there then, made some horribly racist statements but most of the proponents of the Davis-Bacon Act were saying that when we invest public money in structures, in infrastructure around the state, the people deserve to be able to be part of the middle class. We are not, we do not want, when we are using our taxpayer money we are not going down to the minimum. We want people that are trained, we want people that are experienced and we don't want people who are undocumented. Now I, I think just about everyone in here has immigrant blood, probably all of us do so I don't think we should go making generalizations about immigrants but I know of a construction project in my county, it was a private construction project so it wasn't governed by prevailing wages where a gentleman came from a country south of the border. He didn't speak English, he had an electrician's license south of the border and he died and put someone else's life in jeopardy and the lower wages that they were being paid on that project undercut everybody else in our county because the student housing that was going to be built, they could say, we can save cost, we can save wages, we can save on wages because I mean of course they didn't tell anybody they were using undocumented workers. I think it's...what the gentleman said about a fair playing field. I think it is critically important that we have more data, we have more information and that we don't ram through this decision and insist on it. I am not so sure why the way things were done before except it is a terrible system, terrible way of doing things. I think the people that are watching us today are part of the middle class. The problem in this country is our middle class is diminishing and before we make one more change that makes it even worse, I think we should slow down so I will be voting red.

DELEGATE CAMPBELL. Thank you, Mr. Speaker. I wonder if the Gentleman from the 50<sup>th</sup> would yield for a couple of questions. I was sitting here just thinking as I am listening to the conversation and I know that you referenced there were 45,000 individuals...would you feel like that would be two of those would be in one family or would you think that would probably be one per family more than likely?

DELEGATE CAPUTO. Delegate I don't know but that wasn't my reference. I don't know who made that reference.

DELEGATE CAMPBELL. Would you anticipate that if what is proposed that there would be a 30% loss in wages? Would you think there would be individuals that might be losing their home because they couldn't make their payment?

DELEGATE CAPUTO. I absolutely do, yes.

DELEGATE CAMPBELL. What about vehicle payments, cars, trucks....

DELEGATE CAPUTO. I think everything is in jeopardy.

DELEGATE CAMPBELL. Okay...would you think that if the prevailing wage was, I am not for sure, either eliminated or changed, whatever we are thinking about doing here...would you think that our vocational programs and our trade schools would possibly have a decrease in attendance?

DELEGATE CAPUTO. I think workforce development for our state could suffer, yes I do.

DELEGATE CAMPBELL. Thank you.

DELEGATE MOORE. Thank you, Mr. Speaker. Allow me to dispose of the most important business first and I want you guys to look at me because I am dressed in blue with my blue collar because I am supporting my blue collar workers. Mr. Speaker, I have been a duly elected member of this body for six consecutive terms. I have never felt unwelcomed. I never felt unwanted and I never felt unbefriended until a few minutes ago. When the Gentleman from the 13<sup>th</sup> infused race into this already volatile situation...was out of place and was out of step and it was out of time.

This is not a racial issue. This is an economic issue. This isn't about blacks, whites, undocumented, brown, blue, green or yellow. It is about green, the green dollars we pay our men and women across the State of West Virginia. I don't know whether to be embarrassed, be enraged or what to feel but I have never felt like this before. Each of you in this room should feel exactly like I feel because all of you know since I have been here I always talked for us to love. I didn't feel the love coming from the Gentleman from the 13<sup>th</sup> and I am sure the people in the

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audience didn't feel the love coming from the Gentleman from the 13<sup>th</sup>. I take umbrage and I am angry. To play the race card with such an important issue when race had no place. We should all be angry and for those of you and I am sure it is not many...hopefully none...who feel comfortable with those remarks, you should too take umbrage with me because it had no place and on behalf of the Gentleman from the 13<sup>th</sup>, I apologize to all of you, not only to the people up in the audience but my fellow delegates....it had no place. Thank you.

DELEGATE SHOTT. Thank you, Mr. Speaker. Frankly I have been totally confused by this debate today. I have heard the terms non-prevailing wage state as if we are a non-prevailing wage state, I have heard the word repeal over and over again. I have heard we are going to cut wages, pay less and I kept thinking is this the same bill that I have been looking at because I have made it clear all along I would not vote to repeal the prevailing wage. I think it has a place here and in this state and others in protecting our workers from unfair out of state competition or unfair competition anywhere. So I went back to the bill and I started looking through it to see what had changed from the law that currently exists and I noticed we had changed the word locality which was defined as the county to regions. That didn't seem to be justifying the kind of passion that we had seen. I saw where we had changed the word workmen to workers, that certainly makes sense. I saw where we had changed the person who is charged with protecting our taxpayers' money from the Commissioner of Labor to Workforce WV. In cooperation with the Bureau and Economics at WVU and the Center for Business and Economic Research and I did see the threshold. Now I will conceive that, that is a change. That is a major change and it certainly would justify a spirited debate over that feature. But also nothing in this bill that makes us a non-prevailing wage state, I saw nothing in this bill that repealed the law as it existed. I saw nothing in this bill that indicated we were going to pay less. What this bill appears to me is an effort to confirm what the prevailing wage is. We have all seen studies. We have seen studies, we have heard reports and it seems to me that it is our job to try to determine whether those studies and reports basically are correct. So what we have done is we've charged another

organization with confirming those rates. So I am not real familiar with Workforce WV. I have seen their letterhead on some letters to me or my clients so I looked it up and Workforce WV is composed of the Division of Unemployment Compensation, The Division of Employment Security, The Division of Workforce Development, The Division of Research Information and Analyst. All agencies under this particular Governor that has been elected to represent us so it occurred to me that maybe there is this concern or at least apparently a confidence that wages are going to go down would reflect to one of two things. Either a lack of confidence in Workforce WV to calculate a valid wage as the law requires or a valid prevailing wage or a conviction that the current prevailing wage is indeed not accurate. It has got to be one or the other so I went back and I looked...I thought, well you know the Bureau of Business and Economic Research at WVU and a Center for Business and Economic Research sounded familiar to me and I recalled that when we start these legislative sessions and has been this way every year I have been here, this is the fifth year we invite the Bureau of Business and Economic Research to make a presentation to the Legislature with projections and information upon which we can base our decisions. Each of you probably received the bound version of that. I also remember that yesterday in one of the amendments offered by the Minority Leader to HB 387 an economic impact study was requested and who was it that was entrusted with that study?.....the Bureau of Economic Research at WVU and the Center for Business and Economic Research at Marshall University. So to me that would indicate that there is confidence in those organizations to do the job that we have asked them to do. The only other consideration that I came up with, the only other conclusion is there apparently is a passionate conviction that the Commissioner of Labor is not following the law. He is charged, in fact the law says the Department of Labor from time to time shall, and we have all had debates on what shall and may mean....shall investigate and determine the prevailing hourly rate of wages in the localities of this state. Seems to me those entrusted by the taxpayers, we need from time to time find out if our appointed officials are doing what they are supposed to do and that really is what this bill represents. We are charging two organizations,

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actually three organizations, an agency comprised of four different agencies with various degrees of expertise and two universities with some of the best minds we have in this state to confirm whether or not the Commissioner of Labor has been doing the job we asked him to do and carefully and thoughtfully protecting our taxpayers' money. I have also heard that we are going to get flooded with out of state laborers. Ladies and gentlemen, this legislature has acted in the past to try to protect that from happening and in fact if you look at 21-1C-4 called the WV Jobs Act we require that on all public improvements 75% of the workers are from ....in state, local labor....out of the local labor market basically what that means is within the state we are a radius of 50 miles of the state. So if you live more than 50 miles from the state line at least 75% of the workers that are going to be on public improvements under this act have to be West Virginia workers. If you are like me live within 50 miles then there is a possibility that some of the workers that come into the state will be from out of state. In my case many of my Virginia neighbors were my West Virginia co-residents for a while but had left the state for better opportunities and for other...for better tax advantages and for other reasons but they are still at heart West Virginian's that I am hoping what we do here in this session would cause them to come back home. So basically, ladies and gentlemen I support this bill. If it were repeal of the prevailing wage I would vote no, frankly, but I don't see it as a repeal I simply see it as a method as us doing our duty to confirm whether the Commissioner of Labor is doing what he is charged by law to do and protecting our taxpayers' money and therefore I urge passage of this bill.

DELEGATE MORGAN. Thank you, Mr. Speaker. Just a couple of brief comments and I will start by saying I am going to vote no on the bill. This bill was single referenced. There have been a lot of bills single referenced this time. In the past, bills have generally gone to two committees which lets at least half of this body have a very close look at what is in the bill. We didn't have that opportunity with this bill and as I said many other bills we've had this time, they have been single referenced which means only 25 at the most have had a very close look at what the bills are until they get to the floor. I fault

leadership for that but on this bill I think I may congratulate leadership. I believe in this 40...who knows what...seventh day...whatever this happens to be, you may finally have had a jobs bill. If this bill passes and prevailing wage is changed, probably downward, these folks who are sitting in the balcony will have to go to work at two jobs. So this is a jobs bill if you want to look at it that way. That will mean they will have to work two jobs to make what they are making now and I congratulate you for that but I fault you for not having this looked at in two committees. Thank you.

DELEGATE MOFFATT. Thank you, Mr. Speaker. This is going on quite a bit but I need to add a few things. Everyone here that has spoken against the bill assumes this bill that it would cut the wages for workers. If we are assuming this then we are also assuming that the Department of Labor has miscalculated the wages at the expense of all the taxpayers. Some asked the other day when I voted in favor of the compromised bill, a compromise that was reached between labor and industry, when the Senate heard the voice of the people and spent that weekend negotiating to not repeal prevailing wage as the original bill called for. When I was asked in committee if I support it I said yes for all of West Virginia and I meant that because it does affect all of West Virginia. If, and I say if, the wages are not calculated right then it is costing all West Virginians. The Department of Labor has been asked by me and my colleagues to show us the data, show us the real prevailing wage, they would not do that. We must have a transparent government. This body is accountable to the people. There are problems with prevailing wage. We've already heard about the Sissonville Fire Department from our friend from Kanawha County. Let me also tell you about the Hurricane Wave Pool. Our director bid out the repair job to the wave pool. It was a small job. He estimated \$50-75,000 but we received zero, yes zero bid responses. He talked to some contractors, large contractor said it was too small a job, the small contractor said they can't pay prevailing wage for some jobs and not others so we couldn't do that job. Now we are looking at other ways to try to get the wave pool fixed. At the Putnam County Fair we are looking to do some improvements with mostly volunteer labor but we need some outside contractors. A lot who do a lot of volunteer work there as well

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but we required to buy supplies and then it be paid for by the county. That was not going to be possible due to use of state money so that project too was not complete. This recalculation of the prevailing wage will not eliminate the wage. This takes the calculation out of the hands of the backdoor deals and it puts that calculation in the hands of the highly qualified economist and PhD's that do this work on a regular basis. Our friends in the gallery up here, I have neighbors on my street, parents of children that go to my school with my daughter who is also here. They do these prevailing wage jobs on publicly funded projects, not all projects just the ones paid for by the taxpayer. Am I here to hurt these people? The answer is no. I also had many West Virginians that did not do these jobs that also pay taxes that also have children that go to school with my daughter, with my children, that live in the district they had not seen their wages go up 24% since 2008. As our friend said, none of us came here to cut wages but we have all come here to represent the people. We must be able to have our pools repaired. We must be able to have our fairgrounds improved. We need to make sure that we are responsible to the taxpayer and because of that I have to vote for this bill.

DELEGATE TRECOST. Thank you, Mr. Speaker. The Gentleman from the 22<sup>nd</sup> yield? You believe there's backdoor deals in West Virginia?

DELEGATE MOFFATT. I believe that the Department of Labor has been asked to provide this data.

DELEGATE TRECOST. Backdoor deals?

DELEGATE MOFFATT. They are not doing it. They are doing it behind the scenes out of the public eye. Is that a backdoor deal? Maybe I could have chose my words differently but it is not in front of the public eye. It is a backroom negotiation, backroom calculation, backroom deal...whatever you want to call it.

DELEGATE TRECOST. Right now, my friend and a person I consider to be a very good delegate from the 61<sup>st</sup>, right now we are trying to find out how a job in Clarksburg, WV, a prevailing wage job in Clarksburg, WV, has a company from Pennsylvania that legally bid on

the job. Now from the county that he represents that makes block, the county that he represents that make brick and block that employs 50 people that are West Virginians. No further questions Mr. Speaker. I would like to finish but I have no further questions. Right now as we speak me and the kind Gentleman from the 61<sup>st</sup> are trying to find out why after the Pennsylvania company got the job to lay the block, why they then within their rights within the West Virginia system as it sits right now decided that Continental Brick out of West Virginia wasn't going to be allowed, was not going to be allowed to have that contract. West Virginia Continental Block and Brick is not going to have that contract because the company out of Pennsylvania decided to go to Ohio, Ohio...they decided in Clarksburg, West Virginia where the taxpayers have already dumped money into project to get the project because we said we would tear down the houses and we would throw in a city parking lot of a value of \$100,000 if we could have this project because we in Clarksburg are desperate just like every city and every county in this state to do better. So right now me and him are driving the Governor's Office crazy because we are saying how on God's green earth can a company that employs 50 West Virginia...now here's the kicker.....who is going to sell it to Central Supply from Clarksburg here in Harrison County where me and my three constituents represent who employs a hundred and forty West Virginians then we are going to buy it off of a West Virginia company then distribute it to a city of Clarksburg job so a 190 West Virginian employees lost out, lost out. Now this is a \$27 million project. Now to the Gentleman from the 27<sup>th</sup>, I believe he asked, "Am I confused on the bill?" I don't know, maybe I am confused. How many out of state companies are going to come in here with this \$500,000 cap? We already told this chairwoman here no to lower it to \$250,000...they are all going to come in here. Maybe I am here to represent West Virginia not Pennsylvania and Ohio. Why on God's green earth would I want a company from Pennsylvania to come in here to buy brick from Ohio instead of West Virginia when we can provide the material when our labor can provide the labor? I am confused. Backdoor deals? Let me tell you about a backdoor deal. I just told you about one. Thank goodness I have a good delegate that is fighting with me that allows me to go to his

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office and sit down for an hour with him and treats me kind and respectful and we are trading information with one another to find out. This is going to hurt us because more people from out of West Virginia are going to have control of what we are doing here in West Virginia. I agree with everybody....maybe some projects were over bid. I couldn't agree with you more. But by gosh let's think about what we are doing here. Who are we here to represent? West Virginia or Pennsylvania and Ohio? Thank you, Mr. Speaker.

DELEGATEIRELAND. Thank you, Mr. Speaker. Like the chairman from Judiciary I had no intention of speaking here this afternoon on this particular issue but...I feel kind of compelled to make a couple comments. Quite frankly when I sat down in this chair about five hours ago I wasn't sure how I was going to vote on this particular issue. Now we have heard about folk getting run over by trains. We have heard about all sorts of things here this afternoon and as I sit here and I have come to conclusion how I am going to vote. As I kind of analyzed what I think some of the folks in the gallery are saying. They look down here and they see a bunch of guys sitting around in white shirt, tie and sport coat and shined boots and the ladies are in a nice dress but I hope they realize in a lot of cases and in all cases we are part time legislators and in a lot of cases folks are going to go back to their jobs and I see a farmer over here, I see a truck driver sitting right here, I see an underground coal miner sitting right here and another one back here and a nurse here and another nurse over there. So these are working people that are you all are. I know there is a number of attorneys sitting down here but I'll not talk about them. But as I thought about how I am going to vote on this thing today, I look up in the gallery and I can see at least two of the galleries and I saw a bunch of working folks up there. As I look up there I am impressed number one with their tenacity, their willingness to sit up there for five and a half hours and listen to what goes on down here so they are willing to stick with a job. Probably one of the harder jobs you all had recently was sitting on those benches for five and a half hours but also I am impressed and have been over the years with the knowledge of the job. I am impressed with the quality of work that they do. I am impressed with the training that they bring to the job. As I say their tenacity to stay with the job until it is done. Now

for all those reasons I am going to vote for this bill. Not because I am voting against them but because I have an awful lot of confidence in them. I believe these folks sitting in this gallery could compete with anybody in the world. Like one of the delegates said, they're as good of workers as there are in the world. I think they can compete and with that having been said I don't think they need my help necessarily. I think they can do it. I think they have done it. I think they will do it. I really don't see that they need for us to set an artificial barrier or bottom or floor or whatever it is ceiling or whatever it is you want to call it because they can do it themselves and they have done it and they will do it. So ladies and gentlemen with all that having been said by looking in....somebody said let's look in their eyes when we vote on this thing. I am confident by looking in the eyes of these workers up here that they can get the job done. They don't necessarily need me to tell them how much they ought to be paid. They can determine that. They will determine that and they will make a good living doing it because I am confident in their abilities. Thank you very much.

DELEGATECOWLES. Thank you, Mr. Speaker. First I ask for Rule 49 to be excused from voting. I am a bricklayer, small business owner and I have a contractor's license. Thank you, Mr. Speaker...speak to the bill. Thank you. I will share just a couple things with you. First, my upbringing was much like my friend from Harrison's upbringing and I will share this with you. My friend from the 50<sup>th</sup> may not know this I have a twin brother to your dismay perhaps. I have a twin brother who is a bricklayer, I am a bricklayer, my dad was a bricklayer, my grandfather was a bricklayer and I would urge your passage on this bill. There are several things that we have talked about, I would like to address just a little bit. We have heard the per capita income in West Virginia is \$23,000 a year. We have heard that this may save or cost or however you want to look at it \$50-72 million. I would wonder...when these public works projects they were talking about...where do you think that money comes from? From those folks that make \$23,000 a year? I think that is where the money comes from that we are talking about. We have had a lot of talk about blue collar workers and I appreciate the concern and I appreciate the folks that come down to be with us

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today. We heard about \$4.5 million at Shepherd University, where do we think that extra money comes from? Perhaps the students and their tuition? I think there is no doubt the current system is unfair to the taxpayers. The current system the wages are inflated above the market rate. In the school construction with the general laborer that makes more than any teacher will once the school is completed or the paving contract in our local districts filling potholes a little stretch of road, if the guys that we know that work in the state garage do it they are going to make \$10 or \$12 an hour. If we let it to contract it has got to be \$38 an hour for the flag men? It is just unfair. For those who have joined us today and those who know and have been involved in this we have listened. I have listened. I came here nine years ago convinced this needs repealed. We have listened to the concerns. What is before you is a compromise. A reform to the prevailing wage in an effort to meet the fairness that we need to provide to the taxpayers. We have been responsive to the concerns. We leave in place like the prevailing wage and find a way to set a fair, realistic calculation of the prevailing wage. But we must be fair to the taxpayer. We must be fair to the local governments. We must be fair to the volunteer fire departments and we must be fair when we build water and sewer lines. The rate payers pay, it is the rate payers that pay. We are not in favor of raising rates. We must be fair. The inflated wage rates are unfair and this is a step to try to calculate the true prevailing wage. I urge your passage and support. Thank you, Mr. Speaker.

DELEGATE MILEY. Thank you, Mr. Speaker. I will be brief because there is not a whole lot or, if any, that I can add to the equation that hasn't already been addressed. But I do want to address a couple of things. I don't necessarily disagree with everything the Judiciary Chairman said about the bill. But he did identify one part of the bill that causes me great concern which was expressed by the gentleman from the 10<sup>th</sup> and that is if we are truly interested in a proper and accurate, correct calculation of prevailing wage then why the need for a threshold? Why the need for threshold of any kind if we believe that this bill is going to get us to a true and accurate reflection of the wages prevailing in our society. I think the question that you really can't answer logically I don't believe and the vote that we took

explains all we need to know about that and perhaps the lack of information and data that we haven't had the opportunity to consider, at least I haven't anyway. I'd like to know what percentage of these jobs are going to be less than \$500,000. I know we have heard about some of the ones that are clearly probably going to be over \$500,000 and that is still going to be subject to the newly calculated prevailing wage. But, I think the most important part of this bill that we are ignoring, we are choosing to ignore whether we are doing it willingly or not is the threshold that is being implemented in this bill. Because from what I understand, granted that it is anecdotal of evidence is that there are a number of jobs that might be \$150,000 or 200 or 3 or 400,000 dollars that are significant jobs for our local contractors and our local employees who work for those contractors. Now with the threshold that we have imposed in this bill we will indeed have a race to the bottom of getting the job done as cheaply as possible. That sounds great of course. In theory we are talking about spending taxpayer dollars but we are a citizen legislature as the Gentleman from the 7<sup>th</sup> pointed out and we are all familiar with the cliché you usually get what you pay for...you usually get what you pay for. So if we are going to exempt all these jobs below \$500,000 from having to pay the prevailing wage you are going to have a rush of cheap labor coming in for these jobs and you are going to get what you pay for. The labor is cheap because they are getting paid according typically to their skill level and skill sets and that causes me great concern, so to the other gentleman from Wood, Delegate Deem, the expression of concern about making sure we maintain a prevailing wage as long as it is accurately reflected doesn't take into account, with all due respect, the threshold that has been implemented because that won't be subject to requirement of a prevailing wage and for that reason if no other, I will be voting against the bill because I suspect and I wish we had the data to know this, I suspect that there is a significant number of jobs that will fall within or below that threshold and we will lose a lot of the income that our hard workers earn. With all due respect to the Gentleman from the 7<sup>th</sup>, I count on these workers too, but it won't be up to them unless they own the business. They are subject to their employers. They can hold themselves out at wanting to charge 40, 50, 60, 70 bucks an hour

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but if the employer can go find someone for \$10 an hour or \$13 an hour with likely much less skill sets then they will. So it is not, it is not entirely in the hands of these employees and these workers no matter how skilled they are. So because we have this threshold I do indeed intend to vote against the bill and I am disappointed that I know there was an expression of concern or surprise that there wasn't an amendment yesterday to remove the threshold or modify it but we certainly have the opportunity today and that was soundly rejected. So for that reason Mr. Speaker thank you for the opportunity to allow me to get up and express my views on the issue and on the bill and I will be voting against the bill. Thank you.

DELEGATE HOWELL. Thank you, Mr. Speaker. The debate's went on fairly long and we got a Hatfield and McCoy's bill coming up so it might even be longer. We have heard a lot today on this bill about what it does and what it doesn't do. One of the things that happens is that we only hear part of the story when asked a question. An attorney friend of mine once said only answer what you are asked and I asked the gentleman from Jefferson who did the survey, he told me the man's name, I should have asked who sponsored it, it was the ACT Foundation....the representative from the ACT Foundation was at the committee and never spoke about the survey to the committee. We have had people talk about the letters that we have received and the stack of them, we have all received them. When I got them, I took the stacks and I separated them to pro and con. Then I went through and I looked at the return addresses and I found something very interesting. The one's that want to keep the old prevailing wage that we believe we have a problem with were a mixture of in-state and out-of-state. So that means there are out of state companies want us to keep the old system in place. When I looked at the stack of the one's that wanted us to revisit, reform, change the system to make it fair 100% of those letters were from in-state. So I find the argument interesting that this is going to bring in out of state contractors when no out of state contractors asked us to do this or were in favor of it. We have heard all kinds of talk about projects and Davis-Bacon. We are not the US Congress. We can't change Davis-Bacon. Every contractor that works on a job with federal money in the State of

West Virginia is bound by Davis-Bacon and there is nothing we can do about that nor should we. So none of those workers are affected. Yet, when I was back home I had people call me on the phone that I used to work with on the local.....scared to death that their wages were going to drop on the highway project Corridor H and I told them I said we can't do anything with that, that is Davis Bacon. We have also heard today that if we do this wages will drop for union workers. Union workers have contract that they negotiated. They are not nonunion workers who individually negotiate with their employer. They have a collective bargaining contract that we can't change so their wages will not change. We have had people talk about a repeal. This bill is no longer a repeal. It is a reform of prevailing wage. We have had argument...what about residential versus commercial. All state contracts are commercial. No residential is going to be calculated in this because state doesn't build residential. People have been told things about this bill that are not accurate. We have heard that we don't know what the wage will be, it won't be ready in time, yet at the same time the same people that have said that also said wage is going to drop 30%. Which is it, do we not know or do you already know? If we save 30% on projects they say that there will be 30% less workers. I have been in government for a while now. I haven't noticed a cut very much. We talk about it but our budget gets bigger every year. If you got a \$2 million water project they are suddenly not going to make it a 1.4 million dollar water project. It is going to be a \$2 million water project because that was the money that was granted to them. What is going to happen? That project is going to be 30% larger and they are going to put 30% more of those guys up in the gallery to work. If the number 45,000 is correct, that means the number of workers can go 58,500. That is going to buy a lot of cars, pay a lot of mortgages of people that are out of work now. They said we haven't run a jobs bill. This is a jobs bill. I've got small contractors all over my county that said we won't bid on these prevailing wage projects that the state does because the paper work is too big, too cumbersome. That is why we have the \$500,000 cap in there. I have heard that the \$500,000 cap is going to be the highest in the nation matching Maryland. That is not accurate because many states don't have a cap. We have heard testimony here if you can

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build a school cheaper in West Virginia than you can in Virginia, or Maryland or whatever state. We are probably my guess is 49<sup>th</sup> in school building and we can say again thank God for Mississippi. It is not because we pay our workers differently it is because we don't have a thriving economy now and the land is cheap because nobody wants it for anything else. Schools cost more in Virginia because the land is more expensive. Not because of the workers. When I worked out of the labor local I worked with some of the highest skilled workers I ever worked with and they are here today. When you are bidding on a project and you've got high skilled workers you don't need as many. So if you are a union contractor you can bid that job lower over the guy that used unskilled labor. That gives you a competitive advantage over these unskilled guys that we keep saying that are going to come in here. The facts add up that this is a good bill for West Virginia. This is a good bill for the workers of West Virginia. This is a good bill for the taxpayers of West Virginia. I urge passage.

### COM. SUB. FOR H. B. 2934

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REMARKS  
of  
MEMBERS

*February 28, 2015*

DELEGATE PUSHKIN. Thank you, Mr. Speaker. Will the Chairman please yield, I'm sorry would the Chair please yield? I apologize. I apologize in advance I will make this quick. I have a few questions. As you know I serve on your Committee on Education and we passed this rather quickly I think for a bill of this scope that has this many implications. This is a repeal bill, correct?

DELEGATE PASDON. It is.

DELEGATE PUSHKIN. We are repealing Common Core, correct?

DELEGATE PASDON. The Common Core standard.

DELEGATE PUSHKIN. But there is a couple of differences between the bill that we pass through committee and the bill we are taking up now.

Just a couple of small differences. There was an amendment yesterday that would also repeal the next generation standards and now are those ....there is a question I am hearing from the...I am hearing questions because people are talking around me ....they are the same thing Common Core and they are the same thing?

DELEGATE PASDON. They are next generation standards were born out of Common Core.

DELEGATE PUSHKIN. How many different standards are involved with Common Core?

DELEGATE PASDON. The next generation standards were born out of Common Core. The Common Core standards were adopted in May 2010 by the state school board. We renamed them and repackaged them into West Virginia Next Generation Standards in August 2011.

DELEGATE PUSHKIN. So there are more than two....Common Core is English and math?

DELEGATE PASDON. Common Core is a set of standards.

DELEGATE PUSHKIN. Yeah it is English and math, correct?

DELEGATE PASDON. Common Core is a set of all standards but the Common Core part of next generation standards that we adopted is English and math.

DELEGATE PUSHKIN. Okay, well I read up on it a little bit and I am on the committee. I believe Common Core is a national standard. We adopted our...the Next Generation Standards which has more core subjects than just English and math.

DELEGATE PASDON. Next Generation Standards has additional subjects.

DELEGATE PUSHKIN. So it is not exactly the same thing. Do you agree it is not exactly the same thing? This changes the meaning of the bill at all?

DELEGATE PASDON. The ones we are repealing related to Next Generation Standards are the ones that were adopted in May of 2010 so



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it would only....the Next Generation Standards that are being repealed are those that are related to Common Core. Not all Next Generation Standards, those related to Common Core. That was the amendment we did yesterday.

DELEGATE PUSHKIN. The amendment yesterday we are not repealing all Next Generation Standards?

DELEGATE PASDON. It is only those related to Common Core.

DELEGATE PUSHKIN. Okay, because on page 15, line...it is subsection d, line 223 it states that the board shall establish two standard development committees so that is just for English and mathematics? Is that correct?

DELEGATE PASDON. I don't have a page 15 so I am not sure which one you are looking at.

DELEGATE PUSHKIN. I apologize I am just trying to make sure we get this right because there is a little bit at stake here.

DELEGATE PASDON. Could you just ask the question again because I don't have a page 15? Let me see if I can figure out what you are asking without...okay I have the white bill, so if you would repeat your question.

DELEGATE PUSHKIN. Section 8, subsection d of .....it's under section g and then...subsection 8 with part d.

DELEGATE PASDON. Okay....

DELEGATE PUSHKIN. Basically what it says is the state shall establish two standards. Two standard development committees. One is for English and one is for math.

DELEGATE PASDON. We are charging the state board with developing two standards development committees that would consist of educators, parents, teachers....right so we are not establishing two sets of standards we are establishing two separate committees to be involved in developing those standards.

DELEGATE PUSHKIN. Develop one set of standards for mathematics and one set of standards for English/language arts, is that correct?

DELEGATE PASDON. For what we are repealing, correct.

DELEGATE PUSHKIN. But are we also, my question is are we also repealing the standards for science?

DELEGATE PASDON. We are repealing the standards related to Common Core. We have not adopted science standards related to Common Core. We have only adopted standards related to math and English.

DELEGATE PUSHKIN. Do we also have standards for science?

DELEGATE PASDON. Those standards as long as they are not related to Common Core will remain in place.

DELEGATE PUSHKIN. But they are related to the Next Generation?

DELEGATE PASDON. The only part of the Next Generation Standards that we are repealing are those related to Common Core.

DELEGATE PUSHKIN. I am sorry I was a bit confused by the amendment yesterday that said it was the same thing.

DELEGATE PASDON. I tried to clarify it. Did I?

DELEGATE PUSHKIN. Are they the same thing?

DELEGATE PASDON. Next Generation Standards Common Core was....Next Generation Standards was born out of Common Core so the math and English standards related to Common Core were adopted into Next Generation Standards. What we are repealing are the Common Core pieces of the Next Generation Standards, so that would be the math and the English.

DELEGATE PUSHKIN. Okay, alright, and another difference we have is the bill that was passed through committee did not have a fiscal note attached to it and the one that we .....before the amendment the fiscal note that we had was for \$128,453,576.00. In your opinion is that fiscal note accurate?

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DELEGATE PASDON. The fiscal note I don't believe it is, no.

DELEGATE PUSHKIN. So you don't think it will cost....how much you think this is going to cost us?

DELEGATE PASDON. The Board of Education, the Department of Education has adopted multiple set of standards over the last decade. All of those standards they have assumed and adopted, trained their teachers, put the curriculum in the classroom within their \$2.4 billion budget. This would just be another set of standards. They would be doing the same process that they have done over the last decade several times within their current budget.

DELEGATE PUSHKIN. How much do you think this will cost?

DELEGATE PASDON. That is for them to decide on how they do it.

DELEGATE PUSHKIN. Do you think that is responsible for us to say that is for them to decide?

DELEGATE PASDON. They have done it several times this is just one more set of standards they would be developing.

DELEGATE PUSHKIN. How long did it take?

DELEGATE PASDON. That is within their timeframe, that is up to their determination.

DELEGATE PUSHKIN. My question is what do we do in the meantime?

DELEGATE PASDON. We will continue to have standards in place as I just stated we are only repealing the Common Core standards. So there will be standards in place.

DELEGATE PUSHKIN. Thank you very much. I am not going to speak to the bill I just wanted to clear that up because we are talking about our children's education here and it is very easy to just repeal something but I would like to know exactly....I would like for everybody in here to know exactly what we are repealing before we repeal it. Thank you.

DELEGATE CAPUTO. Thank you so much for yielding. I am not sure I understand exactly what we are repealing. Could you break it down to where maybe I could understand it?

DELEGATE PASDON. Sure, we are repealing the Common Core standards as adopted by the board in May of 2010. The Common Core standards that we have adopted are those related to math and English.

DELEGATE CAPUTO. Are we replacing them with anything?

DELEGATE PASDON. We are setting up a frame work for them to be replaced, yes.

DELEGATE CAPUTO. Will the replacement curriculum be in place before the repeal?

DELEGATE PASDON. Will the curriculum be in place before the repeal?

DELEGATE CAPUTO. Well you said you are replacing the Common Core standards with something, I am not sure what that is. You said they are developing something I guess is what I heard you say, I don't know. Is that right?

DELEGATE PASDON. Correct, well we are asking the state board, yes, to develop standards committees that would develop the standards.

DELEGATE CAPUTO. To replace the Common Core?

DELEGATE PASDON. Yes.

DELEGATE CAPUTO. Well I am looking at a Daily Mail article where you were quoted saying you would not support any attempts to remove Common Core standards unless there was an adequate replacement. What changed since then?

DELEGATE PASDON. What we have provided in this legislation is a frame work to include...for a solution... towards a solution. That is what we have done in this legislation is we have kept standards in place and we have moved towards developing a frame work that would provide a solid solution.

DELEGATE CAPUTO. What kind of standards are kept in place because I just keep hearing the

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word repeal, repeal, repeal? I don't understand...I just don't understand I will be honest with you.

DELEGATE PASDON. Next Generation standards has standards related to every subject. Whatever we are repealing are the Common Core pieces that we have adopted and that is math and English.

DELEGATE CAPUTO. And you say you don't see no cost with this? You don't see any added cost to this?

DELEGATE PASDON. I do believe there will be cost within the department yes.

DELEGATE CAPUTO. I have heard a lot and I don't know if it is accurate or not that the state could jeopardize some federal funding if we do this. Could you elaborate on that please?

DELEGATE PASDON. That is...there ...let me just put it like this, there are four other states that have repealed Common Core and have not lost their federal funding.

DELEGATE CAPUTO. So you don't see any possibility.

DELEGATE PASDON. No sir. Not in the way this bill was written. We were very careful in the way we were written to be sure that we were meeting all the standards required by the federal government to retain our funding.

DELEGATE CAPUTO. Okay, thank you, thank you, Mr. Speaker.

DELEGATE MOFFATT. Thank you, Mr. Speaker. Ladies and gentlemen on your desks there were three handouts way 6, 7 hours ago...about the Common Core standards and the waiver we received in 2013...the third paragraph of that waiver letter states the four qualifications that we met to meet that waiver. We had to demonstrate it was college and career ready, develop a high quality plan to the system, evaluate teachers and continuous improvement. If you look at that the bill that we are voting on does meet that. The concerns regarding loss of funding we are not the first state to address this issue. You will see another single sheet on your

desk listing the states that have rejected Common Core. There are four that never adopted the standards, three others that have paused implementation and a handful....a dozen or so... that have withdrew from the national, the national takeover of our state educational system. For more details you have the state academic standard sheet which explains some of the details but I refer you to the last page there where it lists all the states that had, had adopted the Common Core and some have renamed it. That was the necessity for the amendment the other day. When we say we are pulling out of Common Core, well our schools will say we are not in Common Core we are in Next Gen ....it is the same thing and looking at the other states you can see that other states have renamed it as well. The concerns... the amendment addressed the concerns about the testing and the reporting of the basic test scores back to the federal level. The federal government wants to see how we are doing and those test scores will be referred back. Now many of my friends and constituents are concerned about the reporting of more data. We are not going forward and reporting more data. We had a great bill last year discussing data and what we are doing is reporting the test scores... because that is one of the requirements they have. Many people have worked long and hard trying to figure out a good way to replace this when we need to have a strong set of standards. We can't keep jumping around. Delegate Ferro told me this morning that we have jumped track to track to track and this is the 10<sup>th</sup>, 11<sup>th</sup> time we have seen the standards change in the state. That is not responsible to our students. That is not responsible to our parents. That is not responsible to the state. The state board keeps hopping on the latest fad. This is not what we need. The outlying of the standards that will be proposed and I am sure that Delegate Butler will expand more on that will provide a state led ....state teacher led standards that will be highly, highly qualified, highly reviewed and will be college and career ready. This is essential. We are also eliminating all the tests. The teachers keep complaining all we do is teach to the test, teach to the test. We will have one test a year....sorry we will require one test a year, some counties opt to do more but this bill does not require that. It clarifies that teachers and students only have to have one test per year. I highly urge

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everyone to push green on this. If you have any further questions I am willing to answer them but please support the bill.

DELEGATE MANCHIN. Would the gentle chairlady continue to yield? So as I understand it we adopted four years ago in 2010 Common Core although we called it Next Generation. Is that right?

DELEGATE PASDON. We adopted Common Core in 2010 which morphed into West Virginia's Next Generation Standards in 2011.

DELEGATE MANCHIN. Okay. So that was three or four subjects?

DELEGATE PASDON. Common Core was two subjects. Next Generation encompassed all subjects.

DELEGATE MANCHIN. Okay so we have been teaching those for three years now and we are going to change math and English, is that correct?

DELEGATE PASDON. That is correct, yes.

DELEGATE MANCHIN. Okay and we have decided that because the state department of education had the money to change standards in the past without us making an appropriation that it won't cost anything to change again?

DELEGATE PASDON. No, I do believe there will be a cost to it.

DELEGATE MANCHIN. And whatever money they spend on this change this time will not be available for other things that they might spend the money on, right?

DELEGATE PASDON. I would imagine that's the case.

DELEGATE MANCHIN. So how much would it cost to change?

DELEGATE PASDON. That I don't have an answer to that and I don't think they do either.

DELEGATE MANCHIN. I mean have they been asked?

DELEGATE PASDON. They have provided fiscal notes as you have seen.

DELEGATE MANCHIN. Was that the two different fiscal notes that we have heard? Those range from how much to how much?

DELEGATE PASDON. Yes. \$1.5 to \$128 million so my guess is they really aren't sure.

DELEGATE MANCHIN. We didn't send this to Finance to let the people with some expertise in money try to figure it out either did we?

DELEGATE PASDON. We did not send it to Finance. As I stated to the gentleman earlier, the standards that have been developed over the board over the several sets of standards over the last decade have all been absorbed within the WV Department of Education.

DELEGATE MANCHIN. But we have already established it still costs money and whenever we spend that money it means that it is not available for other things so it is not free, right?

DELEGATE PASDON. I agree.

DELEGATE MANCHIN. Okay let's not go back there. One of the things I was concerned about, I think I heard some concern expressed by some folks from the Department of Education that this could cost us up to \$360 million in federal funds, is that a number you had heard bandied about it at some point?

DELEGATE PASDON. The total amount of funding that we receive from the federal government equals about \$362 million. Now it will not...only about \$93 million of that is related to anything to do with standards... which is related to our Title I funding.

DELEGATE MANCHIN. Title I is what also goes to fund these programs in some of our poorer communities where they have special assistants that go out and help these kids that aren't performing well, is that right?

DELEGATE PASDON. Yes, and we just adopted amendment to ensure that we would not lose any Title I funding.

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DELEGATE MANCHIN. Okay and do we have the federal government's approval or guarantee they made some sort of commitment that by passing that amendment that we won't lose any money?

DELEGATE PASDON. On your desk is a list of four objectives that are necessary in order for us to receive federal funding and all of that is covered in the legislation and we meet all four of those objectives.

DELEGATE MANCHIN. And so in case we would happen to lose this \$93 million do we have any plan....backup plan on how we would cover that?

DELEGATE PASDON. We will not lose the \$93 million. The only attempt out of the four states that have repealed Common Core there has been one attempt to withdraw the funding and as soon as there was a suit made it was immediately returned and restored.

DELEGATE MANCHIN. Okay, so A: we have not made any contingency plans in case we would lose the funding, correct?

DELEGATE PASDON. We won't .....

DELEGATE MANCHIN. I appreciate what you are saying.

DELEGATE PASDON. Let me explain to you like since we are asking about the funding related to federal government. We would not lose the funding anyway because we are a poverty state and so many of our....a high percentage of our students are on free or reduced lunch so we would not lose the federal funding anyway but what we could lose is 20% of it, which equates to about \$18 million. The federal government can tell us how to spend it. They wouldn't take it away from us, they can tell us how we need to spend it and dictate how it is spent but we are currently spending it in the way that they would dictate for us to spend it.

DELEGATE MANCHIN. So as we stand here today you are assuring every member of this body that we have no federal funding at risk over this vote.

DELEGATE PASDON. Yes I am.

DELEGATE MANCHIN. Okay thank you.

DELEGATE SKINNER. Thank you if the gentelady would continue. So we are going to repeal the English and math Next Generation Standards. Is that right?

DELEGATE PASDON. Yes as they are related to Common Core yes.

DELEGATE SKINNER. What is wrong with them?

DELEGATE PASDON. There are many things wrong with them. What we have seen the state board have challenges with the math curriculum and curriculum dictates standards. I know that they say those are two separate issues but curriculum does dictate standards and those standards that are set in order for a child to reach the standard of achievement that they need to reach in order to be considered adequate yearly progress. So we have even seen at recent board meetings that the state board changed their direction on math. I have received hundreds of communications from students and parents around the nation that are upset over the way their children aren't achieving, they are failing, especially related to math. The challenge is really...are in the math arena of Common Core. We also have seen the state board reverse or apply for a waiver for testing... which clearly indicates that they don't believe that our students and our educators are ready for our children to even take the test.

DELEGATE SKINNER. So, do we have any data in West Virginia to show that it is not working?

DELEGATE PASDON. I have hundreds of communications that will tell you that it is not working. I don't have data. I don't believe that there has been data in place long enough to provide that data.

DELEGATE SKINNER. There is no data. The ....I want to go back to something that the gentleman behind me raised. I have been told that we are at risk of losing \$300 million in federal funding. I have heard from the gentelady

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that it hasn't happened anywhere else. Technically are we at risk of losing \$300 million?

DELEGATE PASDON. No sir. The amendment we just adopted assures we will not lose any federal funding.

DELEGATE SKINNER. Because I hear we are betting at least \$18 million because we are going to have the federal government come in here and tell us what to do and that is something that we may not like so much. So we got \$18 million bet, how much more are we betting that what we are doing here is not going to jeopardize federal funding?

DELEGATE PASDON. The amendment we just adopted assures that we will not lose or put any federal funding at risk.

DELEGATE SKINNER. So yesterday I spoke to somebody who works...I don't even know where they work...under the school board for the department of education...they said that is not true. They said that we are actually betting technically \$300 million.

DELEGATE PASDON. We talked to them last night and this is what we asked the amendment to be made to reassure that we would not lose any federal funding. This was at their request to assure that we would not lose any federal funding.

DELEGATE SKINNER. Okay, I hope you are true, gentelady.

DELEGATE PASDON. I wouldn't put it at risk, trust me.

DELEGATE SKINNER. Thank you.

DELEGATE SPONAUGLE. Will my good friend from the 51<sup>st</sup> continue to yield? Who adopted these standards in 2009?

DELEGATE PASDON. They were adopted in 2010. It was done....the state board.

DELEGATE SPONAUGLE. The state board adopted these standards?

DELEGATE SPONAUGLE. Has the West Virginia Legislature ever enacted legislation adopting curriculum?

DELEGATE PASDON. We are not adopting curriculum we are addressing standards. We are not adopting anything we are just asking that they repeal the standards.

DELEGATE SPONAUGLE. Has this body ever repealed any educational standards in the past?

DELEGATE PASDON. Not in the time that I have been here but I can't answer historically.

DELEGATE SPONAUGLE. Okay so this may be a first.

DELEGATE PASDON. I can't answer that I have no idea.

DELEGATE SPONAUGLE. Okay thank you.

DELEGATE MILEY. Will the gentelady continue to yield? A couple questions I wanted to follow up on because I am not clear. It is my understanding that there are Common Core standards and there is a Common Core curriculum, am I correct in that understanding?

DELEGATE PASDON. There is curriculum that is developed to meet the objective of the standards.

DELEGATE MILEY. Right so that .... okay so you set standards that you expect our school kids to meet and then you develop curriculum so that they can meet those standards.

DELEGATE PASDON. Correct

DELEGATE MILEY. Now it appears that the complaints that I have heard about....and I don't want to suggest that there have been many but the complaints that I have heard about have more to do with the curriculum and the subject and material being taught to meet the standards that is giving most people fits, is that consistent with what you are hearing?

DELEGATE PASDON. Yes, that is consistent.

DELEGATE MILEY. If that is really the source of the problem then why are we not focusing on making sure we develop a curriculum that can be easily implemented to meet or exceed these standards instead of just abolishing those standards because I haven't heard anything that describes why we should be abolishing

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standards? I understand we may have difficulty meeting them based upon the curriculum in the manner of which it is being taught. But I don't understand why we are abolishing standards because standards are a good thing.....why we are abolishing standards and not focusing on making sure we have a curriculum that can be implemented effectively so that our kids can meet those standards?

DELEGATE PASDON. There is a lot of confusion related to Common Core and curriculum and standards. In the legislation we actually call for a curriculum review as well to meet the new standards... what we are asking the state board to do is take a breath, step back, recognize we have challenges whether you want to say they are with the standards or the curriculum, the curriculum that was adopted to meet the standards we are asking the state board to take a step back to do a comprehensive review and to revise those standards and put new standards and curriculum in place that would eliminate the challenges that we currently have.

DELEGATE MILEY. My concern is, I mean I am not familiar with what the standards are but can I presume that the standards are something along the lines of if in order to graduate third grade you must be able to do these things and to graduate fifth grade you must be able to do these things. Is that what the standards are like?

DELEGATE PASDON. They are a benchmarking of sorts, yes.

DELEGATE MILEY. I guess my question is...if it is not the benchmarks that are creating concern but the implementation of the curriculum needed to meet the benchmarks, why are we throwing out the benchmarks?

DELEGATE PASDON. Because the curriculum is tied to the benchmarks.

DELEGATE MILEY. Well the benchmarks set a goal and expectation to be met and if those stayed in place we could modify the curriculum to make sure our kids met those standards. If those standards are appropriate...do we feel the standards aren't appropriate?

DELEGATE PASDON. Well that is what we are asking the state board to do is to revise the

standards. They were implemented quickly without a lot of teacher and parental involvement. We are asking the state board to have a standards committee to revise those standards to look at them to be sure that we are...that we do have adequate standards for our students that reflect West Virginia students and not just a national standard. What we've done, is been handed a program that was a national program and we have just adopted it no questions asked. So what we are asking is that you take a step back, you be sure that we have adopted a program that adequately meets the needs of West Virginia students.

DELEGATE MILEY. So you believe that there are problems with both the curriculum and the standards that have been established?

DELEGATE PASDON. I believe that it is hard to separate the two given they are so closely connected.

DELEGATE MILEY. Okay, now do you think there is any value, you know there has been a lot of criticism of our educational system here in our state, do you think there is any value in comparing ourselves to other states to meet the same standards?

DELEGATE PASDON. I do.

DELEGATE MILEY. Okay. Now the plan is set forth in this bill if it passes will we implement standards or does it contemplate implementing standards that compares us with the standards set in other states?

DELEGATE PASDON. Yes, the NAEP test is a national test that we still take and participate in and it has been in place for 30 years and that is the national benchmarking test.

DELEGATE MILEY. Okay great thank you.

DELEGATE MCGEEHAN. Thank you, Mr. Speaker. Will the gentle chair yield? You've done massive amounts of research on this have you not?

DELEGATE PASDON. Yes.

DELEGATE MCGEEHAN. Is it safe to say by now you are pretty much a subject matter expert

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when it comes to Common Core and the educational system at present?

DELEGATE PASDON. I will say I have tried to learn as much as I possibly could.

DELEGATE MCGEEHAN. Is it also safe to say then that the Common Core standards are what actually drives the curriculum and that is why you are saying the two are so closely linked?

DELEGATE PASDON. Correct.

DELEGATE MCGEEHAN. Now with regard to opting out of Common Core there has been a lot of talk on this side of the aisle about losing the Title I money, the \$362 million we received from the federal government which is called Title I... is it your understanding that achieving a waiver like these four preceding states already done opting out of Common Core getting a waiver is it fairly easy process to move forward?

DELEGATE PASDON. It is a very simple process.

DELEGATE MCGEEHAN. Right...okay...and even hypothetically if we didn't get that easily achievable waiver we would still only stand to lose a very small fraction of flexibility of that title one money correct?

DELEGATE PASDON. Right we would not lose any ...assuming that we lost the waiver... we would revert to no child left behind so what we...the amendment that we passed today assures that we don't lose any funding what so ever and not even any flexibility and even if that amendment were not to be adopted we would not lose federal funding at all we could just potentially use flexibility by adopting the amendment we don't lose either.

DELEGATE MCGEEHAN. And would it be safe to say also that some of the statements made from the Department of Education and the board, the school board, the state school board about losing all that massive amounts of money might be a little biased because they have kind of a love affair with Common Core?

DELEGATE PASDON. Well I would say... I don't know quite how to answer that. I would say that they feel like they have invested a lot of

time and work in the Common Core and I am sure that there are some personal attachment.

DELEGATE MCGEEHAN. Maybe a little fear mongering?

DELEGATE PASDON. Maybe.

DELEGATE MCGEEHAN. Okay, thank you.

DELEGATE BUTLER. Thank you, Mr. Speaker. Would the gentelady continue to yield? Speaking of maybe the cost of not repealing Common Core standards and understanding that these standards are actually copy written... would it be easy for us to substantially change say the mass standards to knowing we are going to need engineers for the growing gas industry and things like that we want more people in the stem fields and knowing that the Common Core standards are not really high enough for that kind of an education? Would it be easy for us if we were still in Common Core to bring our students up to that level of achievement?

DELEGATE PASDON. Common Core was originally designed to be a baseline. It was to say that all students have to need to be at this level by this time. So given that we have adopted Common Core the way we have in its current form we have not chosen to revise those standards or change them to elevate our students in anyway.

DELEGATE BUTLER. Right and you are aware, aren't you, that recently within the last few weeks West Virginia teachers have actually asked for a waiver to get out of the integrated math?

DELEGATE PASDON. Yes, that is correct.

DELEGATE BUTLER. Okay, and you have already covered the part where the superintendent pulled us out of the tests already. Have you heard all the complaints from teachers saying that they are tired of teaching to the tests?

DELEGATE PASDON. Yes, absolutely and the standards that we have in place now even drive to teach to the test more.

DELEGATE BUTLER. Right and this bill if it passes how many times would they be required to test?



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DELEGATE PASDON. Well this test requires the smarter balance assessment test which is required at least annually or if this bill passes they are only required to test one time annually instead of multiple tests like we currently have.

DELEGATE BUTLER. Right and in your bill who actually writes the standards, who writes the standards for West Virginia students?

DELEGATE PASDON. You have a compilation of teachers, parents... all of those involved in a child's educational career that would be a make-up of these committees.

DELEGATE BUTLER. And when the Common Core standards were initially adopted by the state board and this and this.....would you agree that this was a major undertaking changing all of our standards?

DELEGATE PASDON. Yes.

DELEGATE BUTLER. Was the Legislature ever consulted, even out of courtesy, to let us know what was happening so we could let our constituents know that this was happening?

DELEGATE PASDON. Not that I am aware of and I was elected during that time.

DELEGATE BUTLER. And I guess the final question, can you think of anybody better than West Virginia teachers to write standards for our West Virginia students?

DELEGATE PASDON. Absolutely not. I trust our teachers entirely.

DELEGATE BUTLER. Thank you.

DELEGATE MILEY. Chair, I am sorry I forgot to ask a question earlier when I was up. Have you or any counsel with whom you have consulted... determined that we are not going to violate Article 12 of our constitution?

DELEGATE PASDON. Yes, I can read that to you if you would like me to?

DELEGATE MILEY. If you are comfortable we won't be running afoul of that Article....I mean I assume they are aware of West Virginia Board of Education versus Hechler?

DELEGATE PASDON. Right, so Article 12 of the Constitution reads the Legislature shall provide by general law for a thorough and efficient system of free schools while the state board shall supervise those schools they shall supervise it according to the law established by the Legislature.

DELEGATE MILEY. Well you also are familiar with the holding that the state board of education shall determine the educational policies of the state and shall make rules for carrying into effect the laws and policies of the state relating to education including rules relating to the physical welfare of the pupils. I mean are you familiar with that case?

DELEGATE PASDON. I am and we are not mandating that they change policy.

DELEGATE MILEY. Okay, so you are comfortable with me leaving that we are not running afoul of our constitution?

DELEGATE PASDON. Yes.

DELEGATE MILEY. Okay, thank you.

DELEGATE IHLE. Thank you, Mr. Speaker. I would like to give us all a break from the Q & A just for a moment and speak to the bill. Thank you. Some may wonder why I would be speaking to the bill. First of all I am not an educator, second of all I obviously don't have any children, but I would like to someday and I do represent the people in my district both educators, current and potential....I know they are all listening to us right now and waiting to see what we are going to do as well as students and lots of other interested folks. So many of those people will have given to me what they consider to be their top ten list of issues they have with Common Core and on their behalf I would like to briefly share that with you. These are their problems with Common Core that they have expressed. Number ten, the collectivism, states such as Indiana have been asked to lower their curriculum standards to Common Core even though the Fordham Institute grades Indiana as better and consequently the State of Indiana has rejected Common Core. Number nine, the arrogance, fellow lawmakers in other states have called Common Core opposition a "conspiracy theory", told them that hearings are "a crazy

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show” and called opposition a “fringe movement” and put \$8.00 in one’s state budget for tin foil hats. Number eight, making kids cry, a well circulated picture shows a second grade girl who has already beaten cancer, crying because her Common Core math problem is incomprehensible to her. Number seven, distancing parents and children, a recent study shows the Common Core education results in parents who are less engaged in their children’s education and express more negativity about schools and government. Number six, the data collection, Common Core enables theft of kids and teachers information at the behest of governments and businesses furthering their bottom lines and populous control fantasy at the expense of private property and self-determination. Number five, turning kids into corporate cogs, Common Core makes no promises about fulfilling education’s purpose of producing citizens capable of self-government instead it focuses on the materialistic benefits of education. Number four, dirty reading assignments, some books include *Make Lemonade*, *Black Swan Green* and another book whose title I won’t share contains scenes sympathetic to violence against women. Number three, obliterating parent rights, the top down federal standards minimize the duly elected school boards that parents have established to oversee their children’s education. Number two, the lies, after the fact we have been told that it has been internationally benchmarked but that was done after the fact after this has begun to be implemented in various states across our country. Been told that it is evidence based. That evidence is appalling. Been told that it is rigorous when it is actually, well quite rigid. We are told that high performing nations nationalize their education. Well that may be true but so do low performing nations. Finally the number one reason is the senseless infuriating math which if any of us have not heard anything else about Common Core we have at least heard about the math. But for any of us that may not have heard that I want to read a little image that kind of goes around social media and no this is not an official Common Core math problem, I think but I think it illustrates the confusion a lot of parents and teachers can have. Problem goes, if you have four pencils and seven apples how many pancakes will fit on the roof? Answer naturally is purple because aliens don’t wear hats. That I think says a lot about the problems that the

people of my district many of them have about the Common Core standards and you know another thing we have concern about and I think we have concerns about is bullying in our schools. Look at me, I obviously was bullied a time or two in my day and I think now we have an opportunity to show our kids that we are not going to give into bullies. We can show that we are going to fight back against the bullies who has threatened us with lawsuits and fight back against the over-reaching federal government and let’s repeal Common Core for all God’s children and the State of West Virginia.

DELEGATE PUSHKIN. Thank you, Mr. Speaker. Would the gentleman please yield from 13<sup>th</sup>? That math problem you just gave us...that is not a Common Core math problem?

DELEGATE IHLE. It is not. I thought it illustrates some of the confusion that many who attempt the math problems feel when they are working on them.

DELEGATE PUSHKIN. Where did that math problem come from?

DELEGATE IHLE. It is what is called a meme. It was on social media expressed by many people who share the frustrations.

DELEGATE PUSHKIN. Is there such thing as a Common Core math problem?

DELEGATE IHLE. Now that might be something that is better addressed to someone that has more experience and I am not an educator....may I finish my response please. I am simply relaying the concerns of the people of my district and that is my job as a delegate.

DELEGATE PUSHKIN. I appreciate that. That is what we are supposed to be doing is addressing the concerns of the people in our district and that is why I am trying to figure out why we did this like this so much. I am with you I am..... Is there such thing as Common Core math problem?

DELEGATE MOFFATT. There are lots of problems with the Common Core math. They are not STEM ready. The standards they are not science, technology, engineering, math ready.

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They will harm our children and they will not be prepared for college the way that you and I or others here may have been educated. Right now my daughter brings home math problems. They are not really sure if she gets it right...they don't care as much as if she gets it right but doing the math she has got to circle which number is higher which number is lower. I explained to her how to do addition, subtraction, multiplication, division. She is even working on fractions in first grade at home. At school they are circling numbers. It is kind of foolish but the Putnam County as Delegate Butler mentioned... Putnam County teachers 28 of the 29 teachers appealed to the Board of Ed, Putnam County Board of Ed to go back to the classic math and the reason for that was because they did not feel that the Math 1, Math 2, Math 3 and Math 4 that they had... were adequate. You teach Math 1 you combine algebra, geometry, trigonometry you teach Math 2 it is kind of a combination to but a little bit harder so a ninth grader who would normally take algebra does not know where he struggles. He is struggling in Math 1. If he has to find remedial help he can't find help in remedial help in Math 1 because they are not sure where his problem is. His problem might be algebra. His problem might be geometry. His problem might be trigonometry but we don't know because it is so combined. The other issue there is that we are not offering the advance level courses in high school because we are limited as Math 1, 2, 3 and 4.

DELEGATE PUSHKIN. Okay, can you explain the difference between the standard and the curriculum?

DELEGATE MOFFATT. The standard is the frame work of what needs to be met. The curriculum is actually the flesh that goes on the meat of the standards.

DELEGATE PUSHKIN. And the teacher can choose the curriculum right as long as they have reached that standard?

DELEGATE MOFFATT. There is curriculum advice given to them and basically that is driven by the assessments. They assessments are set up so that the teachers teach to the test. We keep hearing teachers don't want to teach to the test. If the standards say you must learn ABCD but

they are going to test you on A and B. As a teacher we are here to teach A and B so the curriculum is driven to A and B.

DELEGATE PUSHKIN. What I am hearing though is the Common Core is a set of standards in English and in math and the state formulates the next generation standards underneath that, right? Is that correct? It is a set of standards so its goals a child is supposed to reach this goal in math by this grade, supposed to reach this goal in math by that grade. So I am trying to figure out what exactly about which goal don't we like?

DELEGATE MOFFATT. No, going back to the high school math is not ....

DELEGATE PUSHKIN. Let's talk about first grade math. I am a little slow. In the first grade math developing and understanding addition and subtraction strategies in addition and subtraction, okay, developing an understanding of whole numbers. Developing understanding of linear measure. I am just trying to figure what about this don't we like. That is what I want to get to. I want to know why we don't like it. Common Core is a set of standards correct?

DELEGATE MOFFATT. Correct.

DELEGATE PUSHKIN. That is what I am getting at. What math problem, like the Gentleman from the 13<sup>th</sup> brought up and what you brought up, was curriculum?

DELEGATE MOFFATT. The math problems we are doing now... we are not teaching kids addition tables, we are not teaching kids subtraction tables, we are teaching kids to reason at first grade. These guys are doing word problems in first grade when they don't even have the basics. They don't have the basic 1 plus 1 equals 2, 2 times 2 is 4. All the tables and stuff that we did as children. They are being told Johnnie has two apples, Sara has three apples, how many apples and that is just simplification of some of it.

DELEGATE MOFFATT. That is the curriculum that goes with these standards.

DELEGATE PUSHKIN. But there is no curriculum it is a standard they teach to get to reach these goals which aren't ....I see the goals

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right here there are four goals in math for a child in first grade that has nothing to do with those problems that is.....What specifically about the standards do we not like? I am with you on this I just want to know what I am repealing before I repeal it.

DELEGATE MOFFATT. I understand that, I appreciate it.

DELEGATE PUSHKIN. Because it could cost the state some money and I want to know...

DELEGATE MOFFATT. These standards that we grew up on we teach math tables we teach subtraction tables now we are teaching word problems and stuff is not grade appropriate.

DELEGATE PUSHKIN. Once again that is curriculum because that is not the standards that I am looking at right here. But I appreciate you answering the questions and I apologize for my line of questioning if I was out of line in my questioning but we are talking about repealing the standards without really having anything in place to replace it with it possibly costing our education system a lot of money. There is a price tag on that was provided for us for \$128 million and some change which by my calculations would be a \$2,000 annual raise across the board for all teachers in West Virginia which is a pretty hefty raise then we are going to spend it on repealing the standards. I would like to know what we don't like about it so if you would indulge me for one second would Madame Chair would you please yield briefly? I just want to get this straight before I can vote yes or no on this. It is a fairly important issue. We are talking about education standards for the entire State of West Virginia that we are deciding here then they can decide over there....Can you assure me that we won't lose any federal funding if this goes into effect? You can assure me that we will not lose any federal funding?

DELEGATE PASDON. Yes, Yes, Yes, there are multiple members that have already asked that question, yes sir, I can assure you of that.

DELEGATE PUSHKIN. Okay, thank you.

DELEGATE HOWELL. Thank you, Mr. Speaker. Will the gentlelady yield? I know that

standards are the goals we set the goals we need to achieve and the curriculum is how we get there. Under Common Core can the teachers adjust the curriculum so that the children can meet the goals?

DELEGATE PASDON. No and this goes to the Delegate's question just a few minutes ago. Curriculum is set forth by the state school board so teachers do not have the ability to adjust the curriculum and be flexible. If that were the case then we would not have seen the state board reverse their stance or change their stance on math curriculum so now in Putnam County they requested this math waiver. Putnam County teachers had to request the waiver and the state board had to allow them to teach a different set of math curriculum because the state board dictates what is taught in our schools not the teachers.

DELEGATE HOWELL. So by repealing the Common Core we give the teachers the flexibility so they can help the individual students advance and learn what they need to learn. Thank you.

DELEGATE FOLK. Thank you, Mr. Speaker. I stand here as a former math teacher. It has been a while since I taught math so don't ask me too many questions. I use math every day in my job. My wife is a science teacher. My grandfather was a teacher. My great grandfather was a teacher. My grandfather was a math teacher. But more importantly I am a parent of four children. Three of which are in elementary school. This is a Common Core math problem that was brought home. It has got one number 717 and six empty blanks or rectangular shaped blanks. It says fill in the missing numbers. My daughter about cried over that. She couldn't figure it out. Quite frankly my wife and I went and looked at it and tried to figure it out, okay, since there is not more than one number we can't figure out if there is a pattern so you don't know how to follow what it was. We sent this to my two sister in laws, one who was a double major in biology and mathematics. She had no clue what they were looking for. We sent it to the other sister who is an engineer. She works for one of the top defense firms in the country at a top secret clearance. She had no idea what they were asking for. I have had graduate level courses in mathematics, statistics. How do you think the high school educated parents of this

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state which there are many, a lot more than there are people with college degrees and graduate degrees, how do you think those parents feel when they are trying to help their children, their elementary school children with these type of math problems? Yes, some of this is a result of Common Core. It is the curriculum but whether you like it or not curriculum is based on the standards. They are intertwined. The funny thing about this is that our school board our state school board voted on the acceptance of Common Core standards before they were even finalized. That is a fact that nobody can dispute, May of 2010 would vote on them. June of 2010 they were adopted. You wonder why? You wonder why because you had to apply beforehand if you had any hopes of getting any additional federal dollars. Guess what? West Virginia never got those additional federal dollars. Other places that they needed to have accept the standards did get the dollars because they didn't have states like Massachusetts actually accept the standards because they had higher standards than Common Core. They needed to buy in some of these states that had exceptional standards. So the reality is the acceptance of Common Core from every state that accepted it is a dumbing down of our standards nationwide and that is why we need to repeal them. Thank you.

DELEGATE L. PHILLIPS. Thank you, Mr. Speaker. Would the gentelady yield one more time? Thank you. I understand that we have nothing to replace these with so between now and I am assuming August somebody is going to have to be doing a whole lot of work to get standards in place. I guess that is a question, that is a question.

DELEGATE PASDON. Well what we have set up is there is a deadline that they have to begin this process so at the time we have set up a framework for them to develop for there to be new standards developed at the time the new standards are developed the current standards will be replaced with the new standards.

DELEGATE L. PHILLIPS. And that should take approximately how much time?

DELEGATE PASDON. I think that would be up to how quickly we are able to organize and put the committees together that are outlined that would be the determination of the state board.

DELEGATE L. PHILLIPS. So are we assuming that by next August we will have new standards in line for school to start?

DELEGATE PASDON. That would be ideal.

DELEGATE L. PHILLIPS. So what are we going to operate under in the meantime?

DELEGATE PASDON. This current school year would finish out with what is currently in place.

DELEGATE L. PHILLIPS. If we do not have new standards by August will we continue with these standards?

DELEGATE PASDON. We would have an older version of our standards but yes. Would that be standards that they are allowed to operate under these standards until they have a revised set of standards in place?

DELEGATE L. PHILLIPS. Okay so that might be...okay I understand you said however long it is going to take to get new standards written. Thank you.

DELEGATE WAGNER. Thank you, Mr. Speaker. Would the Gentleman from the 1<sup>st</sup> yield please? Could you please explain why the Common Core standards are bad and how those standards drive our curriculum?

DELEGATE MCGEEHAN. I can give you a story about my little girl who is in fifth grade who absolutely loves school. She is a straight A student, I don't know where she gets that from because I was always at the back of the classroom but she loves going to school and about a month ago she started learning in her math class in fifth grade how to add fractions and how I am sure all of us learned how to add fractions is to find the least common denominator so when you add  $1/2$  plus  $1/3$  the least common denominator is  $1/6$  that equals  $5/6$  but that is not how the curriculum is being taught and it is based off the standard for that particular category under fifth grade mathematics. What she is now being forced to do in adding fractions is and it is ridiculous there is two clock faces essentially and she said and I will give you an example on her homework. Okay, shade in gray in half of this clock face, now gray in one third of this clock

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face now visualize the total summary of both gray areas and come up with the answer but when you look up the actual standard that drives that you can pull it up right here I saved a bunch of these standards for fifth grade Common Core math standards for fractions solve word problems involving addition and subtraction of fractions referring to the same whole including cases of unlike denominators by using visualization methods so students at the fifth grade level can conceptualize the....I just got a phone call so it cut off the rest of the sentence....but anyway so that is how the standards are actually driving these bazaar methods of the curriculum and my little girl was in tears and I told her, hey look, here is the least common denominator method, do it this way. She went to school she got all the answers right but since she used it the old way she got a D on her quiz so she came home and she was crying in tears because she thought she let me down, she thought she let her teacher down and she just loves school. Well she got a B on her report card in math a 92% because of that D in that quiz and that is the first time she has got a B in elementary education up until fifth grade until now so that is how the standards drive this bazaar curriculum.

DELEGATE FOSTER. Thank you. I stand in support of this legislation. I just wanted to clear something up, the Gentleman from the 37<sup>th</sup> asked if there was such thing as a Common Core math problem and I want assert that there is. The problem is math-wise a large majority of West Virginians do not approve of this Common Core standards, yet the state board approved it anyway. That is the math problem with Common Core. Thank you.

DELEGATE FERRO. Thank you, Mr. Speaker. Will the Gentledady from the 51<sup>st</sup> please yield? Thank you. Just a couple questions. You know you stated earlier that there would be little or no financial impact from the federal government if we repeal this legislation is that correct?

DELEGATE FOSTER. Yes that is correct.

DELEGATE FERRO. How about at the county level? How would this or how might this impact them financially in terms of maybe purchasing new text books or having new training for teachers if this is repealed?

DELEGATE PASDON. That would fall under this Department of Education's budget.

DELEGATE FERRO. It would fall under the Department of Education's budget. So they would take.....

DELEGATE PASDON. Which is \$2.4 billion.

DELEGATE FERRO. They would take care of all that....

DELEGATE PASDON. As they currently do now, as they have historically.

DELEGATE FERRO. Just wanted to find out thank you.

DELEGATE MOFFATT. Sorry about that. As I mentioned Putnam County didn't reject the math. There are problems with it not being STEM ready. The English we are not teaching the class literature we are working more towards trade manuals. Most of our teachers were schooled in the class of learning so we are getting back to the math tables and our previous standards would not be a problem. Again, this is my second time speaking, my last time speaking. I urge everyone vote green.

DELEGATE DUKE. Thank you, Mr. Speaker. Some of you know I have a 33 year career in teaching in the education profession. All that was as a classroom teacher. My wife is finishing her 45<sup>th</sup> year as a classroom teacher. We have had many debates over Common Core at home and it is something that when I was in elective service ten years prior here in this body I was heavily involved in the research and studying of that and dealing with different aspects of it. As an educator I have seen lots of changes. I have seen gone through lots of time periods of frustrations that many of the teachers in the education communities have faced over various kinds of things and changes that have taken place. As far as Common Core one of the things that I did five or six years ago went to a national conference. The guy who spoke there was the superintendent of schools in Indiana. This was during the process during which Common Core was being drafted and implemented. The State of Indiana was one. The Governor of Indiana was one of the two key Governors that were pushing

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the Common Core initiative. It was a state initiative. When questioned, the state superintendent of the schools from Indiana said that if it does not turn out the way we think and hope it will Indiana will be the first state to withdraw from Common Core. It has not turned out to be what it was billed as...and Indiana indeed was the first state to withdraw from Common Core. I showed in this body when No Child Left Behind was first implemented there was lots of angst on both sides of the aisle concerning No Child Left Behind and it didn't make any difference whether it was an R president or a D president, I did not like No Child Left Behind and I made my wishes known concerning No Child Left Behind. To me it was top down, it was one size fits all, it was more federal and less local control. Under Common Core one of the provisions of Common Core is you have to take all of Common Core. You cannot take one thing away from Common Core. If you are a Common Core state and you can add to it but that is the base. As the Gentelady from the 51<sup>st</sup> said...and you can add to it up to 15%, that is all. Can change nothing in Common Core. Can add but only to 15%. That is a limit that is a limit on state's authority concerning what they need and what they feel their students need as an educational standard. Out of No Child Left Behind we got raised to the top different president, different party in power we got Common Core which was a state initiative sort of was taken over by the federal government in terms of a policy that you would have to abide by and sign on to before you were available to get \$4.3 billion of race to the top money. West Virginia applied. West Virginia made many changes in hopes that we would earn more points to make the cut so that we were one of the sixteen states that would get race to the top funding. We didn't come anywhere close. One of the things that we changed we used to have a policy in place where veteran teachers were only evaluated every three years. But under Common Core standards by the federal government's rules from the US Department of Education you had to have annual evaluations for everybody so we had to change the rule, the law in West Virginia, to require annual evaluations even for veteran teachers. All across the political spectrum from the far left, far right there have been lots of people that have complained and pointed out problems with Common Core. When Common Core was first started...Alaska, Texas, Virginia and Nebraska

chose to pass. Minnesota chose only to enact the English portion not the math, they passed. Since that time we have had Indiana withdraw, South Carolina, Oklahoma. We have also had many, many states withdrawing from the testing consortium. I am not going to read the states I will just tell you of all the states in the testing consortiums two of them there is a PARCC which is an acronym which stands for something about testing and Smarter Balanced. On the PARCC it did have 23 states in it now it only has 14. They dropped out of the testing component. They said we can do it better and cheaper. So went from 23 to 14. They lost 40% of the states that were part of the PARCC testing consortium of the Smarter Balanced which West Virginia is a part of, it started out as 31 it is now down to 22.....30% of that testing consortium dropped out, why? One state said they dropped out because the fee to join the consortium was a billion dollars. In addition to that Georgia reports that their testing for student was \$12 per student but going to Common Core with Smarter Balanced it is going to be \$29.50. That is \$14.4 million for West Virginia students if it was the same price. There is a cost to the smarter balance testing. There is a cost to belonging to smarter balance if we are members of Common Core. If we are not we can still test, we can still evaluate but it will be a heck of a lot cheaper. There is all kinds of things I want to say but we have been here a long time. I do want to point out that one of the goals was to have one testing system that all 50 states would plug into so we could compare how each state was doing and compare one state to the next. That hasn't happened. Five states didn't belong, three states have dropped out so far. Others are moving in that direction. Many other states have dropped out of the testing consortium. This year alone we are going to have at least nineteen different assessment tests among the 50 states. We don't have a Common Core. We are not going to have a Common Core test. Why are we proceeding down a Common Core path? It doesn't make sense to me because of things that have happened beyond West Virginia's borders that have nothing to do with us or here in this building or anywhere else. Other states have moved on Common Core. They have changed. Pre-Common Core in West Virginia if you had a top eighth grader, they could take Algebra 1 in eighth grade. When they got to ninth grade they would have an Algebra 1 test, a credit in high

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school. Can't do that under Common Core. Our colleges and universities both in West Virginia and nationally have talked about how Common Core is a step backwards. We are not being able to give those math backgrounds that those students in the STEM fields need. Preston County that was mentioned before, under their old way, non-Common Core way they had a 62% proficiency rate of their students, 62%. After Common Core and several years of that it was 40 couple...60 something to 40 something. Doesn't sound like it is working. In New York State the Board of Regents decided in February 2014 to delay implementation for five more years. In New York State when they implemented it and they first tested it, they found a collapse in the test scores, costing test scores across the state to plummet. Only 31% passed the Common Core test the failure rates were dramatic and among the neediest students only 3.2% of English language learners were able to pass it along with only 5% of students with disabilities and 17% of black students. New York State has now postponed implementation, full implementation, until 2022. We are not the only state that is taking a look at Common Core and taking a second look. Many states chose to pass on it, other states have chosen to pause, other states have chosen to re-evaluate and others to repeal and that is what is before us today. Thank you.

DELEGATE ROHRBACH. Thank you, Mr. Speaker Pro-Tem. I will be brief. We certainly have had a long exhausting day. I am not an educator. We have a number of very skilled educators in this chamber. I do have a sister that is an educator and she is in charge of the Math Department at Huntington High, second largest high school in the state. Masters plus 45...she has got about 30 years' experience. The thing that I will say is I didn't know where all this stood so I went and talked to my sister she has a lot of experience. She has seen curriculums come and go and I trust her judgement in this matter. In regards to the math she says this is truly the worst curriculum she has seen in the school system in her 30 years involvement at the high school level. With that in mind I think we have all made mistakes. This was probably one. We probably bought a bad curriculum. I don't think anybody did it maliciously, intentionally but again I think we have all heard concerns and I think a lot of them are valid. I don't think they

were done for bad reasons. But with that in mind I think we should go backwards adopt a better standard and do away with at least this part of the Common Core. Thank you, Mr. Speaker Pro Tem.

DELEGATE MCGEEHAN. Thank you, Mr. Speaker. I will be really brief I know we want to get out of here but I urge passage of this bill. I come at it first and foremost from a philosophical point of view. Common Core is really just the next step towards the nationalization of education in this country. We saw the precursor of No Child Left behind...and I have no doubt that it is inevitable that Common Core will fail. What is the next step with federal intrusion into our educational programs here in this state? It violates the great American tradition of local education, local control over education. So with that being said I know that there has been a lot of statements about the bazaar nature of Common Core, bazaar nature that it forces our kids to learn by bazaar standards that are out but we really need to start looking at moving forward and keeping our own states sovereignty, especially when it comes to education because establishing this precedent of Common Core where one entity, Washington, DC can thereby control what every child learns and every school throughout the nation is a very dangerous precedent to establish. So with that being said I urge passage. Let's vote and let's get out of here.

DELEGATE PASDON. Thank you, Mr. Speaker. Probably like many of you it is unfortunate but you probably feel similar to the way that I do and that is it is unfortunate that this has landed in our laps. The state board of education has had many months if not years to address the problems and questions surrounding Common Core. They have been posed, they have been asked to come to Town Hall meetings, they have been asked to engage with members of the public and they have refused and they have continued down a path of forcing Common Core on our students and on our educators. The state board and the state superintendent made a grass roots effort in the last 24-48 hours to call upon them to ask the Legislature to stay the course with Common Core. Instead of getting emails from angry teachers and angry superintendents and communications from angry principals I got the exact opposite. The state board encouraged them to tell me to stay the



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course and they said please don't. This isn't working. The overwhelming majority of West Virginians do not support Common Core. I can tell you from the hundreds of communications that I have received of the last six weeks. The communications in favor have been just a fraction of those that I have received that are against. The state board has forced Common Core on our students. They have forced us to once again adopt a national program. A decade ago we adopted a national program that my vice chair here referenced... which was No Child Left Behind and the decade since we adopted No Child Left Behind which was a national program that we just bought into. Our students' achievement gap has only widened and yet we have done it again. Again this is the next great thing for education and this is the next great thing for our students because everybody else is doing it, it is going to be great for us. Well the last time we did that it got us bottom in the nation. Somebody said tonight thank God for Mississippi. Well we can say it again and when it comes to education our students deserve better. They deserve us to stand up for them because they cannot. They don't deserve this to be forced on them. They deserve this body. We are elected members of this body. The state board is not an elected body. They are appointed by the Governor. They don't answer to a constituency and their constituency is crying to us for help because they are not listening to them. The state board isn't listening to their cries so they are turning to us and pleading with us to help them to save our students. Delegate Duke referenced... there are 25 states, a total of 25 states that have opted out of Common Core or opted out of a test, repealed, paused in some way have backed away from Common Core. How long are we going to hang on to the bitter end? We are already at the bottom people. How much lower can we go? Are we going to keep this to the bitter end and let our student lose another generation? Is that what we are going to do because our students can't protect themselves and they are counting on us to? I have heard we need to stay the course because we need consistency. It cost a lot of money we have a lot of time invested. Tell the angry parents that tell the students who are bringing home bad grades and they are disappointed and they are devastated because they were once straight A students and they are no longer straight A students they are confused. Tell that to the students that we have

forced two and three semesters of remedial courses on. They can't get into college without taking thousands of dollars of remedial courses in order to get there. We haven't prepared our students and that is our fault and shame on us and shame on the state board for not listening to their constituencies but we have to. We are elected members. We represent our constituencies and we must represent their needs and wishes here. I call on our state board to be leaders, to be an example to step away from Common Core, to listen to the people, to listen to West Virginians. The letters on your desk that were passed out last night are the perfect example with what is wrong with public education in this nation. Did you read them? They are from Colorado and they are from Illinois and they are going to the federal government saying please let us do this, can we do this, can we do that, will you approve it? That is the perfect example of what is wrong with public education in this nation. What happened to the states controlling the education system? What happened to our county boards having a say in education? This is the perfect example of what is wrong. Thank you for passing those out by the way. This isn't a partisan issue. This isn't a Republican, this isn't a Democrat issue, this is a West Virginia problem. Upstairs in my office I have four Common Core bills...repeal Common Core bills that have been introduced. One of those bills is full of Democratic members so this isn't a partisan issue. You have heard it from your constituents just like I heard it from mine. They expect you to represent them. It is time we take back our education system. We know what is better for our students than Washington guys....it is time we take back control. We give that control to our educators. This bill is good for all of God's little children in West Virginia.

### COM. SUB. FOR H. B. 2515

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REMARKS  
of  
MEMBERS  
March 3, 2015

DELEGATE J. NELSON. Thank you, Mr. Speaker. Ladies and gentlemen, I strongly urge adoption of this piece of legislation. You know I have driven through Colorado and a magical thing happened and there was not anymore

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accidents out in Colorado than there were here in West Virginia as far as accidents were concerned. The southern West Virginia again I will agree with the delegate from next door from where I live that the economy is tanked and we can and do have a vibrant outdoors industry in the State of West Virginia. We have got the world's foremost outfitters right here, just up the road from the counties that this will be effected. You know people go out in Kentucky on trips to just hear these elks bugle. They go out and there is a market built around people just going out into the area to hear them let out their bugle. These abandoned mine properties or places that they are not being used right now will be an incredible place for these elk to roam where they once did, they were in West Virginia once before and quite frankly I would love to see them back again and I would love to be able to take my sons in my mountains and hear these animals bugle. Will I be able to hunt them in my lifetime? Probably not but my sons may be able to and maybe 10-12 years I would maybe be able to in a lottery but nonetheless, not only is it a conservation piece of legislation it is also an economic growth bill so I will strongly urge adoption.

DELEGATE MARCUM. Thank you, Mr. Speaker. I have said numerous times on this House floor that I want to see a jobs bill. Friends this is a jobs bill. This will put people back to work in southern West Virginia. We have the opportunity to build on the Hatfield/McCoy trails, build on other aspects of our tourism in southern West Virginia. People will spend a lot of money in southern West Virginia to come hunt elk whenever the population is vibrant. I want you to look up, just type in your iPad, eastern Kentucky elk and look at all the advertisements. The adventure starts here, elk capital of the east, elk tours, 12,000 elk in southeastern Kentucky, it borders my county of Mingo and Logan. Friends these elks they are a very timid animal. They are not going to come down and run into your car like you heard. They are not like your deer. Yeah there might be an accident here or there but all in all an elk is a timid animal who they like to hide, they like to be hid in the woods. So to clear up any issues there friends this is a great bill that is going to just help the south. Let's end the fight, we already have a fight now down there trying to bring our jobs in and employment back and this is just another piece to the puzzle. It is a

common sense approach to help in southern West Virginia and I encourage your vote on this bill.

**H. B. 3018**

REMARKS

of

**HON. RICK MOYE**

*March 3, 2015*

DELEGATE MOYE. Thank you to the gentleman. If there is other questions other people have questions Mr. Speaker please go ahead but I would like to speak to the bill at the proper time. Thank you ladies and gentlemen.... I am going to submit to you that if we do nothing, if it were not for this bill, then service personnel in arguably all counties or at least most counties will receive a small bump in their pay. I think as you heard there is money in the budget already for this. We are not looking to come up with money for it, the governor already had it in his proposed budget. Now you could say there is not going to be a pay reduction and technically I think that would be correct but if you knew next year you were going to get \$29 more a month but somebody took an action to preclude you from getting that it would feel like a pay cut to you I would think....it would to me. Now what we are talking about the folks most affected by this will be those that are in pay grades, the lower pay grades....service personnel has pay grades they start with A and go up. Pay Grade A which is the starting salary for a cook or an aide is \$1,600 a month. That is \$1,660 per year. If you go up to pay grade D a bus operator it is \$1,760 for either one of those classifications well let's go back to the cooks and the aides for them to break the \$20,000 mark it takes eleven years to break the \$20,000 mark. For the bus operators they have to work seven years. Now, these are some of the lowest paid county employees that we have and I don't think I would surprise any of you if I told you a lot of these are single parents and by telling you that pay grades...the pay grade A affects cooks and aides although certainly there are males in those positions, the majority of these positions are females and I can tell you personal experiences of people that I know single working mothers with children, I also know of at least one instance a single working dad raising his children at below poverty level wages. This is below

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poverty and they are working in our school systems taking care of our prize possession, our children. If we vote for this we are voting to take \$29 at the most \$29 a month away from some of these people. Now for most of us that might not seem like very much but you take a single working mom or a single working dad making that and as my colleague sitting over to my right read the other day the price of a loaf of bread, a gallon of milk that little bit can make a big difference. It might mean the difference between a new pair of shoes. It may mean the difference of wearing a pair of jeans that are worn and tethered and don't fit or maybe getting a new pair. It could even mean that this working person could turn the heat up in their house just a little bit more. It doesn't seem like a lot and it isn't a lot but it hurts my conscience that we are sitting here today thinking about taking it away from them and that is exactly what we will do if we support this. These are some figures, I am not going to go down the whole list and read them all to you because I know it is late and we are all starting to get hungry but these are some of the personnel numbers in various counties around the state. These are the people that it will affect: Berkeley 824, Boone 199, Cabell County 580 service personnel, Fayette County 304 service personnel, Greenbrier 233, Harrison 485, Jefferson 349 service personnel, Kanawha County 1,235 service personnel, Marion 361, Mon County 498, Ohio 239, Putnam 434, Raleigh 549, Wayne 330, Wood 582. That is just a few of the numbers so service personnel those are numbers, those are real people. Those are real people. Now understand that as you go up higher in the pay grade and more years of service this pay raise will affect you less. You are less out of equity and you will get less. This applies to entry level. This applies to the lower pay grades and the entry level. So I am going to ask you a question. If you vote for this are you going to go home and get a bill board and put up on that bill board and boast that I voted for a bill to take money out of your pocket? Are you going to walk up to the school and talk to the cook or the aide in your daughter's, granddaughter's, grandson's classroom, are you going to shake their hand and say I want you to know I voted on a bill to take money out of your pocket this year? Ladies and gentlemen, I think that if you can't go home and brag about it we might not should do it. Make no mistake, voting on this will take money

away from those that can use it the most. The money is already in the budget. I understand that there is tight times but we are changing the rules to make it not apply, we are changing the rules so that we don't have to give them more, just a little more not a lot more just a little. I see this as one more way for us to squish the little guy. Let's squish them. Let's keep them poor and hungry. I urge everyone to vote against this and Mr. Speaker, I am going to ask for a Rule 49 because I am a service personnel.

### Com. Sub. for H. B. 2718

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#### REMARKS

of

#### HON. BRENT BOGGS

*March 3, 2015*

DELEGATE BOGGS. Thank you, Mr. Speaker. I rise in support of the bill and I personally want to thank the Finance Chairman for his work on this bill to make it certainly something that has some components in it in some areas like the AD Waiver program, the free clinics that are much, much needed. There is a chart on everyone's desk that I suspect that wasn't prepared for this bill it was probably prepared for the one previous to this that it wasn't needed once the amendment was drafted but I just want....since it is here...I want to call attention to it because I really don't agree with the facts and figures that are here. I think it is speculative at best that the AD Waiver program will pretty much take care of itself by July of this year. That's not been the projections. Previous to this we still have a tremendous number of people on the waiting list, and ladies and gentlemen, we have talked a lot today and this session about promises. About promises we need to keep, promises we need to keep. Well I have to tell you one promise we haven't kept is taking care of the people that need to be, need a little help to stay in their homes. This \$1 million will certainly help tremendously but I don't think that it is going to be enough at the end of the day. It is only for one year and we will be back here again next year and we will have to fight the same fight but what about the promise to those individuals, many of them veterans of the greatest generation or their families. Many of them that are in nursing homes of no reason of their own other than they just need a little bit of help, just a

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little bit of help and we could be helping them and keeping them in their homes at a much, much less cost to the taxpayers than being in a nursing home. I do support this bill. I think it is a piece of the puzzle. But when we are talking about promises let's remember the people that came before us that we owe a great obligation to and the promises that we have made to them as the distinguished Chair of the Energy Committee mentioned about the 100 year old individual that he is acquainted with. I suspect that any of us could go into our districts and go into homes and find willing...people that are willing to talk about their needs and go into nursing homes and talk to people that are willing to talk about their needs. One million dollars will be a great help but it is not going to solve the problem and this chart won't solve the problem. I pray that it would but it won't. So we will be back here again next year fighting again for more funding when we are keeping promises let's remember the promises we have made to our, we need to make and we have made as a society to our parents and grandparents and our neighbors and our friends and those that aren't here to have a voice that don't have a voice. They don't even have a strong enough informal support network to keep them in their own homes. They are counting on us to help them. So Mr. Speaker, I don't mean to seem ungrateful. I am very thankful for anything we can get for this and the clinics and drug treatment and anything else but make no mistake this is not sufficient. We are not keeping the promise to those that are most vulnerable in our society. I pray that we don't let it pass when we have opportunities to add to this to make their lot in life better because someday we will be in those positions and we will wonder who is going to keep the promise for us. Thank you, Mr. Speaker.

### COM. SUB. FOR H. B. 2688

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REMARKS  
of  
MEMBERS  
*March 4, 2015*

DELEGATE DEEM. Thank you, Mr. Speaker. I rise in support of this bill. I think that my first experience in oil and gas business when I was in South America I worked for the standard oil in

the town there. When I was three years old and I spent a year in the oil fields camp of my mother and my brother and my dad and I later went to Marietta College and got a degree in petroleum. I only tell you this so you will know that I have been a lifetime in the oil and gas business. Some of the things you might now know about this legislation is that drillers, people who are developing oil and gas in this state if they don't get everyone of the royalty owners signed up they are not going to drill. That is why this 80% that is in there which will permit the drillers to drill if he has 80% of the royalty owners signed up. The other big thing in this bill is that a lot of times the surface and the royalty owner is separate. People will sell their land with their royalty and they will reserve their royalty. I know the lease was written in 1912 and so the royalty was reserved at that time and if then passed through different heirs since that time and so for the operator to try and to go out and get every one of those royalty owners to sign is almost an impossibility. I don't think a lot of people realize if the company goes ahead and drills anyhow without having all their royalty owners signed up that person can come in and claim not his part of the royalty but his part of the entire wealth and that keeps the operators from drilling because they don't want to spend \$5 or \$10 million and let somebody else come in and take a part of their well. Mr. Speaker, I have a brief message here from the Farm Bureau that I want to read very briefly. Policy approved this is from Charles Wilfong, President of the West Virginia Farm Bureau, he represents landowners, royalty owners and different kinds of people. A policy approved by our 23,000 member organization says Farm Bureau recognizes the importance of proper property right in our society and supports the right of land and mineral owners to negotiate freely with other parties but recognizing that certain proposals halt unionization for oil and gas extraction but create opportunities for Farm Bureau members which out-weigh any subjections to the process. We feel the proposal for unionization reflected to HB 2688 creates opportunities for our members while providing protection for their rights and it also says in this letter that we commend Energy Chairman Ireland for bringing key stakeholders together as a group multiple times to gain their support. Mr. Speaker, I urge support of this bill because it will have a great positive impact on the economy, jobs and taxes and income throughout the state. Thank you.

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DELEGATE SPONAUGLE. Thank you, Mr. Speaker. Will the Gentleman from the 7<sup>th</sup> yield? If I am a landowner in this bill and I do not want to sell my property, what is the practical procedure that the oil companies have to do to take my rights?

DELEGATE IRELAND. Actually as a landowner this bill does not impact that at all and you have as a surface owner protections put in this bill that are not currently in the legislation at all. So as a landowner nobody is going to force you to sell your rights at all.

DELEGATE SPONAUGLE. If I am a mineral owner, oil and gas owner, and I don't want to sell my rights what's the procedure then?

DELEGATE IRELAND. There again you are not selling your rights there is nothing in here that forces anyone to sell their rights to either surface or minerals.

DELEGATE SPONAUGLE. Then what's the purpose of this bill?

DELEGATE IRELAND. The purpose of this bill is to be able to unitize resources and end up with a unit that allows for appropriate production of our resources from a state level.

DELEGATE SPONAUGLE. Okay, say I don't want to, I want to maintain my rights, okay? I don't want to convey them to anybody. There has been a parcel drawing has been drafted around me, 85% of them inside there have agreed to and I am holding out, what happens then?

DELEGATE IRELAND. Actually it is not 85% of the people it is 80% of the threshold or 85% of the net acres involved which may be one person or it may be 15 people so it is not on an ownership basis it is on a net acre basis. So in that case your minerals would be unitized with the other 80%. You would enjoy the benefit of those resources. You would be paid by a royalty and a bonus payment based on agreement from the oil and gas conservation commission and so you are going to be compensated for that.

DELEGATE SPONAUGLE. Who's the decision maker in that?

DELEGATE IRELAND. You are to start with as to whether or not you want to have....whether you consent or you don't consent and the folks are required that are applying for that unit are required to enter into good faith negotiation with you before they can even apply for that.

DELEGATE SPONAUGLE. Is there a court that gets involved?

DELEGATE IRELAND. I'm sorry?

DELEGATE SPONAUGLE. Is there ever a court or a decision making body that gets involved?

DELEGATE IRELAND. Well certainly there can be if there is non-consenting then you as an attorney I'm sure understands all that process and it would go first to the applicant would apply to the Oil Conservation Commission. They would look at all the relevant evidence associated with your area and what's happening in that area from a market standpoint. They would make a decision if you felt that the decision was inappropriate then you can appeal that to the circuit court.

DELEGATE SPONAUGLE. So the circuit court is the second tier, correct?

DELEGATE IRELAND. It always is, yes. I guess you could call it the third tier because you are the first tier.

DELEGATE SPONAUGLE. Well article 3, section 9 of the West Virginia Constitution says the following: Private Property How Taken. This is the Constitution this isn't legislative action. "Private property shall not be taken or damaged for public use without just compensation nor shall the same be taken by any company incorporated for the purpose of internal improvement until just compensation has been paid or secured or paid to the owner and when the private property shall be taken or damaged the public use or that of the use of the corporation the compensation to the owner shall be ascertained in such a manner as may be described by general law provided that when required by either of the parties such compensation shall be ascertained by an impartial jury of twelve free holders." That is Constitution. How are we getting around the Constitution in this bill?

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DELEGATE IRELAND. Well there are numerous case laws and cases that have addressed this situation in the past going clear back in the paper I have got goes clear back to 1939 and also a recent having to do with Patterson versus Standard Oil Gas and Palmer Oil Corporation versus Amerada Petroleum Corp. Farwell compulsory pooling and unitization statutes are valid. The US Supreme Court has held that the states have the constitutional power to regulate the production of oil and gas so as to prevent waste and secure equitable apportionment between the mineral owners and migratory gas and oil underlying their farm fairly distributing among them the cost of production apportionment. That's a result of Hunter and Co. v. McHugh in 1943 etc. So I think it is well established that what we are talking about here has been challenged in the court process clear up to the US Supreme Court and is valid.

DELEGATE SPONAUGLE. The deciding body though that is established under this bill is not a circuit court. You have the circuit court, the circuit court is set aside basically as the appellate court in this matter. They aren't the decision maker. Now the WV Constitution requires that a circuit court is the court of proper jurisdiction to hear the matter.

DELEGATE IRELAND. Well it seems to me that the circuit court is the final decision maker here. You are appealing to the circuit court. If the circuit judge does not believe that it has been done fairly or it has been done according to what we decide in this room is appropriate compensation and the process that we go through then he has the opportunity to remedy that.

DELEGATE SPONAUGLE. Now does this force pooling bill, does it conflict with WV Code 54-12-11?

DELEGATE IRELAND. Well I don't know I haven't gone back through that particular code but I will tell you this, you talk about forced pooling, if you look at the current law that has been on the books since 1994 there is what you are calling forced pooling already on the books for deep wells and coalbed methane wells so I would have to presume that the answer is apparently not.

DELEGATE SPONAUGLE. At the appropriate time, Mr. Speaker, I would like to speak to the bill.

DELEGATE SPONAUGLE. Thank you, Mr. Speaker. I am going to vote no on this bill and this bill is unconstitutional. But before I get started on that everyone keeps tossing around the word constitutional, constitutional...what exactly does that mean? So let me give you an ounce of history is worth a pound of logic in property law. I just learned that in law school and they are right. We are a common law system meaning that we base everything off precedent that has come before us. We go back to 1066, William the Conqueror, first King, the Normans came in Anglo Saxon wiped out England, 20 years later he set forth the doomsday book which everyone here that was the first great survey in feudal England. Everything that we have is based off that of a thousand years' worth of precedence. Feudalism in England, the land was the most important thing you could possibly have. People did not own land, you were serfs. You worked back to the Crown. Things slowly changed. We had a mass immigration across the Atlantic Ocean came to the new world, established different precedence here. The idea of property a new start is the basis on which this country was founded. The trigger to revolution, no taxation without equal representation it was going back to their property, their free holding land and ultimately we are the descendants of those original founding fathers. When they had their convention there is a lot of great debate. After the first experiment failed we rolled in up in Philadelphia when they had the Constitutional Congress and they established where we are. You had the federalist and the anti-federalist you had that great debate. One of the great compromises that they put in there was our bill of rights. There was concern that runaway legislators, elected officials would run over the rights of the minorities, for various reasons. The Fifth Amendment of the United States Constitution which we all have had since the founding of this country is considered the taking clause. Private property shall not be taken for public use without just compensation. Private property shall not be taken unless for public use or just compensation. That is a test we use in every matter that comes before the courts. Now I don't think that there is any argument here that these landowners are going to be

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compensated for the rights that are going to be deprived of them. The issue that we are debating is that by giving these rights as a government to private companies is that public use? Basically we are claiming that any economic development is good for public use. There is an outrage. In the United States, there is an outrage in West Virginia...back in 2005 with Kelo versus the City of New London up in Connecticut. They wanted to build a strip mall up there. That city granted the right of eminent domain and took nine people's homes because they didn't want to sell and they wanted to build a strip mall. It went up, there was a decision split 5-4, there was an out roar in the country. This body in 2006 on HB 4048 where numerous members in this body still sit today that were sponsors to that legislation condemn such action. You can look it up, 2006...type in HB 4048 you will see the sponsors. There are several of them sitting around in here right now. They said it is not the policy of the State of West Virginia to be granting public use, the power of the state of eminent domain to be conveying that to private entities. In less than 8-9 years later we are throwing all that out....tossing it out. I am going to read some of the dissent in Sandra Day O'Connor's opinion in Kelo, she did an outstanding job. I think the majority of the country agreed with her. To ensure stable property ownership of providing safe guards against excessive, unpredictable or unfair use of governments eminent domain power, particularly against those owners who for whatever reasons may be unable to protect themselves in the political process against the majority's will. I keep hearing about this stakeholders meeting. We had stakeholders, we had oil and gas, we had industry, we had the Farm Bureau, we had landowners, we had everybody down here except for the little guy that doesn't want to sell his property. All these groups have political muscle, they have tons of it. They have hired lobbyists. They can take you out to dinner, they can give you campaign contributions, they can all get in line so they can give you political cover when you go back home and say well such and such said it was okay so therefore I voted for it. A lot of those groups were told the train is coming you better get the best deal that you possibly can or you are going to get ran over. So that is what they attempted to do. Then they present it to the

legislature and we are supposed to just rubber stamp it. We are supposed to just ignore the minority. These measly landowners that we call neighbors, friends, people of our community. I can't do that. I won't do that. I support the oil and gas industry. I will continue to support the oil and gas industry. I am drawing a line in taking other people's property to benefit them. James Madison said that alone is a just government which impartially assures to every man whatever is his own. We are setting a precedent here for economic development purposes that we are going to convey our power of eminent domain away....let's just go right down Charleston here. Let's take the Holiday Inn Express....let's say the Ritz Carlton comes to town and say we want to build the Ritz Carlton right there...looks like a pretty good spot we are going to give you a lot more revenue, there is going to be all types of tax dollars that comes out of it, it will be good for the community, economic development. We say fine, go in there and condemn the Holiday Inn and build right on top of it. Safeguards the minority....I see a lot of yellow flags out there and I cannot understand how any one of you with those yellow flags could possibly vote for this. You just...you cannot say you are for the Constitution and then vote for this bill with a straight face. This is a defining issue. This issue quite frankly for the 82<sup>nd</sup> Legislature speaks volumes. If you vote green you are saying West Virginia is for sale...everything is for sale, even people's property rights are for sale. I just cannot fathom that we as a legislative body want to go down that path. We have heard comments that the Constitution doesn't matter throughout the course of this ...I am not sure which members on various things...it does matter. Property rights matter. We keep saying, well these guys they are getting paid we are taking what is theirs but they are getting compensated. For what? So you can just take it for person A and give it to person B? These are safeguards that are put...I cannot emphasize that enough...it is unconstitutional. In closing, I will be voting against this and I hope you join me also because at the end of the day everybody here goes home alone. You can have all the promises you want. You can have all the people slap you on your back but this vote is against big industry versus your neighbors and the people back home. Vote green, I am sure the word will get out who

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you decided to cast your lot with. Thank you, Mr. Speaker.

DELEGATE FLUHARTY. Thank you, Mr. Speaker. Well I think it is fitting that we are on TV right now. Because the West Virginia Legislature just turned into a television show. We just voted to cap debate on property rights to four hours. You hear that landowners? The West Virginia House of Delegates thinks your property rights is only worth four hours of debate, four hours. That is embarrassing. I am appalled right now, appalled. We are a reality television show. Basically the price is right. Where is ole Bob Barker? Let's bring him down on the House floor. Chesapeake what is your bid? Zero dollars, that's fun, come on down!. Chevron you want to bid zero? That is cool too! Come on down! We are going to sacrifice the property rights of West Virginians for nothing. What do we gain in return? What are we getting? I sat in Judiciary for hours debating this bill, waited for somebody from industry to come in and say you know what if we do this we are going to have so many more jobs. We are going to have such an economic impact. Didn't happen. Didn't happen. Waited. Sat there. I was excited for it. I wanted to have a good reason to vote for this bill. Can't do it. My vote is not for sale. Neither should be yours. The property rights of West Virginians should not be for sale either. Now unfortunately most of the landowners aren't watching this television show because it is 2:40 and they are at work but the lobbyist for the gas companies are watching it right now from the gallery. So I wonder what we really are doing here besides just selling our state out. You know we had opportunity last night to say you know what we want to get something out of this. There was amendment offered for a one percent increase in the severance tax, \$20-30 million into our coffers going directly to secondary roads. We voted it down. No we can't do one percent the companies may leave that gas may disappear. That is our commodity. That is the people's commodity. Where I come from bargaining is capitalism. You know capitalism, the thing that is so popular before November that everybody wants to talk about? But once we get here everybody seems to forget about it. Ah no, we are just going to sell our state up the river. It is exactly what we are doing. Shameful. This is a no vote. Don't be afraid to do it. Be unafraid to speak the truth. Be

unbought. Be a leader. That is what we need. It's a no vote. Thank you, Mr. Speaker.

DELEGATE ZATEZALO. Thank you, Mr. Speaker. I come at this from a slightly different prospective I think. Being a geologist, one of the reasons I ran for office was I promised I would help develop shale resources and try to do it as wisely, wisely as possible. You know this session has been pretty interesting to me because the session is all about balance and that is what we need to do here today and I think this bill does that. I need to give you a little bit of background though. I attended a conference down at Stonewall Resort in 2002. A great oil and gas expert got before the body of this conference and said we need 27 trillion cubic feet of gas in 2007 and this country will never produce more than 22 trillion cubic feet. In 2007, the first Marcellus wells started to be developed and by 2014 West Virginia and Pennsylvania were producing 20% of the natural gas in this country and that is 20% of 31 trillion cubic feet. The impact was amazing and my point at this point and time is to let you know that no geologist saw this coming. It was absolutely, it was absolutely unbelievable to them. The problem that we have here today and we are trying to get through is the wells you need to produce these resources are 6,000 feet deep whereupon they turn sideways then head out horizontally up to two miles. That causes us some particular problems and those problems have already been addressed in the much shallower coal bed methane wells that have been drilled in our state where they are put in a pool automatically. It is the same principle. You can't....around this part of the world you can't drill a two mile horizontal hole without crossing some property lines. It is very uncommon to do that. You can but it is not very often. So what happens...there are a lot of interests in this. As with the rest of this session those interests have to be balanced and what are those interests? Certainly and absolutely the 20% of the people that might be put into this pool, if they can find them or if it is against what they want to do is one interest. What about the 80% of the people that want that resource developed and may not be able to do it? What about them? That's a problem. If you basically ignore their right to drill up their resources you need two miles worth of horizontal hole to develop the resource properly. The operators...believe it or not, they



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need something too. They need certainty that they can get this done because they are spending \$7-10 million a well. Then there are the citizens, all of us. What do we need? I submit to you that we need to make sure this is done as safely as possible and we also need to make sure that West Virginia stands to gain from what we do. It doesn't have to be just the landowners that benefit from this. They will benefit greatly, but West Virginia, what is in it for West Virginia? Those are the issues and it is not very easy. I could tell you that if you drill.....when companies drill they drill according to structure. They do not drill just saying well the property we want is about 15 degrees off center from where we would have drilled. They drill perpendicular to the fracture system at depth. They want to intercept as many fractures as possible. When you turn that string and go off in a different direction what you are doing is limiting the yield of the well for all of the people that are in that pool. It might be you. So basically what you are doing is inefficient removal of the resource. We have to weigh all of these things. These are important things to weigh and we have to come to some understanding of how to do this in the best way that we can. We have to answer a couple of questions and I am almost ready to close. The question is are we an energy state or are we just a state that has some energy? I hear about constitutional issues. This is not something that is new. Our friends and I submit that there are a lot of yellow flags in this state, I stand before you and tell you that Wyoming probably has a fair amount of yellow flags in their legislature and they have 80% as their number for pooling. Why is that? Because it is a balance of interest to try to get to optimize. That is what we are after and what is the payoff ultimately anyway? It sets us up. This is the next....I remember when the coal bill passed...this is the next step in the energy strategy. If we have this all of a sudden we go to people outside, this is when the hard work is going to start for this state. This is relatively easy. The hard work starts when we say we have abundant, readily available and efficiently remove resource, we need for you to come here and manufacture and I submit to all my friends from one end of this room to the other you join with me and we will go do that because we will have something to offer. So that is what we are after. That is what the message is. I realize that this is difficult. If it was easy anybody could do

it and I suggest I support this bill for the State of West Virginia and its people. Thank you, Mr. Speaker.

DELEGATE FLEISCHAUER. Thank you, Mr. Speaker. First I want to applaud the gentleman from Pendleton County for sticking up for the constitution. We all took an oath to uphold both the federal and the state constitution and he didn't read from the Fifth Amendment. Most of us think about the Fifth Amendment as the right not to incriminate yourself but that contains the language "nor shall private property be taken for public use without just compensation" but here we are talking about taking private property for private use and then he also read from the West Virginia Constitution and I think there is a part of that, that provides that is particularly important here. It contains that same language, private property shall not be taken or damaged for public use but then it goes on to talk about compensation to private property owner and it says provided that when required by either of the parties such compensation shall be ascertained by an impartial jury of 12 freeholders and I didn't see anything in the bill about a person's right to a jury trial to determine their compensation. What I see in the bill is the oil and gas commission and I didn't see any notice to private property holders who don't want to sell that they have another alternative and... I am one of those people that my family has never severed the mineral rights to our farm and... they did that on purpose because over the years in the 1800's and the early 1900's they didn't want our property to be undermined. They were careful about that. In fact, they didn't want anyone to go in the mines because they had neighbors and friends who had lost their lives so they were very careful about these property rights and... I think the gentleman from Ritchie has done a marvelous job in his negotiations to try to balance all the interests. But, when it comes down to it for me, I think these constitutional rights are very important. I don't think we balance something that is mandatory. When we use...the Supreme Court has issued statements many times shall means shall and as much as I think they are good provisions in this bill I think that it does say in here that compensation may be prescribed by general law. The manner of compensation but I think when it comes down to it we have to follow the constitution and one of the things that is

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required that is not in this bill is a determination about the compensation that is ascertained by an impartial jury of twelve so I am voting no on grounds that this law violates the constitution in a couple of different ways and I urge rejection.

DELEGATE J. NELSON. Thank you, Mr. Speaker. Ladies and gentlemen, I rise today not for some political show or to make this some kind of partisan issue. I am going to address some of the comments that have been made so far. Let me make this very clear, UTICA has had something like this since the early 90's and if I am not mistaken this is the first time the Republicans have had control of this legislature in 83 years. So to say that this is a partisan issue and all of a sudden Republicans are doing this I would venture to say that, that is a wrong statement that UTICA has had this type of pooling legislation since the early 90's. Also, to hear people bringing constitution into debate that want to pick and choose when to apply constitutional principles is almost laughable. I want to talk about the issue of eminent domain, I agree that there should be no privatization of eminent domain. There should also be no public eminent domain either. Taking of property rights is wrong period and maybe we should propose a constitutional amendment to strip that out of there as well. Also when it talks about yellow flags and this and that, I am going to tell you right now that I am going to vote no on this legislation. Not because that I support extreme environmentalism. I will be quite frank with you. I hate defending somebody's rights that I disagree with but I swore not to do that. So to bring yellow flags into the debate, no I'm talking about the comments that were said that Wyoming has yellow flags and they support it. I don't care what Wyoming did. I would venture to say that this is probably the best forced pooling bill that has come out. But the question that I have had to ask myself does it make it right for me to go in as a legislator and make that decision for somebody, I have had to ask myself is it my job as a legislator to get involved in the free market. I believe in the Austrian's School of Economics. I believe actually in Capitalism. The difference between Austrian and Keynesian is simply the Keynesian looks at the here and now versus the Austrian looks at how this is going to affect the free market as a whole over time. I want to hold on to my minerals for my children. Is it unreasonable

for some people not to sell their minerals in certain cases when there is gas drilling all around them, knowing good and well that their gas is getting sucked completely off their property? Probably. But is it my job to go in and make that deal for them is the question I have had to ask myself. I want to applaud my friend, the chairman of the Energy Committee for doing what he thought was best but I will encourage each and every one of you to ask yourself if it is indeed forcing somebody to sell something that they own, can you do that? If we are indeed...if we do believe in the free market and we believe in the economics of the free market, is it our job regardless of what the cost is to do that? I will tell you right now I support all of the state's energy sectors more than probably most people in the body. I know a lot of you are going to argue with me on that subject but when it comes to matters of principle, unfortunately, regardless I just can't do it. Thank you, Mr. Speaker.

DELEGATE ELDRIDGE. Thank you, Mr. Chairman would the delegate from the 7<sup>th</sup> yield to a question?

DELEGATE IRELAND. Absolutely.

DELEGATE ELDRIDGE. Thank you, Mr. Chairman. In this bill is it exempting state properties? In this bill is it exempting our state properties?

DELEGATE IRELAND. Is it exempting state properties?

DELEGATE ELDRIDGE. Yes sir.

DELEGATE IRELAND. No it does not.

DELEGATE ELDRIDGE. So our beautiful state parks could possibly be drilled on?

DELEGATE IRELAND. Well, no. Recognize as you go through this bill that what it says is that if somebody is unitized without their consent, that surface cannot be disturbed above that. So the answer to your question is yes if the state agreed to that. If the state did not agree to it, then your state park that's got the beautiful trees on it, the swimming pool will not be disturbed.

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DELEGATE ELDRIDGE. Wow. Thank you, Mr. Chairman. Can I speak to the bill Mr. Speaker?

DELEGATE ELDRIDGE. Well you all heard that. So, state parks could possibly have 5 acre well pads all over them. You know I was chairman of Parks for six years. That is the farthest thing I would like to see. You know I support all their energy needs as well, all of our different industries. Do I go out and cater to them and try to get their support and their checks? No, I don't do that. I fill out very few questionnaires. As a matter of fact I put them in file 13. I don't think that is what we are sent here to do. I have been a teacher, I have been a social worker, been a counselor, been a politician, I have been a little bit of everything. You know I always look out for our children. Bullies...you got phrases in this bill "forcing", "taking", same phrases you use in bullying. Yeah, we have had that around since the 1990's they say from deep wells. If I would have been here in 1990 I would have advocated and voted against that as well. I don't believe this is the right thing to do. For that reason alone, I am going to vote no on this and I urge everyone else to vote no and thank you, Mr. Speaker for the time.

DELEGATE FAST. Thank you, Mr. Speaker. Would my highly respected friend from Ritchie please yield? Thank you. If you have a situation where you have the targeted area that is going to be 600 and some acres give or take, is that correct?

DELEGATE IRELAND. Not necessarily. That is the maximum 640 plus ten percent but that doesn't mean the unit has to be that. That's the max.

DELEGATE FAST. Somewhere between something and 600ish. Okay and if you have 80 percent of the landowners within that targeted area that agree that there should be unitization then an application can be filed with the commission, is that correct?

DELEGATE IRELAND. That is not quite correct. It is 80 percent of the net acres involved. Not 80 percent of the mineral owners.

DELEGATE FAST. Okay and... the only reason an application would be filed would be because

20 percent or less within that targeted area would dissent and not agree would that be the event that would trigger the application?

DELEGATE IRELAND. That could be, yes.

DELEGATE FAST. Okay. Now my ultimate question is this. If an application is properly filed and all the t's are crossed and the i's are dotted, would an order from the commission allow the physical invasion of a drill bit to break the plane between those who agree and the dissenter to drill through the dissenter's property?

DELEGATE IRELAND. I think the answer to that is yes, that is possible and also recognize to the gentleman that there is many, many of these mineral estates that are undivided interests. So you can have a situation where you have multiple mineral orders under one piece of property and I think you are probably well aware of that and some of those people could own as little as one two hundred and fifty sixth or some other smaller number. So in those cases one of those people could be the dissenter but the remaining mineral owners could actually want their minerals developed.

DELEGATE FAST. But this commission order would authorize the physical invasion to break the plane between the two tracts of property a mile down below?

DELEGATE IRELAND. I think you established that. Let's go on.

DELEGATE FAST. Thank you. I would like to speak to the bill.

DELEGATE FAST. You know the long and short of this is that this bill authorizes the physical invasion of private property.....but for this bill and the Marcellus Shale that would be considered a trespass subject to injunction, subject to damages and one of the things that bothers me is that we are using as a precedent a law that was created a few years ago for even lower strata, the Utica which does allow forced pooling. It allows the physical invasion into someone else's space by law but now we are using that as a precedent to move it up to higher strata all the way up as high as the gas goes or the oil goes. Now, I don't think when the law

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was passed some few years ago that it was envisioned that there would be now an argument being made to use that as precedent to raise the bar literally but that is what's happening. I submit that if we can do it in the Utica which I think that law needs to be addressed but now if we can do it in the Marcellus then it is only a short leap that we will then start using these two statutes as precedents to physically invade someone's space on the surface. That is how these things work. That is how precedent occurs. We have heard that there will be just compensation for this physical invasion of the space because they are going to take out mineral interest, mineral gas and oil and the dissenters will be fully compensated. We have heard that this will be a positive impact on the community that is positive for the state. That it would advance West Virginia as an energy state. I believe ladies and gentlemen that there is a better way and there is a way to accomplish almost everything that is being sought but it would require further revision of our statute and I believe that we can accomplish this legally. In these situations where you have dissenters, you usually have one of two situations arise as you have a couple of owners for instance a husband and wife who may own their mineral interest or you have situations where you have a small tract of land and the mineral interest has basically gone into heirship and you may have 200, 300, 1000 partial owners. West Virginia happens to be in what is called a minority status in this situation. When you have joint owners of property and that is whether it is surface or whether it is subsurface they are called tenants in common and there is an article that was written in 1997 by University of Tulsa College of Law and they talked about....I am going to read some of it....an oft cited and cogently argued case for the minority position as *Law v. Heck*. It notes that a mineral interest is real property but the produced minerals are personally, to the West Virginia Court, each owner has the right to keep the real property as real property and an injunction is proper if all do not concur in development. The result of the law case however was that the holder of a very small interest could block development by holding out for an exorbitant sum and I think that is one of the problems we are trying to address that you have these situations where you have a one, one hundredth interest holder and if that one hundredth interest holder refuses to

engage in a lease with the other 99 interest holders they are done. You can't go any further and that is where West Virginia is in the minority view in the minority of the states. Well let me read a little bit about the majority of states and I think that we could change some statutes of what we have and we can accomplish where we are trying to go without this physical invasion of property that's otherwise called a trespass. The majority view, any jurisdiction that follows the majority rule each owner could develop the minerals individually. They would not be liable for waste for production of oil and gas. The theory behind allowing the co-owner to develop is that each co-owner has an undivided right to possess and use the co-owned property. Tenants in common are the owners of the substance of the estate. They make, they may make such reasonable use of the common property as is necessary to enjoy the benefit and the value of such ownership. Since an estate of a co-tenant and a mine or oil well can only be enjoyed by removing a product itself, the taking of minerals from a mine and the extraction of oil from an oil well are the use and not the destruction of the waste. This being true a tenant in common without the consent of his co-tenant has the right to develop the common property for oil and gas and for that purpose may drill wells and erect necessary plants. He must not however excuse his other co-tenants from exercising the same right. There are two constraints on the developing co-tenant. First the co-tenant cannot exclude the other co-owner from also developing, second the developing co-owner must account to the other co-owners and bare the financial risk. Ladies and gentlemen what I am suggesting is that we could instead of setting up this system where we are going to allow a commission to issue a government order that we are coming through without your consent we could change our status from and do it through statute from a minority status to the majority status. Now what would that do? You have a situation where you have a hundred owners, say of a 20 acre piece of land and they own the mineral interest. Under the majority if an operator, a gas company, could get a lease with just one, one person, the definition of a tenant in common is that if you are a tenant in common you have the right to possess the whole. You get a lease with just one it allows the operator, without being liable for trespass to invade the hole and drill. Now you may say hey that rips off the other 99 co-owners....not true

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because the one who signed the lease is accountable to the other 99. So that is a very real possibility that would extinguish this idea of government physically forcing an invasion. The beauty of it is that it then becomes among co-owners. You don't have a third party forcing invasion. The other option that is available even today is partition. If you are a 1/1000<sup>th</sup> of an owner in a mineral interest you have the right to force partition and again this is among other co-owners. It is not dealing with 3<sup>rd</sup> parties who may want to invade your property. It is among co-owners. You have the right to force partition. If a gas company wants to drill an area, if they purchased one interest from co-owner they would have the right to force partition and again that is okay because it is among co-owners, partition is a time honored mechanism that has been built into our law since the beginning of time to allow co-owners to resolve their disputes. A gas company could buy that one interest. They could then force partition and anyone can purchase when the property is sold. So, ladies and gentlemen I submit that there are certainly ways that we could accomplish what needs to be accomplished without allowing a governmental trespass to get us there. The ends do not justify the means. A couple of quotes and I think these are extremely important. I will just read one. John Locke, mostly thought to be a very well thought out, reasonable person. Locke established that private property is absolutely essential for liberty and I truly believe that is what we are dealing with here today. If we passed a law in this body a couple years ago to allow this to happen in the Utica some miles deeper then shame on us. It shouldn't have been done. That needs to be addressed. It doesn't mean that we have that wrong and now let's use that wrong to make another wrong. If we are not secure in our private property then we are not secure at all. That is the long and short of it. I urge rejection of this bill and let's go back and make it right where we can get where we need to go but we can do it in legal means without a government commission ordering that someone else is coming through your property. Thank you, Mr. Chairman.

DELEGATE CADLE. Thank you, Mr. Speaker. You know we have listened to a lot of lawyers here today and I have been around a long time and whenever I hear a lawyer talk I usually know

he is up to something, something to put money in his pocket usually. I haven't seen too many of them worried about a constitution. That being said, this is a jobs bill. This is the economic engine of our state. This is one of the most important bills that we will vote for in this body in my opinion and I am voting for it. There is a cracker plant coming to Wood County hopefully. I would say all these people are looking at this, they are watching us. We have got to make some good legislation here to bring industry to this state and this gas, we are talking billions of dollars. A cracker plant will produce pool liners, window siding, trash bags, sealants, carpet backing, insulation, detergent, flooring, pipes, food packaging, bottles, cups, houseware, crates, footwear, clothes, diapers, stockings, toys, textiles, tires, sealants, paint, antifreeze, adhesive coatings, films, paper coatings, models, instruments, lenses...okay, all those things combined if each and every one of those put a plant in and each and every one of those employed 300 people and you had maybe 100 people in the gas industry to get the gas to the cracker and 100 people running a cracker and I think my numbers are conservative but you got about 9000 people employed. That is what we need in this state. This is not a Democrat Republican bill. This is a bill to put our state forward. We all got elected by a majority of people and this gas bill is 80%, the majority. The 20% is holding up the 80% in my opinion but this just has to happen. If this doesn't happen, you know I am not here to get re-elected. I am here to do what is best for this state and I don't care about elections but I do care about my kids and I care about West Virginia so let's vote for this. Thank you.

DELEGATE MANCHIN. Mr. Speaker, I want to try to keep from taking personal umbrage at the gentleman from the 13<sup>th</sup>'s indecorous comments about lawyers or to take umbrage over his complete disregard for the bill of rights of this country, a constitutional principle upon which we were founded that protects minorities from majorities overriding their personal interests and what we consider to be their unalienable rights. I will simply try to address this bill from a manner in which it actually should be looked at. The way I see it, and I am not as philosophically principled as some of the folks in here are with regards to some of these issues because there has

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been a certain amount of give and take over the years in these areas as has been pointed out with deep welling and that sort of thing but what we have here is about six or seven years ago we had a new industry that came in. It was a new way of developing gas rights and being able to extract from the ground and there were problems when they came in. There were land men who came in and they cheated our people. They offered very low rates that they knew were extraordinarily low that they were going to make a lot of money off of and our people wanted to do something about that but we said no that is right of contract. They are entitled to do that. You have to protect yourself. As time went on we saw what this industry brought in terms of problems. There were environmental problems. There were creeks that were polluted. There were fish that were killed. There were all sorts of mud problems. There were people's homes who were put within close earshot of 24 hour a day continuous barrages of noise and we eventually attempted to work on some of that and did something a few years ago. The gentleman from the 7<sup>th</sup> helped in that bill. As time grew on we also had this problem with roads. That is a problem that continues today because this type of drilling brings in ginormous pieces of equipment and places unbelievable strain and hardship upon roads that were never built to withstand those loads and we as a state have made accommodations for that. We have allowed permits to take these pieces of equipment and to haul things across roads that we know we would not do on a regular basis but we have done it as an accommodation to this industry and for good reason. This industry brings us some benefit. There is no doubt and we think long term a great benefit and I believe in that, I always have. As time wore on the industry came and they said gee whiz you know it has become kind of expensive because of the way your laws protect your people for us to develop as cheaply as we might otherwise do. Notwithstanding the fact that they were spending \$4 or \$5 million dollars on a well that would produce \$60-80 million worth of revenue. They still had ...wanted more...they wanted it cheaper. I listened during that time period because I was actually one of the first that even held a hearing in this legislature that dealt with issues rising from fracking. We were worried about water and other things and we got past all those things but I thought as we went on

and this became a greater and greater wish of theirs I said well maybe there is a way we can work this out reasonably... there is some good to what they say because some individuals will get left behind whether it is of their own volition or whether it just happens and of course this bill won't fix all of that. It does hold up some others but you see they had legal means by which when they couldn't find everybody they could file law suits and get it taken care of it is just that it cost them money. They had ways when gentleman from 32<sup>nd</sup> mentioned about somebody in the family wanted to do it and somebody didn't. They had ways in which to do that but it cost them money. We have heard that it cost \$4-5 million sometimes for them to clear up tracts of land to be developed. So I am thinking, okay let's look at our people. Let's look at the individual rights. Let's look at the industry and let's see if we can work something out. So it is then when it started to come to me. Gee whiz maybe if we put together a plan where the person who gets forced in gets such a good deal, a deal that he probably could never get for himself, that maybe that is a justification that we can do this and maybe if the State of West Virginia is going to give these industry people who want to come in and make large amounts of money and there is nothing wrong with that, they should, but if they want this power from the state to take and make no mistake this is a taking...we can...I mean I heard the gentleman from the 7<sup>th</sup> who I have often heard talk about lawyers abilities to talk around things do one of the most masterful jobs I have ever heard of trying to keep us from believing that this is a taking but when you say that I am going to take something that you own and I am going to tell you what I am going to pay for and I am going to use it whether or not you want me to or not, that is a taking. Just ask any of our citizens out there. They will let you know that real quick. They understand that concept. So anyway, I am thinking if we are going to help them with this and we are going to develop this resource this way then the citizens of the State of West Virginia should get something too. It ought to be a good deal, a fair deal. If we are going to save them a bunch of money our people should get something and I have heard about energy state or state with energy and you know quite frankly I want to be a state with energy. We have been owned by energy for far too long and we have been charging the severance tax on the coal

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industry back in the 10's and 20's and 30's of this state. Southern West Virginia would not be in the plight that it is. It would be far better developed with far better roads and far better access and far better facilities but no back then we were owned by those resources, out of state resources. We have gotten away from that and I am happy to know that and I resented it last year when we had a water problem that they said we were owned by out of state corporate interest and I was offended by that as many of you were and we established that we were not and I hope we don't go back on that. But, this bill right here is another time when we need to assert the rights of the citizens of West Virginia because you see in this process the oil and gas industry had all the lobbyist and all the representation they needed. The royalty owners, the big land owners had all the lobbyist they needed in this process when they sat down at the table with the gentleman from the 7<sup>th</sup>. Everybody had an interest and had somebody there representing them except the citizens and the little land owners, the little mineral owners. You know who was supposed to do that? It was us. That job was entrusted to us. We are the ones who are supposed to be their lobbyist. We are charged with that responsibility because they don't have money to pay lawyers and other individuals to come down and lobby on their behalf so it is incumbent upon us and so as I look at this deal that has been put together and you know we have virtually, I am not sure that there has been a single amendment to this 68 page bill. If there was it was minimal, let me put it that way. Nothing that substantially affected any of the real rights that I am talking about right now. I get that. The gentleman from the 7<sup>th</sup> has vested, invested, he has put his heart and soul into this bill and I appreciate that because I have done that here too. But, the bottom line was is that in the final analysis what we didn't do was we did not get a good enough deal for the individual mineral owner, the small guy. What we didn't do was we didn't make sure as was offered to us last night in an amendment to make sure they got a royalty that would be in the top 20% of everything that had been negotiated in area at arm's length in recent times. Instead what we were worried about was that they might hold out, they might hold out to the industry and that might drive the price up a little bit. That wasn't worrying about the little guy. That was worrying about the big guy. The large royalty owners,

those folks in the old oil and gas producers who are now essentially royalty owners, they are taken care of in this bill because they are not going to be in that little 20% anyway. They have all got bigger tracts and they are not going to get run over and they got lawyers that can represent them and they are savvy and they know what is going on. It is the little guy that I am worried about and it is the citizen of the State of West Virginia that I am worried about because he is getting nothing. They are getting nothing out of this deal. We had an opportunity last night when we voted down an amendment that we could have....didn't have to raise severance tax, we simply would have extended it. Now this Body has already voted that that 4.7 cents that we were charging to pay off the unfunded workers' comp liability that the industry agreed to pay for about 20 some years in order to pay it off that not only were they going to get to pay it off early in ten years but we were going to give them a little bonus we are going to cut it off a year early. That is what we did yesterday. Now we didn't ask our citizens whether that was a great idea because my guess is they would have said gee I thought we had a tough budget, I thought we were having hard times, I thought we didn't have money for things. No, but we went ahead and did that. But notwithstanding that last night we had an opportunity that we could have added, we could have continued that 4.7 cents that the industry is already paying, they are already profitable notwithstanding the fact that they are paying that and we could have devoted that to something that would have helped our citizens. We could have put approximately \$45 million a year into the secondary road fund, devoted solely to maintaining and improving secondary roads. Something that every member sitting here knows is a problem back home that we don't have a solution to. We don't have that solution. We are talking about studies like we are going to study....like we are going to go study efficiencies the department of transportation and it is going to turn into a billion dollars' worth of extra road repairs like we are going to turn it into a loaves and fishes...we are going to go from one or two to dozens or hundreds...it's not going to happen. But, we turned that opportunity down last night and so the citizens of the State of West Virginia and the little guy will not get the benefit of their bargain in this deal and it for that reason that I have to vote no and I urge all of you all to think

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when you go home and somebody asks you, "you mean you let the oil and gas company take peoples minerals...what did you get in return for that for us? What did you get from them?" You are not going to be able to say you got anything that is why you have to turn this bill down.

DELEGATE KELLY. Thank you, Mr. Speaker. In 1971 I was released from the United States Air Force and I went back to Wood County. We had twenty-two industrial businesses operating in Wood County. We had reached about 500 employees for each one of those businesses. Today, there is just two left. Do the math, Wood County has lost approximately, since 1971, approximately 10,000 manufacturing jobs. That doesn't include the service jobs that supported those jobs. To me this bill, this is a jobs bill. To me this is a bill that is going to put my children and my grandchildren back to work. It is going to ensure that my family can stay in West Virginia in the future. Marcellus Shale is the second largest shale deposit in the world. It includes New York, West Virginia, Pennsylvania, Eastern Maryland, I'm sorry, Eastern Ohio, Western Maryland and Northern Virginia. There are 489 trillion cubic feet of natural gas that is recoverable in the Marcellus field and that is only 20% of what is there. We have the opportunity of West Virginia making this nation energy independent. I say that and I am going to say that again, we have an opportunity to make West Virginia energy or make the United States energy independent with West Virginia natural gas. That is jobs for our people this is a jobs bill. Mr. Speaker I stand in support of this bill. Thank you.

DELEGATE DEEM. Thank you, Mr. Speaker. I just have one statement to make. Over the years I have heard many arguments for and against bills and generally speaking or many times reasons people will be against a bill is because they say it is unconstitutional. Mr. Speaker, we don't decide what is constitutional or not. The Supreme Court makes that decision so if you are for this legislation then you will let the Supreme Court determine whether or not it is constitutional. If you think it is a good bill vote for it and I hope you do. Thank you.

DELEGATE FOSTER. Thank you, Mr. Speaker. Something that we have heard quite a few times

tonight is what are we going to get out of this. Well, what we have heard said time and again people say oh you are not going to get anything out of this. You are not voting for anything. Well there was a study done by CF International we know how many times we have been asked for an economic impact study well there is one been done in advance for this so you know the numbers ahead of time. Let me reel over a few of the things that West Virginia is going to get out of this: an increase in gas production of 387 billion cubic feet of gas per year, 7.7 trillion cubic feet of gas by 2035 and as we all know that increase in gas from the many jobs reports we have heard over the last few weeks here we know how much that is meant to the northern part of our state. Over 365 million in state and local government revenues per year. That is 365 million state and local government revenues per year that is more than something else we have heard a lot about the 1% sales tax increase as the gentleman from the 16<sup>th</sup> has attested to many times and that is \$7.3 billion through 2035. We also have, it will be more than \$430 million in payments and royalties to owners per year. So \$430 million per year that is paying somebody for minerals that they have no ability to access without that gas company and that will be \$8.6 billion over the next 20 years and an increase through 2035 of more than 247,000 direct, indirect and induce jobs an increase of more than 12,000 per year. Also, that would allow us to produce more minerals because there is 13 trillion cubic feet of gas that will be left stranded in the ground if we do not pass legislation which as we have heard many times legislation such as this that has been the best legislation purposed. So what I am doing is I am standing in support of this bill. I believe this is a good bill for our state. I believe it will bring many jobs and much more money into our economy. Thank you.

DELEGATE PERDUE. Thank you, Mr. Speaker. I am a little bit resentful for the fact Mr. Speaker that my six hour speech I have had to cut down to about two. I promise .....Ok I have the condensed version sir...I won't be that long. I want to try to cut through the histrionics, the legal sophistry and the legislative verbicide, if you will, of what we are doing here. My real job is right now...it may not be after this vote today by the way....is economic development. I would suggest to you that all those folks that have



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spoken to the fact that this is an economic development issue are absolutely right they are it is perfectly correct. In thinking about this I kind of had to do a little bit of searching. I was looking for myself and I don't think I found me but I found that a lot of other people that have had discussions on this issue and I have got two or three brief ones here. Thomas Jefferson – The right to sell is one of the fundamental rights of property. Is it constitutional or is it fundamental? That is an issue for scholars, there is a difference. When Mr. Jefferson suggested it was a fundamental right of property. Another gentleman who was speaking about the English Civil War said that mine and thine cannot be.....mine and thine cannot be. So the question before us is, is it mine? Is it thine or is it somehow by compulsion ours? That is the crux of it, making something ours by compulsion, by force. Okay, are we prepared to give up on what Mr. Jefferson called the fundamental right, for the benefit of becoming ours, because we were compelled to by statute. That is really the crux of all this. We can talk a lot but that is really the base of the issue. One of the other things that I thought that Mr. Jefferson said which speaks to this also when he said very briefly, “nothing is ours which another may deprive us of.” “Nothing is ours which another may deprive us of.” So when I thought through all of this I kind of came to the assumption, the understanding that the issue was bigger than whether or not we can create jobs. The issue is bigger than whether we are going to create economic development, the issue is human development. It really is because how can we be respectful of humanity if we are willing to compel other members to do something against their will. How can we be respectful of humanity? So for that reason, Mr. Speaker, I will oppose this legislation.

DELEGATE LONGSTRETH. Thank you, Mr. Speaker. I just have a couple of things I would like to say. I am voting against this particular bill, not that I am against economic development, not that I am against oil and gas...but I am going to side on the side of error... that we may do something wrong for the people who may be in this forced pooling. I hope it works if it is passed, I hope that we receive a lot of jobs if it is passed and I hope all these good things we are saying that it is going to do will happen. But, I am going to vote on the side of error.... but, I

would like to correct our colleague from the 15<sup>th</sup> when he said the types of jobs I have that same piece of paper here and I would like to see a jobs impact statement because this paper said the state “could”.....could and would are two different things...we could realize the following things like \$365 million in the state and local government revenues...maybe we could, or that we could...the royalty owners could receive more than \$430 million of payments. I hope they do but could and would are two different things and the reason I am voting against it is because of those reasons could and would and let's hope that...they will. Thank you, Mr. Speaker.

DELEGATE SHOTT. Thank you, Mr. Speaker. I suppose like most of you I received many emails and the number of calls most of which went unreturned just because of the scheduling and ....I would say probably 70-80% of those calls urged me to vote against this bill and if that is all my job was it would be easy but if that is all my job was I could probably program a computer to set on my desk and make random calls to my constituents and ask their opinion and have the computer push the right button but of course the question is that all our job is to be a mirror of our constituents opinions whether they be informed or uninformed so this past Sunday after a long day Saturday and not having the energy to drive home I called a couple of those people to probe a little bit about how informed they were about this issue and it became pretty clear that they weren't informed at all. None of them had any idea about the pooling bills that are already or the law that is already in place for the Utica and lower shales. None of them knew anything about the doctrine of capture. Mostly they had read a headline or had an email from somebody else that urged them to contact me and say vote no. I think my job is really more than that. I think people send me up here because they don't have the time to get informed on all these issues and they expect me to spend the time and the effort to figure things out and to balance the interest we have talked about that many times, balancing competing interest among various individuals and entities. I did have one call that I thought was particularly interesting and it was moving to me and it was a gentleman that we talked for about fifteen minutes maybe and at the very end I said what do you think the most important thing I can do while I am up here and he said to me figure out a way

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to bring my kids home. We immediately had a connection because I have three kids that I love dearly, two of them are in New York City in Brooklyn, one of them is in Northern California and so... frankly they left here because there weren't the opportunities they were looking for in West Virginia. Now I have to fly to Brooklyn to see my two grandchildren. I will never be able to coach a little league team that they participate in. I will never be able to see my granddaughter coming down her steps in her formal gown for her first formal. There will be many things that I will miss because they have left the state and probably won't come back if things don't change drastically. So, throughout my service here one of the questions I ask myself more frequently than any other when we are looking at legislation is will this help in some way, not only bring my kids home but prevent your kids....a lot of you are much younger than I am....prevent your kids from having to leave the state. Now if this were simply a matter of taking somebody's surface property and dispossessing them from their property this would be very easy for me. It would be very easy but I try to keep in mind what happens is a mile or more underground. Now keep in mind that if you are a private property interest believe which I think most of us are, most of us are strong private property interest, keep in mind that, that property goes up to the sky on a vertical line down to the middle of the earth but your rights to that property end at your boundary whether it goes straight up to the sky or down to the sky and as the law stands today, your neighbor can bring a well, put a well five feet off your property line and drill down and seep off your gas without paying you a penny. A horizontal well can drill down at the end of your property and run it all the way up your boundary and siphon out all your gas without paying you a penalty and you know what that has never been declared unconstitutional. They can take your gas without paying you a penny. That is the law of this state. That won't change one way or another regardless what we do with this bill. Not only that, if you are a private property believer your neighbor can put a pig farm, a hog farm right up against your property and put the pit where they dump the waste right up there. If you are consistent in your beliefs you have to accept that, that's their right to use their property in any manner they choose even though the fumes from that lovely odor come into your kitchen when you

are trying to eat dinner at night and believe me that can be bad. One of the worst smells I ever smelled was when I was going to visit my daughter in California and we drove up Highway 5 and we looked off in the distance and the fields were as black as coal but the smell was overpowering and we kept saying to ourselves what in the world could that possibly be and the closer and closer we got the smell was so bad even when you had the air conditioner on high and the windows up all the way it would almost knock you out of your seat but as we got closer we saw that, that black was cattle one after another they were so tightly packed together they couldn't move. Now that could be your property next door if you are a private property believer and you are consistent in your belief so we have situations where people use their private property but invade on our enjoyment of private property all the time. Here is a question I think is worth asking. If you are a believer in private property rights, which I think most of us are, how far can you go in the refusal to use your property that will deprive other people of their right to use their property. Can you use your property to deprive other people their right to the benefit and use of their property? Here is what I am thinking of. Suppose there are twenty people that live together in an area and you are right in the middle of them and the only way their property can be developed that they can use their resources is if you participate in the process. Now keep in mind that under this bill you don't have to be required to put anything on top of your property on the surface but in order for your friends and your neighbors to be able to use their property. The little old lady that wants to help send a grandchild to college. The person who is strapped with their financial situation to the point that they might lose their home and needs that money desperately. The seriously ill person or the person who needs surgery to prolong their life. All of those people are surrounding you and you are the one that says no, I won't let that happen, I won't let you use your property because I am not going to give up my property and let's keep in mind what we are talking about with property here. We are talking about gas, gas, gas is not like gold or coal. It moves, it is not stable. If that person drills up to your property even if they don't penetrate the boundary of your property that gas if it finds a lower pressure area it is going to move. That is the whole idea of capture, you

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can't keep it. If it's free to move around, it will move. In this case that is what we are talking about gas that is located a mile below the surface or more. We have been asked, what do people get out of this? Well if you are a property owner in a county that has a Utica Formation, you are gaining rights in this case. You are actually gaining rights you don't have at this point. I think that is part of the reason that farm bureau backs this. They realize that this is a net gain for people that are in the Utica area. That probably won't affect the people in Mercer County. I don't think it extends down that far but for other people who may come to you five or ten years from now when this bill isn't passed and complain that they have been forced into pooling and that they have no rights, they have no seven member commission to protect them, that the forced pooling was 5% and not 80%. We have been asked if those people will gain something by this bill. They will get a restoration of property rights and that includes all of you out in the eastern panhandle who maybe not experiencing drilling now but you will in the future because the projections are that that formation will produce probably five times or more gas than the Marcellus Shale.

The question has been raised what does the state get? Well, besides the obvious 5% of everything that comes out of that gas it is going to get the income tax for the workers who are producing it. It is going to get the sales tax from those people who are in the state whether they stay here or not to work on these wells. It is going to generate taxes in other ways through the industries that it produces and there's really the benefit that ought to come out and hit us right between the eyes. What are we really getting? What is the state really getting? It is getting a brighter future. It is getting a brighter future by doing this because not only people that want to build a cracker see this as a positive development, people that want to use the byproduct the ethane and other gases to build industries will see this as a positive development but more importantly it will offer opportunities for our children, our grandchildren, for those of us who have seen our grandchildren leave it might offer the opportunity for someday for them to come back so it seems to me that we are in a real pivotal choice and I believe the gentleman from the 13<sup>th</sup> hit the nail on the head, there are

people watching. Not just the people who don't really understand the issue but people who have the ability to make decisions to turn this...to keep the progress in this state going in the right direction and we have made progress here not just this year and to be honest we have made some progress over the last few years and making this state a better place to do business but we are at a pivotal point where people are going to be watching us to see whether are we turning backwards, are we going backwards or are we going to continue to go forward? We can continue to be the state with the lowest per capita income. My concern is not that West Virginia will not survive. My concern is are we going to thrive. Are we going to continue moving in the right direction or are we going to rebuild this state, are we going to launch a new area of prosperity for our children to do that? Let's vote yes on this bill.

DELEGATE GUTHRIE. Thank you, Mr. Speaker. Ladies and gentlemen I was sitting here thinking to myself. I wonder what it must have been like to have been in this chamber when lawmakers tens of decades ago were debating what to do about coal. How we were going to handle our coal revenue, were we going to be making a good deal for our communities? I have to tell you I feel like we are repeating history. I believe we are repeating history by not making the best deal for the citizens of this state. Yesterday we had tax break Tuesday. We gave tax breaks to the coal industry, oil and gas, timber and today we are saying to average landowners...you don't understand this because you are too stupid to understand it...if I am understanding the distinguished Judiciary chair. So, we are going to decide for you what we are going to do with your land. Everybody says that they want to get a balance. I believe that is what we are here for. We did have an opportunity, a moment, a moment of grace where we could have walked all of the average citizens into a better place. If you look at our history, and you look at our southern coal fields and the deals we were able to make for those folks, those towns have been turned into ghost town as folks who have taken the money and run, they have fouled the water, they fouled the air, it is one of the worst places for an education, it is one of the worst places for health outcomes and here we are 2015 trying to capitalize on what should be the best opportunity

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that we have got to make our state thrive. Everybody should enjoy prosperity, not just a few, not just those who can hire well paid lobbyist but the average folks that own property in this state and underneath that property. We would have done to the folks in the Marcellus Shale area exactly what we did to the people in our coal communities which it turned those towns into ghost towns. It buried streams, forget about that we don't care about your streams. We fouled your air. Your downtowns are falling apart and all of the millionaires that we keep talking about took the money and ran. They didn't make those communities thrive and I think it is naïve to suggest that because somebody puts on paper this grandiose idea of what will be doesn't make it so. Not in this state. Not where every single average West Virginian has had to fight tooth and nail for every benefit that they have ever gotten. I believe that this is going to be a bill that will do more harm than good. I think that trying to paint a rosy picture of what we are doing here to try to keep our kids home is just a fantasy. It is a fantasy that the lobbyist who have been button holing you out in the hallway want you to believe. You ask anybody who grew up in the coal fields in West Virginia whether or not their towns and their communities are better off because of the laws that we passed up here and I would suggest to all of you that they are not. I came here to represent average West Virginians that include coal miners, teachers, doctors, lawyers, social workers, landowners...they deserve a better deal than we are giving them. We could have done that in one moment of grace last evening and we turned our back on those very citizens that we are all here supposedly serving. I think that this is a wrong-headed piece of legislation and I think that the record will reflect that in March 2015 we sold average landowners down the road. For those reason ladies and gentlemen, I can't support this bill either and I ask that you don't support it either.

DELEGATE ANDERSON. Thank you, Mr. Speaker. I rise in support of this legislation. I am not going to take but just a minute to review the gains that this legislation brings to the citizens of this state. I was honored a few years ago to travel this state with the lady from Monongalia, the gentleman from Marion, the gentleman from Ritchie, former member from Greenbrier. As we listen to the citizens of this state and public

hearings as we develop Marcellus Shale legislation this House was willing to travel this state and listen to the people. I am very proud of that. Our sister body declined to participate, that is not a criticism that is their decision. But, we arrived today looking at this piece of legislation. We have had unitization bills introduced in the past. We had House Bill 3151 in 2013. It provided the threshold of 75% to achieve unitization. This bill provides 80% for unitization. Now you can pick whatever number is right for you. You may want it to be 90% or 72.3% or whatever but this is certainly better than it has ever been and it matches the highest rate in any other state as to a threshold to achieve unitization. Whether you will get a fair hearing or not this bill improves the membership in the oil and gas commission. It will include an independent producer. It will include someone with a degree in petroleum engineering. It will include somebody from the royalty owners group and someone from the agriculture or forestry background as well as the head of the DEP, the Chief of Oil and Gas and the state geologist. I believe that gives the average citizen a much fairer forum in which to be heard than is present. I would move on to the fact the gentleman from Fayette previously alluded to the fact perhaps we are making a mistake today compounding on the mistake of the past when we provided for unitization and deeper minerals. Well ladies and gentlemen I respectfully disagree with the gentleman from Fayette. The amount of investment in these wells is more than I think I can even comprehend and I have been working on this subject for quite a few years. It is necessary for the vast amount of money and drilling a bore hole to the depth it has to go and then drilling a bore hole out one to two miles to be able to receive return on an investment and it is all about who gets the money ladies and gentlemen that is the bottom line. The deep minerals already can be unitized. Coal methane can be unitized but how do we work and achieve this in these other minerals? As I traveled the state and I shared the lady from Monongalia a few years ago if there is an environmental advocate in this body it is the lady from Monongalia. This bill allowing the building of pad instead of a lot of individual pads will have a much lower footprint....much less footprint in disturbance of the surface. This bill provides that if you are unitized against your will they cannot

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enter your property surface period no if ands or buts. That is a protection for the surface owner. The gentleman from Marion or the gentleman from Fayette argued a few moments ago there are other ways to do this and I believe if I am not mistaken he was eluding to the ability to partition. Well ladies and gentlemen in a partition suit if you buy a small portion of the minerals and someone files a partition suit those minerals are forced up at public auction on the courthouse steps. I don't want to bore you but I want to share through multiple inheritance coming down from my great grandmother I own 1/12 hundredths of the minerals in a 40 some acre tract of land in Union district of Wood County. Don't worry I am not going to be Jed Clampett from the Beverly Hillbillies and get rich. But the fact of the matter is half the minerals are owned by someone my great grandmother sold those minerals to many years ago, 7/16 are held with the family she ultimately sold the surface of the farm to and we have gone through generations of inheritances. I could force those minerals up in a partition auction today with 1/12 hundredths of minerals but I can't buy them. The people that, the Moore family, which own 7/16ths, will lose theirs too. They can't outbid the oil and gas companies on the courthouse steps and so how can they achieve use of their minerals? How can a company be reasonably expected to get a clear lease to develop this? They can't. In the early 1980s there were approximately three single spaced typed written pages of heirs that a company trying to clear title on an old lease. It was a nightmare. We are 30 years later, heirs have died and heirs have been born. It is a bigger nightmare today. Next door to this piece is a parcel of about 40 acres held by a widow whose husband recently died, a Korean War Veteran. Because you could never get clear title to develop this property without unitization, that widow who could probably use the money if that blocks the development in this area and she is not going to get the benefit of her minerals. I want to move on to something else. In my county and the gentleman from the 10<sup>th</sup> has alluded to it there has been an announcement by a large international corporation of an interest in developing a cracker plant and I am absolutely thrilled when development comes to Berkeley County or when development comes to any other county in the state because as the gentleman from Mercer alluded to his children, are not in this state, as a

retired teacher I have seen this state lose one and a half generations. Approaching two generations as some of our best and brightest you could start alumnus associations at Williamstown High School in Columbus, Ohio and Charlotte, North Carolina and some of them would like to come back but there has got to be economic opportunity for them. The cracker plant that has been announced it is estimated in Wood County it would create 5,000 construction jobs and those could be union or non-union construction jobs with 5,000 construction jobs lasting approximately five years as they build this facility. Three hundred permanent jobs running it but once it is built I think it could reasonably be anticipated to have other development that may well spill from southern Wood County down into northern Jackson County. In fact, Jackson County is more proximate to where this plant will be than my district in northern Wood County. I would like to see this development obviously in my county and I would like to see it spread into the district to the gentleman from the 13<sup>th</sup>. Hopefully this will happen. I have a union construction worker who is a friend of mine. He is in his early to mid-50's and he said if this cracker plant goes, he anticipates he will work building it. He said I will be able to retire from this job and not have to drive greater distances to be able to work. He will have a drive of about 15 miles instead of 70 or 80 to a construction site. So jobs building it, but there is no guarantee it is going to come. Ladies and gentlemen if you don't think folks far from here aren't watching us today, watching us stream via the internet and making decisions about how we manage the business affairs of this state making decisions as to whether they want to invest money in this state you are kidding yourself. They make decisions. I have sat in this body and seen us abolish the business franchise tax which I supported, lower their corporate net income tax which I supported. Reform and privatized workers compensation which I supported before a plan of the magnitude that is proposed in Wood County they have to be sure that they have a reliable source of feed stock for a sustained amount of time. They have not contacted me. They have not lobbied me I am just telling you how I feel. We have to develop this with the least environmental impact. We have to develop a sustained supply so that this company and possibly others might decide we are managing the business affairs of this state

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remarkably well and this is a place where we want to move and we want to develop this resource and process this resource. Ladies and gentlemen I visit my cousin in Williamstown and I sit and shake my head as I see trucks hauling timber out of this state. I wish I could figure out a way to saw it and kiln dry it and manufacture it here. If we are at a crossroads, if people making decisions about investing in facilities such as the proposed cracker plant in Wood County decide they are not coming, I am very expectant them to come through and fulfill their commitment but if not we are going to see this gas put in pipelines and go to Texas or Louisiana and create jobs there. That is where we are today. This isn't Democrat or Republican and those who know me and I have been in this chamber for a number of years and have worked with me I am not a very partisan guy. This is a business decision. For those of you who want to see this bill crash and burn for partisan reasons please take a deep breath before you cast that vote. For those of you on principle cannot support this legislation I respect that. I was about where you were three or four years ago but as you educate yourself about this issue you come to the conclusion that you have to manage this resource in the best possible way. The gentleman from Mercer said that the people back home sent him down here and trust him to make decisions and I have agonized over this decision for several years and I have gotten that from my constituents in Wood County who do not have the time to totally educate themselves about the contents of this legislation and as I weigh and balance it I come to the conclusion it is what is best for the landowners of this state. It is what is best for the future of this state and that is why I have risen today to support the passage of this legislation. Thank you, Mr. Speaker.

DELEGATE MCGEEHAN. Love your neighbor as yourself. I suggest you cannot love your neighbor and steal from him.

DELEGATE HICKS. Thank you, Mr. Speaker. I wasn't going to speak about this bill today but after hearing all the comments, pros and con, I just want to share a little something with the House members. I spent eight years with an oil and gas company, a small one operator in this state, in Kentucky and Ohio, doing what we are talking about today, oil and gas leasing. I work for a small operator. I went out and I dealt with

property owners and I talked to them after we did the appropriate title checks, title work and determined they owned the minerals and in very few circumstances did I see the dispute arise where there were undivided interest that prohibited one from developing his oil and gas rights over another. Those compromised very little percentages of the tracks that we dealt with and identified as drilling units. Number 2 this is a forced pooling bill. Again, this helps, there is no law on the books in the State of West Virginia that forces a driller to acquire a certain number of acreage to drill a well, as Mr. Shott said...from the 27<sup>th</sup>...you can drill five feet from your neighboring adjacent property owner and you can drain oil and gas from his property and there is nothing he can do. Now I submit to you that those who don't agree to participate and lease their oil and gas rights will lose. They will lose under the law of capture. They will lose because that person owns 50 or 60 acres will not be in that unit. However, if he is not forced to be in that unit, a small operator can come and drill on his 50 acre tract, probably drill two or three wells either shallow or deep...Marcellus, Utica...and he will get 12.5 maybe 20% of these mineral interest in form of a royalty payment. I think that anybody knows about oil and gas knows this was one of the first states that had an oil well. Those from Wood County know of the burning analcime deposits there. That was done in the 1860s, 1870s. We have been drilling oil and gas wells here for over 150 years....140-150 years. This is not a new issue this is an issue of greed. It is an issue of oil and gas companies wanting to tie up hundreds if not thousands of acres and to hold that under one well and to prohibit competitors from coming in and drilling wells. That is what it is all about it is money folks. I can remember researching titles in southern West Virginia...even in Wood County, Pleasants County, Ritchie County...where they used to pay them \$200 a year under what they called flat rate royalty payments. They could produce all the gas they wanted then they realized that it was a valuable resource they started paying an eighth. Now in some areas we have never seen anything like the Marcellus and believe me folks if there is oil and gas under the property in this state oil and gas companies will find a way to get to it. If you force pooling you are going to force people that don't want to lease their property that could wait for a better day or better deal or just be excluded

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entirely. Oil and gas companies have been in this area leasing and drilling wells. We are in the middle of a boom and it is not going to slow down whether we pass this bill or not but what we are going to do after the oil companies have drilled all the wells and they are gone all the construction crews went back to Texas, Pennsylvania and Ohio we are going to have to deal with those property owners who vote year in and year out. For those reasons I am opposed to this bill. Thank you.

DELEGATE FOLK. Thank you, Mr. Speaker. You know we have heard a lot of comments about this is a jobs bill and the concept behind that is because we are going to do unitization of the shallow wells. We already have unitization of the deep wells what we call the Utica and using the numbers straight from the DEP, 2014 there are 786 well permits permitted. Only 19 of those were deep wells. One of those or one or two of those were forced pool deep wells so if the concept of unitization was truly a jobs bill in the strata we are talking about especially when we are talking about the deep wells are supposed to be a lot higher performing wells then we should be seeing an increase in drilling of the Utica but we are not. One of the reasons that is, is because the Utica is a lot deeper in West Virginia than it is in Ohio and other places where it is booming. It is 2 to 6,000 feet I think in eastern Ohio and in West Virginia it is 6 to 10,000 feet and up in central Pennsylvania it is actually as deep as 14,000 feet so it is not nearly as economical to drill those deep wells so in the most recent year you had 767 well permits for Marcellus. Using the ratio that you know that maybe 5% like it was in the deep, how many property owners are going to be forced to sell their minerals when they may or may not want to in the current environment. Just a few years ago, it hadn't been that long ago that gas' double digit prices per unit so now if we pass this and make it effective 90 days from now literally they can go out and start forcing people to sell their property at economically depressed prices. That is a fact. Economically depressed prices...just think of the example of somebody who inherited or bought a piece of property outright during ...at the top of the boom, the gas boom a couple years ago when prices were up so they bought 150 acres and they were in the process of negotiating the price but the bottom dropped out before they got it done and now they

want to hold out for a better deal that 18-20% royalty instead of that 12.5% or the several thousand dollars more an acre lease....land leases that they can't get now. So, I think it is a little disingenuous to say this is a jobs bill because we already have the same provisions that we are trying to do on the shallow strata and the deep strata and they are not drilling there even though right now as we know they have a better legal environment as far as forced pooling unitization. I want to leave you with one last thought. Our founding fathers found that a lot of our documents based on the principles of John Locke and in his book the second treaties of government which I have quoted a few times here says "the great and chief end therefore of men's uniting into and putting themselves under government is the preservation of their property"...is the preservation of their property. For that reason I have been running on private property rights since 2012 the first time I ever ran for office. I can't vote for this bill. Thank you, Mr. Speaker.

DELEGATE MORGAN. Thank you, Mr. Speaker. I sat here and thought about this and as I stand I will say that I don't know much about the gas industry and I am probably about to prove that. I don't know much about the constitution and I am about to prove that. I don't know much about land rights and I am about to prove that also and in Cabell County there is not a whole lot of gas in the ground, can't guarantee what dwells in the politicians that live on top the ground however. Many of you know that I am ordained in the Episcopal church and several people have stood up to be brief and while these guys were standing over here talking it reminded me of the story that I often tell. A little boy sitting next to his father and when the preacher got up and took his watch off and put it on the pulpit in front of him the little boy said what does that mean and his father said not a darn thing son, not a darn thing. Well I do intend to be brief. Some of us are going to vote on this because of our party, Democrat or Republican. Some of us are going to vote on the facts as we see them, now they may be different. Some small landowners we have heard are going to have their gas stolen right out from under them and never know that it has been gone and then they may try to drill a well and there won't be anything there. I have personally been through an undivided interest issue by partition and it sure

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isn't pleasant. I think we ought to do away with undivided interest but that is another day. I have children that live out of town. They are never going to come back because they aren't in an industry that they can. One lives in Chicago. I drive through that nice flat Indiana land and see all those great big wind powered things and think boy those things are there and they are there forever and they are on top of the ground. What we are doing is underneath the ground. Whether this is constitutional or not constitutional, I have been here, this is my 19<sup>th</sup> year, and we have passed bills and said we will let the courts figure that out. Well, why don't we let the courts figure that out? As for me I am going to vote for this because I feel it is the best thing for West Virginia. It ain't perfect, very little that we do up here is as if matter of fact. But I do believe in the long run this will be the best thing for us. I can't give you any facts that would back that up other than my personal feeling. Thank you, Mr. Speaker.

DELEGATE CANTERBURY. Thank you, Mr. Speaker. The gentleman from the 8<sup>th</sup> district has told me on several occasions that when I speak on the floor or in committee that I have a tendency to spiral off into space and to lose people so I promise I will only do it once during this speech and I will try to be brief. I've had a lot of difficulty in a lot of cases thinking about this bill too because I also care very deeply about personal and private property rights but as I have thought about this issue and I have debated it within myself for the course of the session it has occurred to me how it is interesting that men of principle sometimes of the very same principles equal in the strength of their convictions can very often disagree in the manner in which those conditions, those convictions or those principles can be applied to problems in the real world. It is clear for example the gentleman, like the gentlemen from the 1<sup>st</sup> and the 23<sup>rd</sup> are strong believers in private property rights, they are men of conviction. But truly so are the gentlemen from the 7<sup>th</sup> and the 8<sup>th</sup>, also men of principle who believe in private property rights...equally convicted in that belief but in so being convicted have produced a solution to a set of property...rights the problems that exist currently in statute. I think that every member in this body believes in private property rights as I do and it is for that reason that I have thought at

great length about this bill and that is why I rise here to support it. Now this is the part where I spiral into space. It seems to me at some level this debate has been a matter of a conflict between what I would describe as an abstract idealism and principle pragmatism. By the abstract idealism, I mean when we speak about property rights what we are speaking about is something that I think that some people assume can be perfectly defined that exists somehow in the real world rather than just in the mind of God but the truth of the matter is far more complex than that. The property rights that we actually enjoy are only those property rights that exist in state law and that law is not perfect so neither are the property rights that we currently enjoy. As the gentleman from Mercer County so clearly articulated I think, we already have in state code issues that could be thought of as conceptual and abstract, philosophical problems about the nature of our property rights. For example, the right of capture...is that correct if you truly own the minerals under your property should we accede to a right of capture and yet we do. I would argue that it isn't the perfect principle. It is simply the best that we can do. Likewise, we have in some cases in parts of the State of West Virginia we have severed surface rights from subsurface rights and in those cases if people have the right to the minerals under your property and you have the surface rights they can take your surface to their own use...is that fair? Or would it be any more fair to deny the people with the minerals the right to use your surface to have access to what is theirs? The point is that we can all agree in principle about what is right and yet have very long meaningful debates about how to properly apply those principles to solving problems in the real world. Now the problem that seems to me to exist here today that is very real that we are kind of talking around and it has been alluded to but it is to me the most important problem of all is that back in the early 1990s members of this legislature came into this legislature and they created forced pooling for minerals under the Anadarko shale. It has been mentioned that the Utica is under the Anadarko if you happen to live in a part of the state that has minerals under the Anadarko you were already subject to forced pooling provisions with very low thresholds and if they take your minerals they can assume the right to use your surface to access those minerals. Now the problem is that



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it is not just the Utica Shale. Under the Utica as the gentleman from the 7<sup>th</sup> has told us there is the Heron and the Point Pleasant but the thing that is really interesting is that underneath it all there is a formation that one individual mentioned to me and I bothered to google it, it is called the Trenton Black River Formation. It starts in western New York State and it runs diagonally southwest to eastern Tennessee runs as far east as Virginia and perhaps as far west as Michigan. It is an enormous formation of limestone with hydrocarbons that some geologists think may ultimately in aggregate contain as much hydrocarbon as they have in Saudi Arabia. In the early 1990s a company went to Roane County in West Virginia to drill into that formation and then the legislature created the forced pooling legislation that we live with now but they couldn't actually develop the formation at the time because they didn't have horizontal drilling technology. They do now. If you think that the targets for the development companies are the Marcellus you are wrong. It is not even the Utica. Some people believe that the ultimate target is farther down and those targets which underline most of the State of West Virginia including your districts are already subject to a forced pooling provision that is a horrendous violation if you get right down to it to your personal and private property rights. This legislation rectifies that by bringing those rules under this provision that sets higher, higher thresholds for participation and prevents your surface rights from being subsumed by those who will develop those minerals. The fact of the matter is that we don't have perfect property rights in the State of West Virginia today. This bill doesn't perfect them. But I submit to you that if we pass this legislation we will leave property rights in the State of West Virginia in a better condition than we found them. I urge support.

DELEGATE IRELAND. Thank you, Mr. Speaker. Not sure what else needs to be said. I think the gentleman from Greenbrier is right on with respect to the importance of this legislation with respect to the difference between the shallow well laws that are currently on our books and the deep well laws that are currently on our books and this bill rectifies some of that. For those of you that are private property champions this bill improves overall private property issue

with respect to our mineral rights. Some of you have talked about the little person and who is looking out for the little person. I tell you what I consider myself one of those little people. We have got a farm back home. My wife is probably out there right now checking on cattle in mud up to her knee and if I were home I would be helping her and if I wasn't doing that I probably would be putting hay out or looking to buy some fence that is probably down or high water that is washing the fence out. I own some minerals. Some of it is leased, some of it is not. I consider myself one of those little people. As a result of that, I think that I have some input and understanding about what those issues are. I have been around the oil and gas industry, not as long as the gentleman from the 10<sup>th</sup> back here. I have had law suits against oil and gas developers. I have enjoyed some royalty checks for a few hundred bucks a month. I will point out however that I have received zero campaign contributions from the oil and gas industry....zero, none. As a matter of fact the gentleman that ran against me in the primary was an employee of the oil and gas industry and his boss was his campaign manager so if anyone thinks I am repaying a political debt the devil wouldn't be doing it in this fashion. But let's go on. We have talked about the difference between the Marcellus and the Utica. We have talked about in the past and I think some of you heard me say that....and the gentleman from the 10<sup>th</sup> I know would agree with this that in the old traditional well you hit a million cubic feet a day you had a real boomer, right? I mean you had hit the sweet spot, a million cubic feet a day. Marcellus wells coming in at somewhere in the neighborhood of 8-14 million cubic feet a day, call it 10. Obviously that is why there is a lot of activity in that. The Utica wells that are being drilled, some in Ohio, one in Tyler County, one in Washington County, PA across the state line coming in at the neighborhood of 45-50 million cubic feet a day, 45-50 million cubic feet a day. I saw recently just a few days ago where one company had paid \$240 million for 12,000 acres of Utica lease, \$240 million for 12,000 I think that rounds out to about \$20,000 an acre. Now do you think they are going to put that kind of money in a Utica lease and not drill it? The point being that yes we are seeing a fair amount of Marcellus activity today but five years from now that if you go back five years from today would you have thought we were doing what we are

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doing today so if you look five years forward where is the development going to be. If you can get five times as much out of the Utica that you get out of the Marcellus where you going to go? Now I recognize that the cost of the wells a little bit more but it is not five times. The gentleman from Greenbrier pointed out we currently have forced pooling if you want to call it that on the books today since 1994 for deep wells which include the Utica. The legislation that says before you impacts every strata regardless of debt with respect to horizontal drilling including the Utica. It established the 80% hurdle rate that we have talked about which is the highest in the country by the way of which 34 states have a pooling agreement of some sort, 34 states. This 80% hurdle rate is as high, I think there is 2 that may have 80% and the rest of them are all lower than that. This particular legislation protects the surface owner for those acres that are unitized without your consent that, that surface cannot be disturbed, can't be disturbed. The state park that the gentleman talked about and I think I told him that it couldn't be disturbed unless the state agreed to it is in the bill. Surface owners get protection. Not there currently in the deep well statutes. Further, the surface owners get the opportunity for lost and unaccountable folks to remarry if you will perhaps the minerals on that surface. Something that folks have talked about and wanted to do for years. People have said, why in the world did West Virginia ever allow the separation of minerals and surface? That is long before any of our time, so I don't know. Also it protects the mineral owners...clearly not there in the deep well statutes by providing two extra people on a gas and oil conservation commission that will look out for their interest. It puts a floor, a floor on a royalty that they can get with absolutely no deductions, no deductions....extremely important. They can't get less than 12.5% with no deductions. They may get more than that and probably will depending on the market conditions that are around them. So the mineral owners are taken care of also to a certain extent. Now we have talked about the processes that we have gone through down here in this last 45 or 50 days. We have talked about bringing people together. We have encouraged folks to sit down and talk things through. Ladies and gentlemen that is exactly the process we went through to come to where we are right now with this particular legislation. I have been involved

in discussions with mineral owners, farm bureau owners, the oil and gas industry for a number of years going back to the horizontal well, horizontal drilling bill that we passed three or four years ago and before that. In this particular case I, I guess called the various stakeholder groups. Now can you call everybody that is concerned in West Virginia into one room? Obviously not. So you look for various people that represent them like we represent our folks at home. We came together in room 252 right down the hall. Two mineral owners groups, West Virginia surface owners, West Virginia IOGA, the Independent Oil and Gas Association, the West Virginia Oil and Gas Association, West Virginia Farm Bureau. We sat in that room looking across the table at the various stakeholders talking about what was important to each one of those stakeholders and why, why was it important? Put the light in your eye and say why is that important...and came to an understanding about what each of those stakeholders felt they needed or was important to them. As a result of two of those meetings that went on for a couple hours each or longer I basically set down and said, okay these are the concepts that I hear people saying, this is what I hear people saying is important to them. I asked some of these gentlemen sitting here to my right and some other attorneys, okay put some words around those concepts. Let's understand what they say, let's understand those words...took that back to those stakeholder groups as well as a number of other legislators in here and said...okay, does this say what we think it says...which sometimes is a problem for us. Does this say what we think it says and can you live with it? To all those stakeholder groups, West Virginia Surface Owners, West Virginia Land and Mineral Owners, West Virginia Farm Bureau, West Virginia Oil and Gas Association....can you guys live with this piece of legislation? Some of them struggled with that. They about all struggled with that. I said, okay can you take an Alka-Seltzer and live with it? The response was well none of us got exactly what we wanted but we can live with it. That is what you have on the board here today, 2688. That piece of legislation. Did anyone of those stakeholder groups get exactly what they wanted? Absolutely not. Can they live with it? They said they can. Did we have every farmer in that room that was involved that was concerned?

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Absolutely not. Do we have every mineral owner that is concerned around this state in that room? No we didn't, but we took our best shot. It was an opportunity to say as we all have to do and do, do we have to compromise. We come to some compromise. Are we talking about well you are taking, you are taking...it is not a taking, the Supreme Court has said it is not a taking by the way. Folks have talked about we are forcing folks to sell their interest. This bill does not force anybody to sell anything. What it does do is allow development of our resources in a manageable way that makes sense. Everybody is compensated, everybody gets their share of the gas that comes out or the oil or the ethane or the butane or the propane, everybody gets their share. We have heard a lot of quotes by folks here today, Locke and Jefferson and etc. and I guess those are all appropriate. We heard a lot about property rights and the gentleman from Mercer and the gentleman from Wood, super job of saying what needs to be said. Property rights, and I have said this a time or two, I go back to an old song that many of you may remember I think it had to do with me and Bobby McGee, you know, right? Some of you remember that? One of those verses in that song was freedom is another word for nothing left to lose. Freedom is another word for nothing left to lose. We are not totally free. We give some right each...to come in here today. You are giving up some rights to be dressed the way you are. You are giving up some rights not to be smoking in here today and why is that? For the common good, for the common good. The preamble of West Virginia's Constitution if I can find it here in this maze of papers, the preamble of West Virginia's Constitution, we have been talking about constitution rights. Let me read you the preamble of West Virginia's Constitution. Has anybody every read it? Some of you probably have. Says through divine providence we enjoy the blessings of civil, political and religious liberty. We the people of West Virginia and through the provisions of this constitution reaffirm our faith in constant reliance upon God and seek diligently to promote, preserve or perpetuate good government in the State of West Virginia for the common welfare, freedom and security of ourselves, of our posterity. Our common welfare, that is why we are here, about the common welfare. We are not here for us as individuals. When we vote on this thing in a little while which

I hope we do, whatever the vote is it has got to be a majority rules. The majority rules. Not one of us have the option of opting out. If the votes were 99-1 which it won't be obviously but if it were that one doesn't have the option to opt out. That one is in for the good of the common good. That is where we are folks. This is a good bill. I have got one of those yellow flag lapel pins in my drawer and I have worn it a number of times. Again, I own a fair amount of property I guess from a relative standpoint depending on whether you are in Texas or New Jersey. The fact is, that this is a gain in personal property rights. This is a gain in personal property rights. This is good for business. We have talked a lot about jobs and some folks will say this is not a jobs bill. Gentleman from Wood County it is a jobs bill folks, it is a jobs bill. There is a study and I won't belabor this point very much longer, this development could approximately end up with 100 new wells and increase in gas production of 387 billion cubic feet a year over 365 million in the state. A local government revenues, now wouldn't that be great. Well another 365 million here to do something with solve some of the problems. Solve some of the problems that we struggle with. So when we go out of here we need to go out of here with a clear conscience. There is no doubt about that. I am going to go out of here with a clear conscience saying I voted for personal property rights. I voted for the State of West Virginia. I voted for those farmers that are out there of which I am one. I voted for those mineral owners out there of which I am one. I voted for my wife who is probably out in the mud....Mr. Speaker, let's get-er-done.

### H. B. 2805

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REMARKS  
of  
**HON. JEFF ELDRIDGE**  
*March 4, 2015*

DELEGATE ELDRIDGE. Thank you, Mr. Speaker. I am going to rise and support this legislation. I am going to tell you why. I have a lot of phone calls and stuff. We call them kids but they are 19, 20, 21 years old and they are in these juvenile placements to try to help them...and they are aggressive. You got to understand, we got 14 year olds in these same

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facilities. These 20 year olds, 21 year olds are aggressive towards staff, they are aggressive toward the other 14, 15 year olds and all we are doing is trying to help them. We are providing them with the opportunity to rehabilitate themselves before entering into the real world and they continue to be aggressive and assaultive toward staff and abusive and being bullies with the other kids. This is the reason I introduced this legislation. So this is an opportunity to either let them go or put them somewhere, where they can't be so much as a bully. I hope that you all can find in your hearts today to everybody to vote green on this and to help with the staff and the kids that are in these programs they are not being bullied and threatened. If you had a kid that you couldn't handle and as an opportunity for it to get more help and you agreed for it to go into a facility to get help and you call and you talk to them and they are bawling and crying and telling you how mean the other kids are to you and here the older kids are beating you up while staff is not looking. This is not what we should be doing by taking them out and putting them in a facility where they can be handled and you know it costs close to \$100,000 to keep them in these little places. I think the regional jails or the corrections is only around \$25 or \$26 thousand so you know you are saving the state a lot of money here in putting bullies where they need to be. Thank you. Thank you, Mr. Speaker for giving me the opportunity to speak.

### COM. SUB. FOR H. B. 2902

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#### REMARKS

of

**HON. DENISE CAMPBELL**

*March 4, 2015*

DELEGATE CAMPBELL. Thank you, Mr. Speaker. If I could speak to the bill please? I rise in support of this legislation and this was a bill that I introduced. As the wonderful gentleman from the 35<sup>th</sup> who was so willingly to help me with this bill sort of looked like it wasn't going to make but he helped it rise again and I also would like to thank... the state treasurer's office, Josh Stowers, previous member of this House and his help with working with this legislation and all the research that they did and the support that they have for this legislation but

I just want to say that I am so proud and thankful to be a member of this body and that we have the opportunity to do things that is positive for everyone. I know today we have been here a long time and we have had a lot of debate and I think that this is one thing that is not partisan legislation. In our nation there are 5.8 million children that are considered disabled. In our state there are 44,000 students. As a parent of a child with a disability and like many parents we always worry about what is going to happen to our children when we are no longer here. As a mother of a child with a special need that is a bigger worry and this legislation that was passed by Congress in December helps children with disabilities so that their parents or their family can put money into funds that can be directly put for their care afterwards that can be used for their education, it can be used for their health care, it can be used for housing and by being able to have this available to the parents of West Virginia to take care of their children is something I think is amazing because as of right now Mr. Speaker, there are only four states that have adopted this because it was just passed in December and we in West Virginia right now have the option to be in the top five of the state in the United States. We are not going to be the 50<sup>th</sup> state. We have the opportunity to pass this legislation. I would also like to thank all the sponsors that were so willing to listen to me and hear from a mother of a child with special needs and those of us that has been in this House for the past five years have met Logan and those of you that are new, this is my son Logan and there are many children that are just like him. They are asking you to look after them when their parents can no longer look out for them. Mr. Speaker, the ABLE Act stands for Achieving a Better Life Experience and as the gentleman from the 50<sup>th</sup> says, this is good for God's children and this is good for West Virginia and I ask for your support.

### S. B. 578

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#### REMARKS

of

**MEMBERS**

*March 10, 2015*

DELEGATE FLEISCHAUER. Thank you, Mr. Speaker. If you consider yourself a friend of coal

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miners you should vote against this bill. No one who has a terminal illness like black lung should be put in a position where they have to settle, they feel forced to settle their claim with a lump sum. Coal miners are not begging for this provision. Insurance companies are because they will make higher profits for their stockholders and shareholders and they will be on a plan for the future, which is something we all want is them to be able to plan for the future. Well these coal miners who had this deadly, horrible, awful disease, they really need life-long health care. The consequences of passing this will be the taxpayers will pick up the tab because in all likelihood it will need Medicaid, it will need Medicare, it will need food stamps and it will be heating assistance because these families and it is not...this isn't just about the person, it is about the whole family. We are talking about cases where it is the fault of the employer that these people have these workers or these occupational illnesses in many cases and I just urge rejection of this bill for those reasons.

DELEGATE FAST. Thank you, Mr. Speaker. I rise in support of this bill. First of all, you need to understand this is completely voluntary and the gentlelady used the word forced there and there is no force in this. These are absolutely diagnosed claims. It is not like you can get a settlement when you don't have a diagnosis anyhow. So these are diagnosed claims that a person with the mandatory aide of counsel can seek to settle and finalize the end result without having to litigate and go through procedures on and on and on indefinitely...attorneys in dealing with injury type claims regardless of what they are often are in a situation where they try to or they do actually negotiate for future losses, future medical expenses and yes it is sometimes guess work but there is a lot of known factors that go into it. As an example if you have a broken leg in a car wreck case and this isn't the type of case but as an example, if the knee is broken, fractured, cracked...if you are trying to negotiate a settlement on that you can pretty much assume that there is going to be arthritis to set into that knee joint and so that you calculate that into the negotiations so these types of settlements occur in many different types of cases all the time and I would I think that this is a good thing because it brings finality to both parties. Again, it is not mandatory. It is completely voluntary. It does

require the aid of counsel and I would urge passage.

DELEGATE CAPUTO. Thank you, Mr. Chairman. We are talking about black lung settlements here, correct?

DELEGATE SHOTT. That would be one of the areas covered, yes.

DELEGATE CAPUTO. When you had your discussion in committee, did you talk about medical costs that could be associated with an individual who is inflicted with black lung?

DELEGATE SHOTT. I'm sure that subject came up among other subjects. As far as the actual dollar number, no it wasn't discussed with that kind of specificity. It was discussed that it could vary but it could be substantial over time and that it was usually a progressive disease.

DELEGATE CAPUTO. So, if a coal company settles with a black lung victim, that would end any future obligation that company would have with that individual?

DELEGATE SHOTT. The settlement would be...if a settlement was reached it would be a final settlement, yes.

DELEGATE CAPUTO. Including all future medical costs?

DELEGATE SHOTT. If the claimant elected to settle that portion of his or her claim it could, he could under the statute all future medical costs, yes.

DELEGATE CAPUTO. If the victim is Medicare eligible, does that set a different set of rules in place?

DELEGATE SHOTT. Yes, it would have to be a Medicare set aside arrangement that would have to be negotiated as part of the settlement.

DELEGATE CAPUTO. So the set aside arrangement would essentially, hopefully, set aside enough money to take care of the medical costs for that individual in the future, is that correct?

DELEGATE SHOTT. That is my understanding that there would be approval for Medicare that

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would have to be received before the settlement could be finalized.

DELEGATE CAPUTO. If the individual is not Medicare eligible there is no set aside, is that correct?

DELEGATE SHOTT. There is no required set aside, that is correct.

DELEGATE CAPUTO. So who would be responsible for that individual's medical costs?

DELEGATE SHOTT. The individual, presumably the attorney who represents the individual would have set aside in a trust, I mean that is the way I would normally handle it, set aside money in a trust to anticipate those costs and I feel certain that any competent attorney who would be representing a claimant in this situation would provide either annuity type of payment or a separate trust sort of like a special needs trust to take care of those medical expenses.

DELEGATE CAPUTO. Was there any discussion about if an individual is, let's say 55 year old and had 25% black lung award, how much that anticipated medical cost would be throughout his lifetime?

DELEGATE SHOTT. Well I am certain if that type of situation arose, the attorney would seek the actuarial information to project those costs. As you well know you can't be exact but you would try to get that information based on the expertise that is out there. Otherwise I think you would be guilty of malpractice.

DELEGATE CAPUTO. Does this settlement need to be approved by the Insurance Commissioner?

DELEGATE SHOTT. No it does not.

DELEGATE CAPUTO. That is all I have right now Mr. Speaker. Thanks.

DELEGATE BATES. Thank you, Mr. Speaker. Would the gentleman yield for questioning? Does this affect existing claims or future claims?

DELEGATE SHOTT. I think it would any claim that is existing or future would be covered by this.

DELEGATE BATES. So if there are coal miners right now that have existing claims under Worker's Compensation system for black lung then that would then open up the opportunity for those claimants to be settled?

DELEGATE SHOTT. Yes, I think it would.

DELEGATE BATES. Do we have any idea how many people that would be?

DELEGATE SHOTT. I'm sorry I do not know the number of those folks that are out there.

DELEGATE BATES. Okay thank you.

DELEGATE WALTERS. Let me take a few minutes to try to answer most of the questions that have been asked. As you know in my private practice we do workers' comp settlements and we deal with the centers for Medicaid and Medicare. We do Medicare set asides allocations and we fund those with annuities. To the gentleman from the 50<sup>th</sup> who asked the question regarding Medicare. Medicare Secondary Payer Act passed in 1982 requires Medicare's interest to be taken into consideration and it is the employer's obligation to fund all those illnesses that are related to that, to that injury or that illness and it is required into the future to their life expectancy. They allow us to fund it with an annuity so that the payments are guaranteed to be there every year. To the lady who addressed the issue of do they become wards of the state. Under Medicare Secondary Payer Act you have to take into consideration all those future medicals the employer has to fund them or the insurance company has to fund them. Whoever that obliges is and then they are funded either by deposit of lump sum or by annuity over that time period and it's every medical procedure related to that particular disease or injury. Now for people who are under the age of 65 you meet three criteria under Medicare Secondary Payer Act. If it is anticipated that you will be eligible for Medicare within 24 months a Medicare set aside automatically has to be done. That calculation has to be sent off to the centers for Medicaid and Medicare and it has to be approved by the Center for Medicaid and Medicare and they do allow for adjustments if the calculation was done wrong either way. So from a financial standpoint they are going to come back and tell you if you have

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to add more money to it or you had to take some away. Also, there are some things that aren't covered by Medicare. I will give you an example of what those are. Attended care for example is generally not covered by Medicare regardless of your age if you have Medicare or if you don't. Attorneys will take that into consideration, they will calculate the future benefit of that as a non-Medicare expense and it is funded within the annuity process also. So, this is something that has been going on for many years and many states. Not so much in the pneumoconiosis area or black lung area but certainly within the worker's comp area. There are a set of regulations federally and on a state basis that require how these are to be done, how you calculate all the future medicals, how you have to take care of them and then that only leaves the indemnity part that is really subject to negotiations. Medicare and CMS is going to dictate that, that employer has to pay for all those medical expenses related to that situation. I hope this to a certain degree clears it up but any claimant attorney who has a client that's going to represent someone in its area is going to make sure a Medicare set aside allocation is performed because they are going to want to know what all those future meds are and they are going to want them funded and I see it now even in liability claims they are starting to do it. So I hope this little bit of explanation has helped you understand the situation and how it is handled and I would be happy to answer any questions you may have.

DELEGATE FLEISCHAUER. Thank you, Mr. Speaker. I didn't really have any questions and part of what I was talking about was Medicaid, Food Stamps and heating assistance and there is no set aside for those, correct?

DELEGATE WALTERS. Actually what happens if the plaintiff attorney identifies that those governmental benefits are available to that individual they will set up a special needs trust and what CMS recommends that you put the MSA funding inside of that special needs trust so that they don't lose those benefits.

DELEGATE FLEISCHAUER. Wouldn't you agree that if this person just continued getting their benefits they wouldn't lose...the attorney's fees going to come out of their benefits isn't it and all the work that goes to figuring out that trust is

going to come as a portion of their benefit that would be decided by the Worker's Comp Commission?

DELEGATE WALTERS. No, actually CMS does not do an offset for attorney's fees. They require a full settlement of all future medical expenses in relationship to that. A good plaintiff attorney is going to build a case on their medical fees as broad as they can. What CMS actually does is tear it back down just to those items that are related to that illness.

DELEGATE FLEISCHAUER. Actually I didn't rise for questions but Worker's Comp does not have that rule.

DELEGATE WALTERS. Worker's Comp has...CMS requires...Medicare requires Worker's Comp settlements to take into consideration Medicare's obligation.

DELEGATE FLEISCHAUER. I understand that but my point was that there are many other costs in addition to that and... I still think if you are a friend of a coal miner you will not vote for this bill.

DELEGATE MOYE. Thank you, Mr. Speaker. Would the gentleman continue to yield? Thank you very much. Your answers raise some questions for me. You say that all future medical expenses will be calculated and there will be money set aside for that. Would that include things as in-home care when....?

DELEGATE WALTERS. The attended care as I said is separate. Okay, but I always see a calculation for the non-Medicare covered items done and funded. They will identify it in the MSA, CMS just doesn't require that service to be recovered but every attorney I have ever dealt with has required that to be funded in the MSA also.

DELEGATE MOYE. Does it also cover possible future nursing home care once in home care is not sufficient anymore?

DELEGATE WALTERS. It does.

DELEGATE MOYE. Okay thank you.

DELEGATE MANCHIN. Thank you, Mr. Speaker. This is bad public policy and I will explain to you

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why. When we originally started allowing claimants to settle their OP claims or their silicosis claims or their asbestosis claims. We only allowed them to settle the percentage part of their claim. In other words, their permanent partial disability part of the claim. Excluded from that law was authority to settle their future medical payments claims. Now the reason why that was excluded is because these claims are impossible to predict. Many of these claims do not have any kind predictable future. One claimant may do well, another one may spiral down and out of control. So that is why we initially did that and that is so that we do not shift those costs on to the public sector for the future payment of those medical bills. Now what we are doing here is we are now going to allow them to settle that part of the claim so first of all just common sense if they pay them the value of their medical care which they are probably not going to because they are going to want to get a discount. That is how they make money that is what the desirability is, is to cut off their exposure. But even if it is just the amount of medical bills. If you can predict accurately and just what it is you are requiring this claimant to have a lawyer which means that a percentage under workers' comp it is usually 20% is going to the lawyer. So right off the bat we have shifted 20% of the payment of those medical bills over to the public sector at some point and time. Now I appreciate the gentleman's description about Medicare set aside and that is probably is horse of a different color in these quite frankly but understand that is probably not the kind of claim that is going to get settled here. My experience in life has been on a lot of those difficult workers' comp cases where there is a large amount of predictable future medical bills. They will just go ahead, the insurance company or the company will just play it out and gamble. They are not going to set aside a huge amount of money. They are not going to pay a huge amount of money and then some more money on top of it for the claimant when there is no big savings for them but will happen is it is on the young men who have smaller percentage claims, okay, who they will then predict, look we don't have to deal with Medicare on this. In this bill we do not require that they provide any of that future information that they would ordinarily do for Medicare. So they don't have to go through that whole process of predicting all that. Now the argument has been

made in committee, well that is why we are going to make them have a lawyer. The problem with that is we are down, we are probably down to maybe a dozen and this was even brought out in committee...there is not more than a dozen attorneys that even know what they are doing in this field right now because people have gotten out of workers' comp. You can't hardly find a lawyer to represent you in a workers' compensation claim, okay? So you are not going to have great expertise out there. Secondly, even if they do have a lawyer this doesn't mean that the lawyer approved the settlement. The lawyer can write these letters to the claimant and say look I don't agree, I don't think you should settle this claim and they are still going to be able to settle because they got a lawyer. So it is just fraught with problems. We tried, I tried to put a provision that would at least require that the insurance commissioner would have to examine the settlement and make a determination that they were not shifting payment of future medical expenses on to the public sector which essentially the standard for Medicare only we would have it in non-Medicare situations. That was rejected in committee. That is why this is still a bad bill. That is why you should vote against it. Let me think, what does everybody object to about medical monitoring? They object to medical monitoring because they say these people who are entitled to medical monitoring are just going to go out and take the money and buy a pickup truck and then it is not going to be there for their care. Well that is exactly what we are doing right here. It will happen. People will get in a tight jam with their family situations or they will go out and blow it on a big truck, one of those....it is just not good public policy. Doesn't have anything to do with lawyers or anything else it just has to do with public policy and shifting costs and we shouldn't be doing it. I urge you to vote against it.

DELEGATE BATES. Thank you, Mr. Speaker. Would the gentleman from the 27<sup>th</sup> yield for additional question? Are there other jurisdictions that allow settlement in OP claims?

DELEGATE SHOTT. I am not aware of any other jurisdictions that have OP claims so I can't answer that directly.

DELEGATE BATES. Thank you.



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DELEGATE CAPUTO. Thank you, Mr. Speaker. I rise in opposition to this bill and I don't know that I could add anything that my friend and colleague from the 50<sup>th</sup>, Delegate Manchin, already talked about. Not only is it bad public policy, this is corporate welfare to the max. Now we all know what is going to happen. The companies are going to try to save some money. They are going to calculate what the future medical cost of that individual who has been inflicted with the horrible, dreadful, black lung disease and they are going to wave some money in front of that individual and try to get a quick settlement. Now that individual is going to be forced to choose between his needs today, his needs today and his future health care cost. That is what that individual is going to be faced with. Not a good position for anyone to be in. I don't know too many coal miners that are rich and wealthy enough to make huge investments where they can take that money and set it aside and find a way to fund their future medical costs or fund their future quite frankly. That is just not the real world out there. I don't know if any of you have ever seen anybody die from black lung, but it is the most horrible death you could imagine. It is like a fish out of water. It is horrible and to put an individual in a position to take some cash to save a coal company money in the future and have to deal with that dreadful disease in the future it is just unconscionable to me. I can't imagine that we are here doing that. The gentleman, the chairman, said that it is progressive disease that only gets worse. We know that. There is no way to predict what the future cost of that individual can be. You can do actuaries all you want. I have seen one a study that says an individual at 55 who contracts 15% black lung can expect \$250,000 in medical costs until he...for the rest of his life until he passes. What are we doing here? I just don't get it. This is not going to help the people of West Virginia and it is going to shift the burden to the taxpayer. At the end of the day if that individual needs assistance he is going to come to the state for that assistance. If that individual needs medical care and can't afford it he is going to come to the state for that assistance so who are we here to protect? You know I will make it real simple, if you want to protect the people of West Virginia and your constituents and those who dedicated their lives to producing the energy that this nation needed to be so powerful then you should vote no. If you

are looking out for the big corporations then I guess you will vote green.

DELEGATE SOBONYA. Point of order.

DELEGATE CAPUTO. I'm sorry you called the point of order but you know I have a right to speak on a subject as much as anybody else in this House has a right to speak.

SPEAKER ARMSTEAD. Gentleman a point of order has been made. The lady may state her point.

DELEGATE SOBONYA. We are going to vote on a bill because somebody, some corporation? I am offended by that.

SPEAKER ARMSTEAD. Gentleman please reserve his comments to the merits of the bill.

DELEGATE CAPUTO. Mr. Speaker with all due respect it is the merits of the bill. If you allow companies to make lump sum settlements that is who you chose to protect. That is my opinion. I have a right to an opinion.

SPEAKER ARMSTEAD. The gentleman as we said I think the gentleman's remarks were more directed at members and their motives toward voting and in that sense I would ask the gentleman to please reserve his comments to the merits of the legislation.

DELEGATE CAPUTO. I would urge the members to look out for West Virginia and vote no.

DELEGATE STORCH. Thank you, would the chairman please yield? Is there an impact that would be... the company's experience modification rate do you know the impact that would be on the VMR number?

DELEGATE SHOTT. I'm sorry I could not hear the last of your question. Do I know what the impact would be on what?

DELEGATE STORCH. I'm not phrasing it very well. My English is really poor today. Do you know what the effect would be on a company's experience modification rate by the settlement?

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DELEGATE SHOTT. That is way beyond my paygrade. I'm sorry I don't.

DELEGATE STORCH. Okay thank you.

DELEGATE PERDUE. Thank you, Mr. Speaker. The one thing in this bill that just occurred to me that I would hope folks would think about is that the cost of prescription drugs is going up astronomically as we speak and they are actually coming up with cures for stuff but we never dreamed were out there before. The only thing is they are extraordinarily expensive. When we treated Hepatitis C until about two years ago it would cost about \$6,000-8,000 a year to treat it. It wasn't very effective. There is an effective cure now that is \$85,000. Now think of that in terms of what we are talking about here. I don't know how you predict what it is going to cost to save your life. I don't know how you are going to predict that and just say that actuarial tables that we come up with today will be accurate enough to do that, I don't think we can do that so for that reason I will vote no on this bill.

DELEGATE SHOTT. Thank you, Mr. Speaker. I think it was said earlier that if you are a friend of a coal miner you won't vote for this bill. I am wondering how you finish that thought with the word because. If you are a friend of a coal miner you won't vote for this bill because you want to deprive the coal miner of his freedom to choose to make a life important decision and then the question is because...because you don't trust him to make that decision? You don't think he has the ability to make that decision? You think he would be unduly influenced in making that decision? Every possible answer I get to that question as an insult to a coal miner as far as I am concerned. It is an insult. We live in a land where life, liberty and the pursuit of property are free of the fundamental principles. Liberty means the right to choose. It also means the right to choose and make a mistake. This bill illustrates the arguments we spent for the last hour, illustrates the fundamental difference we have in philosophies in this body. There are many of us here that believe an individual should have the right to choose even if they make a mistake from time to time and there are many in this body that feel that we should protect a person from making mistakes even if it deprives them of the liberty to choose. This bill it does not force anybody to do anything. It does not force anybody to do

anything. It opens up an option. That is all it does. Let me give you one example from my personal practice of how that option helps somebody. Now it is not exactly this bill because this bill opens a new area but it does involve Workers' Compensation. It involves a family man with two daughters who had a lifetime award for a back injury who chose not to settle that award for a long period of time but ultimately developed cancer. It was a form of colon cancer that was unrelated to his employment history and I had represented him years earlier in connection with the back injury and he came to me and said I just learned that I have terminal colon cancer. Is there any way I can go back and settle on my lifetime award for the back injury because I have a daughter, I have two daughters, one of whom is getting ready to go to college and it would give me some great peace of mind to know that when I am not here her college is provided for, and as a result of this bill or this law that gave him the right to settle that claim he was able to get a substantial amount of money. Fortunately his medical condition at that time was not known to many people and he was able to negotiate a lump settlement from his employer of his life time award and put money aside for his daughter's college education. It was an option that he had that he chose with advice and with a lot of consideration to make. It was not forced upon him. All this bill does is give people with this type of situation another option. An option to choose. It does not force them to do anything. There is nothing in this bill that would prevent the folks like the gentleman from the 50<sup>th</sup> for contacting coal miners and saying "I don't think this is a good idea, don't do this under any circumstances, I don't care how you feel about it, don't do it, it's not a good idea," for whatever reason he might give. Nothing would prevent that, this is just an option. The freedom to choose and I urge passage.

### COM. SUB. FOR S. B. 30

REMARKS  
of  
HON. DON PERDUE  
March 10, 2015

DELEGATE PERDUE. Ladies and gentlemen of the House, I would like to say I am going to be brief but I won't be. This is not deserving of

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cavalier laughter. This is not deserving of ridicule. This is serious business, very serious business. I distributed earlier today something to your desks which was, it was pointed out that Oregon had no regulations in place and by the way there are no real regulations in this bill and if you think this is not about selling raw milk you are being very naïve. Raw milk sells from \$7.50 to \$10.00 a gallon. The next step will be to make retail sales legal in West Virginia, I have no doubt. But I distributed something to your desks earlier today and it was pointed out that Oregon was a non-regulated state and Kentucky is and I will get to that in a moment. What does Seamus Nordyke and Kylie Fischer have in common? Kylie is the lady in the thing I gave you. Both of them are examples of how real the dangers of raw milk are, how real they are for those whose immune systems are not fully developed to fight off that terrible pathogen. While milk is consumed in a local small scale setting in a closed geographical area it is recorded that only of 1 to 3 % of people drink raw milk or consume raw milk products in the United States. But since 1998 up through 2012 it is accounted for two deaths, 3,327 illnesses and 357 hospitalizations. What is most shocking by far is that almost 60%, 59% of those 3,327 illnesses were in children under the age of five. Children under the age of five. Two of those children, Seamus Nordyke and Kylie Fischer. Amy Nordyke from Kentucky started drinking raw milk because she had read about its nutritional benefits. She was part of a herd share and picked up her order as she did every week. One day in September her 18 month old son Seamus began experiencing bloody diarrhea and over the course of the next couple of days his condition worsened. He was admitted into the hospital with hemolytic uremic syndrome, remember that (HUS) because I am going to guarantee three or four years from now you are going to remember HUS, we will put that in the bank. But it is because it is caused by a pathogen, E-coli 157 H7 which is the second most common pathogen found in raw milk outbreaks. Amy saw her son go through hemodialysis where all of his blood was removed and cleaned and then returned to try to counteract what was happening. HUS has no cure. HUS has no cure. Oh but the good news is 60% of the people who get it live. The ones that walk away however have a life-long anemias or worse. They need kidney transplants or they experience

nervous system deterioration. Seamus spent 30 days in the hospital fighting for his life going through dialysis, blood transfusions and etc. By the time his stay was done four other children, four other children were also admitted into the hospital suffering hemolytic uremic syndrome. All of those children had something in common with Seamus. They all belonged to the same herd share and all were drinking the same unpasteurized milk. The story I gave you earlier on your desk and the one I just related are just a couple of the stories that make up those statistics of illnesses on the charts we read. No, there are limited deaths but at what cost shall we risk a child's quality of life, their freedom, their freedom, their freedom for a choice they have no say in making? These illnesses in life are life changing illnesses, not your typical rumored food poisoning with flu-like symptoms. These bacterial infections can cause damaging effects to those whose immune systems cannot counteract the attack. These illnesses aren't affecting adults. The statistics show that they are affecting those under five whose immune systems have not developed. Both of these herd sharing outbreaks are proof it is not an error-free system. This is not the same thing as 48 individual people owning your own cow and by the way it is not just a couple of people on the shares it is not defined in there, it could be hundreds. This is a consumer buying a share in a cow and allowing the trust that someone else will be competent to know the proper steps to prevent food borne illness. Yes, there are other ways to develop food borne illnesses that is why we are taught to wash our produce and why shell fish has strict harvesting regulations. Sushi must be inspected and there are warning labels to not eat uncooked meats. You wouldn't eat raw sausage for breakfast would you? What are we as legislators going to do to make sure West Virginia parents do not suffer the emotional pain and financial burden that the Nordykes and Youngs have faced when all of that would have been prevented by heating the milk for 15 seconds, 15 seconds at 161 degrees? The suggestion earlier was that, this...I promise not to be anything less than serious on this....but it has been suggested...and I drank raw milk too folks, back in the 50s and 60s but e-coli was not found in raw milk in the 1950s and 60s and it was not in the mutated form, the toxic string that is commonly found in cattle and around cattle. E-coli 0157 H7 was first

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known in a beef outbreak in Canada. It is the second most common pathogen behind campylobacter for raw milk illnesses e-coli 0157 alone, alone counts for 60 deaths annual in the US and up to 73,000 illnesses. The CDC, the FDA, the State Veterinary Medical Association, the American Veterinary Medical Association, the American Formula all oppose this kind of legislation. Not because they don't think somebody should have freedom to drink milk from their cow, not because of that because they know at \$7.50 to \$10.00 a gallon you are going to start selling a bunch of it pretty soon. I think it is noteworthy we talk about food borne illnesses and pasteurization 25% of all the food borne illness deaths that were caused by milk before pasteurization became invoked 25% deaths, not illnesses....deaths. There is no real monitoring. No real inspection in this bill especially for milk handling and cooling and bacterial testing and monitoring. There is nothing in this bill about that. There is no real regulation here. On top of that we are just going to fine you \$100 if you do it, if you sell it or if you do something else we are just going to fine you 100 bucks. There is no mention of how many times we can do that so potentially you could sell 1000 gallons for \$10 a gallon and get fined 100 bucks or maybe 10 bucks. These transactions will occur and they are going to occur of the grid. We are not going to know about it. Be too late to do anything about it then. There are virtually no penalties. The question you have to ask yourself is does raw milk pose a greater risk of food borne illnesses than pasteurized milk? I would ask the clinicians in this room, does raw milk offer a greater risk than pasteurized milk? Well of course the answer is yes so why would we do that? Why we exposing five year olds to that? The obvious next step will be to encourage retail sales. Ladies and gentlemen I don't want to belabor you on this. I know what is going to happen here. I regret it and I will suggest you will regret it. You will deeply regret it. I want to ask you to indulge me for just a moment and do one thing, just do one thing for me. Want you to close your eyes, just close your eyes and we have seen these cups of raw milk distributed throughout the body here. I want you to visualize that cup of raw milk. Think about it. Just close your eyes. Now I want you to give that cup of raw milk to your five year old grandsons granddaughter, son or daughter. In

your mind give them that cup of milk. Thank you.

### AMENDMENT TO S. B. 581

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REMARKS  
of  
MEMBERS  
March 11, 2015

DELEGATE MARCUM. Would the gentleman yield? I couldn't fully hear what you said it would do.

DELEGATE MOFFATT. The amendment strikes out lines on page 6 the end of the bill and page 7 the remainder of the bill. Basically it takes the courtesy patrol portion, the changes in the courtesy patrol and just takes courtesy patrol out of existence.

DELEGATE MARCUM. So you would eliminate the courtesy patrol?

DELEGATE MOFFATT. I would save \$4 million.

DELEGATE MARCUM. But it would eliminate the courtesy patrol.

DELEGATE MOFFATT. Correct.

DELEGATE MARCUM. How many people work for the courtesy patrol?

DELEGATE MOFFATT. I hope a lot for \$4 million.

DELEGATE MARCUM. So that is a lot of jobs we are going to lose?

DELEGATE MOFFATT. That money could be invested and put other places to raise teacher's salaries and do other things.

DELEGATE MARCUM. But you are saying we will lose these jobs, is that correct?

DELEGATE MOFFATT. Unless people do it for free, yes.

DELEGATE MARCUM. And you have no statistics of how many jobs we will lose?

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DELEGATE MOFFATT. I know most, I know AAA provides the same service. I know lots of private garages provide the same service. I know a lot of private industries will have more jobs because people will call them and get the courtesy they need for the.....and pay for the service as opposed to us paying for it.

DELEGATE MARCUM. Thank you, Mr. Speaker. You have heard me numerous times this session say I would like to see a jobs bill. Not in this manner. Not taking jobs away from West Virginians who pay taxes, pay back into our local economy so therefore there is no way I can support taking someone's job out from underneath them and I ask for the yeas and nays.

DELEGATESKINNER. Thank you, Mr. Speaker. I oppose this amendment too. Not for the same reasons. For many people, particularly on interstate 81 their first experience with West Virginia is the courtesy patrol and these are the front lines of people who leave West Virginia who meet with people who are travelling through West Virginia and their impression of West Virginia is based on the courtesy patrol and they do an outstanding job and like many of you I have seen the responses from people out of state who have come into contact with the courtesy patrol and they are overwhelmingly positive. This is a great investment of \$4 million, not just for the services it provides to us but also for those folks travelling through and they leave West Virginia with a great impression. I urge rejection.

DELEGATE CADLE. Thank you, Mr. Speaker. I am in favor of this amendment. At my house when we don't have money to pay our bills we cut our spending. We got a \$20 million hole in the budget and this courtesy patrol, there is wreckers out here we are competing against wreckers. You talk about jobs, these are minimum wage jobs and you have to buy a new truck, run it up and down the road, wear-it out buying gas for it. This is a dead horse we need to get rid of. I hope that we can put that \$4 million to good use. Thank you.

DELEGATE BOGGS. Thank you, Mr. Speaker. I rise in opposition to the gentleman's amendment and I could not disagree more with the gentleman from the 13<sup>th</sup>. I think this is a valuable service not only to the citizens of West

Virginia but what people see and what they experience when they come through West Virginia. You know we are in a position where we have many people that are travelling to work, our wives, our families, our neighbors. Everybody doesn't have AAA. Everybody doesn't have the opportunity and there is a lot of places, I don't know whether you all have experienced it or not but I sure have. There is a lot of places that don't have cell phone service and a lot of people don't have a cell phone. But yet I tell you, I have passed on the road on many occasions and I have been able to call the number of the courtesy patrol. A man was having a heart attack along the road, I was able to call the courtesy patrol on Route 50 and they were there within five minutes and an ambulance was shortly behind. We have had people that have been broken down all hours.....you know it is not 24 hours anymore but even the reduced hours that we have provides a wonderful, wonderful service for the State of West Virginia, for our citizens and for the people visiting. I really don't see this as competition. I see it as something we are doing for our citizens. I guess if we wanted to carry it out to some degree we could say we could get rid of law enforcement and we could hire private security. But I don't think that is the answer and I certainly think this is a small investment to make for the safety, for the well-being and the peace of mind that it gives when our citizens are travelling up and down our Appalachian Corridors and our interstate highways. I urge rejection of this amendment.

DELEGATE IRELAND. Thank you, Mr. Speaker. I would like to ask a question of the Chairman of Finance if that is appropriate if he would yield. Thank you, Mr. Chairman. As I understand it from previous discussions that the line item for the courtesy patrol was something that said up to \$4 million. Is that correct? I don't think it was actually that you had to spend \$4 million but it was up to that amount if I recall.

DELEGATE E. NELSON. I believe that is the way the language is in the budget bill.

DELEGATE IRELAND. Do we have any data on how much money was actually spent on the courtesy patrol over the last year or so?

DELEGATE E. NELSON. It was between \$4.3 and \$4.7 million. It came out of tourism so what

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we have done here is we have moved the ...or what is being proposed with the amendment is the courtesy patrol in essence is being returned to the Department of Highways which would manage it. It is under the legislative body to appropriate funds and we have done up to \$4 million this year but then this frees up an excess of \$4.7 million for tourism to help promote our state.

DELEGATE IRELAND. Thank you I appreciate the clarification.

DELEGATE BUTLER. Thank you, Mr. Speaker. Would the chair of finance continue to yield please? Thank you sir. Does this bill actually provide for funding for the courtesy patrol or is it just moving it over to the Department of Highways?

DELEGATE E. NELSON. This bill does not provide for the funding but it does have language in there but it is up to the legislature to appropriate monies for the courtesy patrols for the Department of Highways for the courtesy patrol.

DELEGATE BUTLER. Okay thank you may I speak to the amendment?

DELEGATE BUTLER. I actually welcome this discussion. If this is not something we are willing to look at in a time when our budget...when we are taking money from the rainy day fund just to balance our budget and I think this deserves some consideration. I have done a little bit of research on this and to answer a question from before, previous question, this employs 80 people and if we are spending \$4.2 million a year in 2012 and the courtesy patrol is providing service for 12,632 vehicles, according to their website, that means we are spending \$332 each time the courtesy patrol stops to help a vehicle and looking at this from a practical sense if you were to call a tow truck the average bill for a tow truck is somewhere between \$45 and \$100 so I don't think this is a good way to spend taxpayers' money in that respect so...another aspect of this is if we are putting the state government in direct competition with a company who may fix tires or tow cars. This is a place where we could have more private sector jobs and private businesses who are actually paying taxes and employing people in the private sector

who are also paying taxes and learning a new trade rather than the taxpayers funding it this would actually be income for the state. So for all of those reasons I certainly welcome this discussion and this debate. I actually am not sure about this amendment though because it actually doesn't specify that it saves the money. I guess I speak here, I guess I do support the amendment but I think we need to look at it further. Thank you.

DELEGATE KELLY. Thank you, Mr. Speaker. I rise in opposition to the amendment. The reason that I do for a number of years, my wife and I run a motor home up and down interstate 77. On two different occasions I have blown tires on that motor home in the middle of the night and on both of those occasions the West Virginia courtesy patrol saved my tail. Not because they changed my tire. Not for any other reason than the fact it was a safety issue and they came up behind me and they turned on those blinking lights in the middle of the night and I would gladly have paid them that \$332 that my colleague was talking about earlier for that service. They don't change tires. They only thing they do is safe guard and maintain the safety of those individuals that get pulled off of that interstate highway or off of those four lane highways in the middle of the night. They arrange for a wrecker to come. They arrange for a tire service to come. They arrange for whatever is necessary to come and believe me those yellow lights behind my motor home on those two occasions in the middle of the night, they meant a lot to me. I support that safety patrol and I support leaving that safety patrol in the budget. Thank you.

DELEGATE MOORE. Thank you, Mr. Speaker. I am diametrically and unequivocally opposed to this amendment. Historically, let me just give you a little information. The courtesy patrol had its genesis in McDowell County, and the loss of 80 jobs on the highway...the loss of seven or eight jobs in the dispatcher's office may not seem like a lot to some of you but to lose those jobs in McDowell is another blow to our fading economy. Not only does the courtesy patrol provide that service on the road, all the persons involved in the courtesy patrols, both who are very well structured very intense training program through our colleges and universities

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throughout the state, 90% of the people who go through the courtesy patrol program get permanent high paying jobs with benefits and healthcare. So it is not only a safety program, it is a training program that historically has vaulted people from nothing to something and to kill it I think would be a grave, grave mistake on our part. Lastly, I think there has been an accord reached where the finance chairman said the money has been shifted, I think we can afford it and it only lasts for the next two years and so I think at the next two years we can have this discussion about its longevity and what we going to do with it. But for the time being please let's leave the courtesy patrol in place because it provides a valuable, valuable function for the people of West Virginia and people travelling throughout West Virginia. So I urge my people to vote against this amendment.

DELEGATE MCGEEHAN. Thank you, Mr. Speaker would the gentleman from Putnam County yield? Are you aware that the Executive Director of the Courtesy Patrol, I'm told, makes over \$150,000 a year?

DELEGATE MOFFATT. \$150,000? No, I was not aware of that.

DELEGATE MCGEEHAN. That is what my statistics say and I will ask you this question: does that all come from tax dollars?

DELEGATE MOFFATT. \$150,000 salary for the director of the courtesy patrol must come from tax dollars, yes.

DELEGATE MCGEEHAN. Are you aware of an economic term called the crowding out effect?

DELEGATE MOFFATT. I am not aware of that. Can you refresh me on that one?

DELEGATE MCGEEHAN. It is an economic term that applies to the concept that when the Governor begins enterprises that directly start to compete with private firms already in that same industry there become less and less funds and investment in those private firms because the Government is kind of taking over that industry so my question is are there already private firms that can do this job on the market that the government enterprise courtesy patrol currently performs.

DELEGATE MOFFATT. I would think there are private firms that they are employed by some West Virginians that will do a good job with providing gas, providing tow trucks and providing those services that these stranded passengers might need.

DELEGATE MCGEEHAN. I think that was already touched on and we do have a proposed budget that takes around \$22 million from the rainy day fund, is that correct?

DELEGATE MOFFATT. I believe that is correct.

DELEGATE MCGEEHAN. Thank you. No more further questions.

DELEGATE ANDERSON. Thank you, Mr. Speaker. I rise in opposition to this amendment. The West Virginia courtesy patrol and the action this year it is being transferred in the budget from the Tourism Department to the Department of Highways. Across this state it is a valuable asset to tourism but tourism's budget has been contracting over the years. Previously, many years ago it was in the Department of Highways. First of all, the courtesy patrol does not operate a fleet of tow trucks. They simply patrol up and down the highway and in my travels across this state I have seen them removing deer from the highways, at least to the berm alleviating that traffic problem picking up pieces of blown tractor trailer tires which create a travelling hazard. The budget we are dealing with...and we passed in this Body a court of claims bill recently containing payments of several hundreds of thousands of dollars to motorists of this state who suffered various calamities on the highways of this state...due to anything from pot holes to debris which damaged their vehicle. The people in the courtesy patrol are hired and basically are employed and as the gentleman from McDowell pointed out with the training they receive sometimes are moving from being dependent upon state for lack of a better term welfare payments to getting the training and workforce development to achieve meaningful jobs in our economy. People travel in parts of this state as the gentleman from Braxton pointed out where we lack cell phone coverage. People travel in parts of this state where they don't know where their vehicle can be towed to if they are in that situation. I think it is a valuable statement to

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people coming into this state that there is somebody out there that can stop and provide for them some assistance and at least pointing them to where they might get a vehicle repaired or making arrangements for a tow truck to come. As I travel the state, quite frankly, I keep a large phone back in my seat and I have a cell phone and I have broken down and used this service at one time in my life and the young man who stopped had no idea I was a member of the legislature nor did I reveal that. I just wanted to kind of monitor the program and see how effective it was. I am not speaking today on behalf of it because it helped me one time. I can change a tire. I can handle most of the things I run into but I couldn't handle it that day. The clutch went out of my truck and when the clutch goes you are done. But ladies and gentlemen, not everyone can change the tire but I can tell you also the police officer, the state policemen of this state and the county deputy sheriffs of this state on patrol might well come across this situation and most of the state policemen might well help someone change a tire if that were the case to provide for their safety but I think that is something where you tie up a state police officer maybe helping to change a tire or at least making arrangements and tie up his time where he might need to be responding to an emergency on the highways of this state. This is something that I believe is valuable to the citizens of this state for the safety of the citizens of this state and is also valuable to make visitors of this state feel welcome and safe while they travel our highways. For that reason I respectfully oppose the amendment from the gentleman. Thank you.

DELEGATE FRICH. Thank you, Mr. Speaker. I was not aware that the delegate was going to propose this amendment today but I would like to share some information with the members before they decide how they will vote. The courtesy patrol I don't believe that the money is currently funding it through tourism is going to be transferred over to roads to pay for this. I would venture to guess that the money we save the road fund by not passing the Governor's bill of HB 2211, that Governor's bill would have cut \$11.5 million from roads. It looks to me in the budget that... we used \$7.5 million of that money perhaps to increase...to spare the secondary road maintenance. So the House version of the budget has added \$7.5 million to secondary road

maintenance as compared to what the Governor's proposed budget would have done and the courtesy patrol is here on page 94, line 14 funded at \$4 million so that comes to \$11 million. I suspect that if the delegates amendment were to succeed that perhaps there would be \$4 million more for perhaps road maintenance or some other sort of road repair and then perhaps there would be less people needing assistance on the roads and perhaps there would be jobs created filling potholes. Thank you.

DELEGATE PERDUE. Thank you, Mr. Speaker. Just very quickly, the lady kind of touched on it a little bit. I think that, granted...and I hate to raise this issue to this body when we are talking about the budget in a few days but granting the conditions of the roads we have right now, I think taking the courtesy patrol off is not a good idea. So I am voting against the amendment.

DELEGATE CANTERBURY. Thank you, Mr. Speaker. To speak against the amendment. First to build on the comments of the gentleman from McDowell and the gentleman from the 8<sup>th</sup>, I think that when you...if you are going to cut \$4 million from the budget and you have a program that is basically transitioning people from welfare to work you have to consider that, that program in fact is generating significant savings to the state's budget long term and other areas. So certainly I don't think that there is an automatic \$4 million savings or automatic fiscal benefit and secondly what you may not be aware of there has been some conversation already. If you look at other states like Ohio and even in Virginia if you go into rest areas and places like that they do bring private funds into support rest areas and other public services through advertising and promotion and that has been discussed in this case and there are other ways that we are looking at in the long run of funding this program so I don't think that cutting it is a good idea and I urge rejection of the amendment.

DELEGATE MORGAN. Thank you, Mr. Speaker. Guess why I am standing up? I have made a remark that a budget can be balanced by making cuts, by finding out how much money you have and then making cuts. Although the Chair of Finance I don't think had anticipated this amount of money whether it is there or really not there that it would seem to me that in general that there



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would be money available if the sales tax were raised one percent thank you very much Mr. Speaker.

DELEGATE ROHRBACH. Thank you, Mr. Speaker. I rise to reject this amendment. I looked up on the website of the courtesy patrol the statistics from the inception on November the 21<sup>st</sup>, 1998 to the end of February this year. Let me give you some statistics of the services that these folks have provided to the citizens of this state and to our visitors. They have assisted 292,000 vehicles, removed 18,000 pieces of debris, 8500 deer carcasses, surprisingly 181 bears have been removed by the courtesy patrols as well as 3,900 other animal carcasses. They perform 14,000 procedural checks and in total they have assisted 78,000 vehicles and I might also add that they have administered first aid 131 times and performed, due to their training that the delegate from McDowell so adequately pointed out that they perform CPR on nine individuals and I would rise to say it is about time that we show people a little bit for their money in this state. I think this is a program that is worth-while and I would rise to strongly urge rejection of this amendment. Thank you, Mr. Speaker.

DELEGATE MOORE. Thank you, Mr. Speaker. Let me to the members the award winning, let me repeat that....the award winning citizens courtesy patrol operates under the auspices of the West Virginia Citizen's Conservation Corp. The West Virginia Citizen's Conservation Corp has several funding streams. I think it is about eight or nine if I remember correctly. Not one quarter, and I repeat....not one quarter of the money that comes from the state to the courtesy patrol goes to the salary of Executive Director of the West Virginia Citizen's Conservation Corp. To suggest that I think is a misnomer and I just want to point out to the members. Again this program had its genesis in McDowell and I am just asking before I sit down can you help a brother out.

DELEGATE ASHLEY. Thank you, Mr. Speaker. Just a few points about this amendment. I oppose this amendment and I do so I was here when we created the program in 1998. I remember when Governor Underwood put this program into use the people from the temporary assistance for needy families program and that is what we use. We take the people who are on welfare who

receive this assistance and they get their training with West Virginia and they do the service and as the gentleman from several places, several counties...these people then are picked up by private they are trained and they are picked up by the companies of West Virginia. It is a very vital program. Now what has happened over the past few years we have had to do some cut backs and we have. We have a lot of miles of interstate and corridor but I believe if I am correct and the gentleman in Finance who talked about this program said that the program is working from 3pm to 11pm so it is only a few hours but it is a vital service for the people of West Virginia. As the gentleman from Braxton County said it is a service that when you are driving up 79 as we do, we have a lot of blank areas for cell service. If you break down you hope those yellow lights come on and assist you. Thank God I have never had to use nor has my family had to use this service but it is there if you need it when you are travelling. I think it is good for West Virginia and I think we need to continue this service and I oppose this amendment Mr. Speaker. Thank you very much.

DELEGATE IHLE. Thank you, Mr. Speaker. Just like I said yesterday I wasn't planning on speaking to this. Didn't even know it would be coming up but I heard a lot of statistics around and I am a numbers guy. I like numbers, they are pretty objective. So we have \$4 million that the state funds to this program and I think I heard 80 jobs. So I just ran a couple numbers on my I-phone calculator. If we are interested in the benefits of putting people back to work, getting them training for jobs and making them ready for the workforce if we wanted to we could take that \$4 million split it up amongst the 80 people and give them all each a \$50,000 scholarship to go back to school. To me there are benefits from this program but we have to weigh them versus the cost and when you talk about \$50,000 per person I don't know that we are getting the return on our spending/investment depending on which term you would want to use. The math just doesn't add up for me so I speak in support of the amendment. Thank you.

DELEGATE MOFFATT. I didn't realize it would take so long. Thank you... the \$4 million could be used for the courtesy patrol and yes it does employ some people but so can private industry.

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The \$4 million can go to pay for the courtesy patrol which gives a good first impression to those who come to our state and break down or it could go to the roads that those who don't break down won't ever experience....the road repairs...everyone sees the travesty that we have with the roads. A few small individuals see the issues we have with the courtesy patrol. They help a very few whereas the \$4 million going to fixing roads, fixing potholes that would leave a much better first impression for visitors, for tourist, for the state. So I think this money could be better used. I appreciate being a job training program but I think the private industry can do job training as well and I urge passage.

DELEGATE J. NELSON. Thank you, Mr. Speaker. This is completely and totally contrary to the point of the bill. I urge rejection and request the yeas and nays.

### AMENDMENTS TO COM. SUB. FOR S. B. 199

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REMARKS  
of  
MEMBERS  
*March 11, 2015*

DELEGATE BATES. Thank you, Mr. Speaker I just couldn't resist. So I rise in support of the amendment. I sit next to the coal delegate, I think I'm probably the crocodile delegate from here on out. Thank you, Mr. Speaker.

DELEGATE FOLK. I will make this very brief. I don't like snakes either but if a man can make money on it and it can improve the economy in West Virginia, I am all for it.

### AMENDMENTS TO COM. SUB. FOR S. B. 347

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REMARKS  
of  
MEMBERS  
*March 11, 2015*

DELEGATE J. NELSON. Thank you, Mr. Speaker. This is completely and totally contrary

to the point of the bill. I urge rejection and request the yeas and nays.

DELEGATE R. PHILLIPS. Thank you, Mr. Speaker. Mr. Speaker at the age of 18 we have an open carry law. For some of those that don't quite understand that, that when I graduated high school at 18 years old I could walk on the main street of my hometown with a gun strapped on to my side with zero training except what my daddy gave me. Mr. Speaker the NRA has committed to hold free classes four or more across the state for free if this bill passes as it came out of committee. I urge rejection on this amendment. Thank you.

DELEGATE SKINNER. Thank you, Mr. Speaker. I am heartened to hear that the NRA is willing to offer free training and that would fit right into what this amendment seeks to do. It would give people the opportunity to get safety training on a hand gun by the NRA. I think this is a very moderate amendment. The people of West Virginia want us to be moderate on this. It is not extreme. Now I understand my friend talks about open carry and I will tell you what....the thing about open carry is we get to see who has the gun. That is the whole point of open carry. So when I see someone coming down the sidewalk and I see they have a holster on the side of their hip and I see that gun in it I know and I am going to conduct myself accordingly whether that is ignore it or move on....go across the street. Let's do something moderate here and let's support this amendment. Thank you.

DELEGATE J. NELSON. At the appropriate time I would like to ask the gentleman yield. Sir please send us here to make hard decisions like this. Would you agree?

DELEGATE COWLES. Certainly they send us here to represent them yes.

DELEGATE J. NELSON. Absolutely. Do you propose that we should put the entire bill of rights for a ballot vote?

DELEGATE COWLES. No amendments to the constitution certainly go out for a vote for the people but the bill of rights is already a part of the constitution.

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DELEGATE J. NELSON. I want to read a couple things for you. Amendment 2 of the United States Constitution says; what regulated militia being necessary to the security of a free state to right of the people to keep and bear arms shall not be infringed. What do you think the “shall not be infringed” part means?

DELEGATE COWLES. I understand what the Constitution says. What I think you are worried about perhaps is that you know the provisions of this bill if we were to authorize and vote and pass this bill it is not outside of the bounds to go ask the people whether they want to put the provisions of this bill into place, to sunrise that. To say this is what we think, this is what we have passed with your concurrence that is what we will be under. That is all the amendment does.

DELEGATE J. NELSON. Again, what does shall not be infringed mean?

DELEGATE COWLES. I think it is plain language of the words speak for themselves.

DELEGATE J. NELSON. Help me out here what does shall not mean?

DELEGATE COWLES. It means shall not be infringed. The plain reading of it I think is exactly that.

DELEGATE J. NELSON. Okay, what about other things for ballot issues. Do you support putting everything to a vote, for instance....?

DELEGATE COWLES. I will give you an example and actually this section of code that we are amending and putting this into there is a ballot initiative in that section of code it was for Sunday hunting where we passed the law some years ago to authorize Sunday hunting but each area of the state had to authorize and say whether they wanted their area to allow hunting on Sundays. It is very similar to those type of things.

DELEGATE J. NELSON. One last question for you. I have been told by a couple different organizations that you signed a pledge that you would not only support constitutional carry but you would actually offer a bill. Is that correct?

DELEGATE COWLES. Actually I do support constitutional if this amendment passes I will vote for this bill no doubt. I support constitutional carry. I am certainly frustrated with the inability to offer amendments it is not so much that an interest group would deliver a suggested bill but to take that bill and absolutely refuse to have any sort of input or work through the amendment process worries me to the point where we should take the work before us now and sunrise it with the authorization of the people.

DELEGATE J. NELSON. Thank you, Mr. Speaker. Ladies and gentlemen, I strongly urge rejection of this amendment. The voters of West Virginia send us here to make hard decisions and quite frankly the second amendment in my opinion should not be up for debate. I think putting this on a ballot measure is an attempt to punt it. I think it is an attempt to kick the can down the road. I think it would absolutely destroy pre-emption because it may allow places...different cities to be able to vote on whether they want to allow this or not. Quite frankly I think it is an attempt to completely kill the bill. I request the yeas and nays and I urge rejection.

DELEGATE MCGEEHAN. Thank you, Mr. Speaker. I also rise in opposition to this amendment. I will just quote from John Adams during the Second Continental Congress when he was speaking to a delegate from Pennsylvania and he said, “No sir, the people look to us to lead the way.” We cannot simply just put everything to a popular referendum. We are sent here by the people to make good sound judgements on what we think is right. With that I urge complete rejection of this amendment.

DELEGATE FOLK. Thank you, Mr. Speaker. From the West Virginia Constitution Article 6, number 1, the legislative powers shall be vested in a Senate and House of Delegates. We were sent here to do a job. You ran on the second amendment or you didn’t run on the Second Amendment, the Fifth Amendment, the rest of the Bill of Rights...we were sent here to do a job, Number 1. Number 2, the examples about referendum statewide are basically two in nature. One statewide referendum that we are referring to is constitutional amendments, it is required. The

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second example they gave for Sunday hunting were local referendums where we passed in bills to allow for local referendums. This is a state wide referendum on a statute that is gone through the majority of the process. As far as no amendments being offered and accepted, there was one in Judiciary. It was accepted. More importantly there were several amendments that were rejected. For all those reasons and so many more I urge rejection of this amendment.

DELEGATE R. PHILLIPS. Thank you, Mr. Speaker. To my dear friend, our Majority Leader, I have to rise in opposition to this. This bill has went through a ton of changes from the Senate side to the House side to the Committee. The Committee made a compromise with WVCDL, the NRA, the Sheriffs. This is a compromise, we made a commitment to them that this would be what a bill would be. So I am sorry. I have to rise against your amendment. Thank you.

DELEGATE R. SMITH. Thank you, Mr. Speaker. Would the gentleman yield for a second? Let me get this straight so I will know if I am right here. Your amendment puts this on the ballot to vote on it so people in Charleston, Beckley, your bigger cities would decide whether I could use my constitutional right, is that correct? I mean the whole state would vote on it, it wouldn't just be areas it would be the whole state. Your larger voter areas would be telling us the people in the rural areas what we could do with our constitutional right.

DELEGATE COWLES. Well it would be on the next general election so it wouldn't cost any money but it would be all the people of West Virginia, all the rural people. There aren't very many big cities in West Virginia but it would be all the people and everyone would have one vote just like they do on every other election day.

DELEGATE R. SMITH. Where I come from over 5,000 people is a big city ....so.

DELEGATE COWLES. Is that right?

DELEGATE R. SMITH. I don't have a stop light in my district so I have a rural, rural area but it would be a statewide not just regional election. I just wanted to make sure of that.

DELEGATE COWLES. All corners of the state.

DELEGATE R. SMITH. So people in the larger towns would be able to tell me if I can carry or not. I mean if they so desire to vote that way.

DELEGATE COWLES. Or they would be able to tell us this is the will of the people and it shall stay and have protections of stay in code for a long time if it is the will of the people.

DELEGATE R. SMITH. Thank you, Mr. Speaker. I also rise in opposition to this. I feel we are going down a slippery road here. There have been so many hard decisions that we have made...I have been here this is my third year that we have had to vote on....make hard decisions on issues that would have been easy to put on the ballot and let the people decide whether they wanted this or they wanted that but that is not the way our system is set up. It is not the way...this has already been put on the ballots. Every one of you here, everyone in this house filled out a card or made a statement or whatever, let your constituents exactly how you felt on these issues. That determined whether we was here or not a lot of us. I can guarantee you in my district if I said no I don't believe in the second amendment, I don't believe in open carry and I wouldn't be sitting here talking to you tonight. That was a big issue. So really this has already been put on the ballot and what we decide here tonight will decide whether it is put on the ballot again in two more years.

We are sent down here to make hard decisions. We are not going to please everybody. No matter what this vote is tonight, tomorrow morning when we check our emails part of the people is going to love us, part of the people is going to hate us. I say to you if the heat is too hot get out of the kitchen. Stand up for what you believe in and what the people put you down here for. Like I said this has done been put on the ballot as far as I am concerned. Now it is up to us to do what we said we would do and for that reason I urge rejection of this amendment. Thank you, Mr. Speaker.

DELEGATE BLAIR. Thank you, Mr. Speaker. I do believe that some issues do belong on the ballot however I don't think this is one of them and for that reason I do oppose this amendment.

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This issue has actually been polled throughout the state. My local newspaper did a polling. Do you support a bill that would allow concealed carry of a gun without a permit and 66% yes, 34% no. The Charleston Gazette the same question 60% yes, 40% no. The West Virginia State Journal same question 73% yes, 27% no and I know these polls aren't always the most accurate. You can open and close them after you get your desired results but in this case I think the people have showed that they do support this and I think you will find that the general population of our state supports this and I think it would be a waste of taxpayers' money and a waste of time to wait until the 2016 general election to put this on the ballot and for that I urge rejection of this amendment. Thank you.

DELEGATE AZINGER. Thank you, Mr. Chairman. I remember vaguely the story of Edmund Burke. Of course he was not an American but he was a lover of America even during the revolution. After he was elected turning around and telling his constituents that sorry he wasn't sent to vote the way they told him to vote. He was a representative of the people and he was there to vote the way he saw best. This is not a democracy we live in. This is a representative republic. We are not supposed to poll our constituents and find how many go this way and how many go another way. We are supposed to go learn the issue and as Delegate Smith said stand up and vote the way that we believe. This is a representative republic. We don't live in a democracy. It is a republic. We are here to vote the way the constitution says to vote. We are supposed to stand up and be strong and deliver. I stand in opposition of the amendment. Thank you, Mr. Speaker.

DELEGATE FRICH. Thank you, Mr. Speaker. I know that this year I have had to make a lot of decisions, a lot of votes that I was not comfortable making. I am sure that if I look back to prior years I may have felt the same about some bills. I would have never dreamed though of instead of making that decision for the people of deciding to just place it on the ballot. For that reason I ask that we reject this amendment.

DELEGATE COWLES. Thank you very much Mr. Speaker. Ladies and gentlemen I would like to say first that I have a lot of respect and friends

on both sides of this issue. My concern has always been and continues to be today law enforcement safety. I wish I was able to get more comfort level with the current proposal as it deals with law enforcement safety. Since I wasn't, my idea was not to pun it but to empower it with the will of the people. Through voter authorization sunrise the proposal with their consent. I think it is a reasonable idea. It is what would help me vote for the bill. I appreciate the opinions, strong opinions on both sides of the issue. I have just deep concerns about law enforcement safety and that is why I propose that and if you can vote for it that is fine and if you can't that is fine too but that is what I need to offer. Thank you, thank you, Mr. Speaker.

DELEGATE J. NELSON. Thank you, Mr. Speaker. Would the lady yield? If this amendment were to fail would you commit to cosponsoring a bill with me next year to allow Capitol carry?

DELEGATE GUTHRIE. I'm sorry?

DELEGATE J. NELSON. If this amendment were to fail will you commit to cosponsoring a bill with me next year to allow Capitol carry?

DELEGATE GUTHRIE. Well you will have to ask me next year. We are talking about this amendment right now.

DELEGATE J. NELSON. I thought so. Thank you. Mr. Speaker I would like to speak to the amendment.

DELEGATE J. NELSON. Ladies and gentlemen, I fully do support the idea of us being allowed to carry in the Capitol. One has to look no further than Canada when a wild gunman runs up in the legislature and shoots people up. But quite frankly the motives behind this amendment are not to allow Capitol carry. It is...one: to slow down the bill, two: try to kill it, three: hopefully get it vetoed, four: a political ploy to make the chamber look like hypocrites for voting against something on its face looks like pro-gun. In closing I would ask the body to please consider the source. Thank you.

DELEGATE R. PHILLIPS. Thank you, Mr. Speaker. Would the lady from the 36<sup>th</sup> yield to a

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question? Is your intent of this amendment is to try to kill the bill, the main bill?

DELEGATE GUTHRIE. No, my intent is to say that if you really believe concealed carry is such a great idea then let's go ahead and open ourselves up in here. We have already done community centers. We did that last year. This is like death by a thousand cuts. So if we want to do community centers where we have children and parents who probably sometimes come up with comments like we recently heard mainly gun fights then let's go ahead and open up the Capitol.

DELEGATE R. PHILLIPS. So when this amendment fails you will vote for the gentleman's bill next year?

DELEGATE GUTHRIE. I said ask me next year sir.

DELEGATE R. PHILLIPS. Okay, at the appropriate time I would like to speak to the bill.

DELEGATE R. PHILLIPS. Ladies and gentlemen, again I am going to ask you vote no. I do believe the intent of the amendment is to try to kill the bill as the gentleman from the 23<sup>rd</sup> said. I encourage you to vote no. Thank you.

DELEGATE CADLE. Thank you, Mr. Speaker. I just like to say something. You know this bill was introduced my good friends WV CDL. They helped with this thing. My good friend Dave Sypolt, Senator, introduced. We have Blair, Beach, Ed Gaunch, Daniel Hall, Karnes, Leonhardt, Maynard, Williams and Ferns. This is a Senate Bill. It went through Committee, everybody was in agreement, it is a good bill and I will support it and there are some people here that want to grandstand this thing and claim fame but the lady over here has just as much right as any of the rest of this in this chamber to express her views. So let's get this thing voted for. Thank you.

DELEGATE FOLK. Gentleman from the 23<sup>rd</sup> beat me to the punch but all I would like to say is ditto.

DELEGATE PUSHKIN. Thank you, Mr. Speaker. I rise in support of the gentlelady's amendment.

I don't believe this amendment if adopted would kill the bill. Why would it? I have not heard one good reason why we shouldn't be able to carry weapons into the Capitol. We can carry them into the rec centers in the town that I represent. That is fine, why can't we carry them in the Capitol? I have a concealed carry permit. Why can't I bring my gun in here? I live on the West Side of Charleston. It is one of the most dangerous crime ridden areas in this state but I feel safe there. Sometimes I might not feel so safe in here. I drive a cab for a living. It is a very dangerous job but I am not going to get up and grandstand about how dangerous my job is for an hour. I have a dangerous job. Okay, I carry a gun to work sometimes. Why can't I carry a gun to work here? I think what is good for this body is good for the whole state. How can we ask the rest of the state to abide by the rules we are not willing to stick to here. What is wrong with carrying a gun in the Capitol? I support the amendment and I am not trying to kill the bill.

DELEGATE J. NELSON. Thank you, Mr. Speaker. I want to apologize for making that personal. I do not apologize for the content of my comments but I do want to apologize for making that personal.

DELEGATE MCGEEHAN. This body seems to want to pass new laws and new crimes continually and continually. It is already a crime to threaten life and property. It is already a crime to commit fraud. It is already a crime for a felon to even own a fire arm much less conceal one. Why on earth do we have to pass more and more bills, more and more laws to just continually pile up the code where we can't even understand it anymore? We are enhancing a crime. We are enhancing penalties on a crime that already exists. I reject this amendment. I understand where the gentleman from Greenbrier is coming from but when the rule of law is already in place and then crimes against life and property are already in place. Why do we continually have to come back here and pass more and more laws to convolute the code and just basically for feel good measures. So I totally reject this amendment. I think it has more to do with politics in the gentleman's district and it absolutely makes no sense. I reject the amendment.

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DELEGATE LONGSTRETH. Thank you, Mr. Speaker. Would the gentleman yield on his amendment? I hope you can answer a question for me because I am confused and this is going on with your amendment. How do they know in the first place that someone without going through a permit or license, how do they know if they have a felony conviction or a conviction of a misdemeanor crime of anything?

DELEGATE CANTERBURY. Well where this would occur is if I suppose if a police officer stopped you and they ran a background check they could determine that from a background check if they found you with a weapon and then they found that you were concealing it and then through the background check they would find that you had a misdemeanor or a domestic charge or a possibly a felony so they do have the ability to check that.

DELEGATE LONGSTRETH. So prior to this amendment they know this only through a background check when you apply to get a license?

DELEGATE CANTERBURY. No, no, no what I am saying is basically the way this amendment would essentially be enforced because you wouldn't have the ability to simply stop someone because they have a conceal carry or because they had a weapon concealed but if you found someone, if you were law enforcement and you ran across somebody who is carrying concealed and in the normal process of doing a check on that individual it comes back that they have a felony charge against them and they are not supposed to have that weapon then in that case you would have not only a charge of possession but because they are concealing it you would have a second charge of concealing it.

DELEGATE LONGSTRETH. So without your amendment we wouldn't know if they were a felon or whatever if this bill would pass without your amendment is that what you are saying?

DELEGATE CANTERBURY. No, not unless they like I said it has, it basically kicks in when law enforcement officer would stop you or someone and they find that person with a conceal carry and they do a background check. They find that, that person has a felony charge now whether they

....if they stop someone right now and they find them with a gun and they do a background check and that person has a felony then you know they are guilty of possession of a fire arm which that person is not supposed to have but in this case, and in this case what would happen currently also is if that person was you know carrying a concealed on their person that would be an additional violation. But if this bill passes without the amendment...what happens is, you stop the person, you find that they have a weapon and whether it is concealed or not it is only one charge. With this amendment if they have a weapon and they are a felon they are in possession and they are trying to hide it from you so you can charge them for two things.

DELEGATE LONGSTRETH. Thank you.

DELEGATE MARCUM. Thank you, Mr. Speaker. Would the chairman of Judiciary yield? Mr. Chairman real quick... I wanted to ask you about the existing penalties that are already included in the bill. Would you describe to us what is already included?

DELEGATE SHOTT. If you will give me just a minute to find it. The enhanced penalties are under the last section of the strike insert which appear on page 20 and the section number is 61-7-7E and it is .....do you want me to just read it or summarize it or how...?

DELEGATE MARCUM. Just summarize what the penalties that are already included in the current bill.

DELEGATE SHOTT. Essentially it adds an additional five years imprisonment to the existing penalties. In other words....

DELEGATE MARCUM. No, I need to know the existing penalties. Not what this does, the existing penalties that we already have in the bill without the amendment.

DELEGATE SHOTT. That is what I was referring to. There is enhancement of five....an additional prison term of five years in the custody of the DOC which is not reduced or suspended. There is also, if you use the firearm during the commission of a felony there is an additional term of imprisonment of ten years which cannot

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be reduced or suspended. There is an exception if you use a firearm in the case of self-defense or the defense of others but otherwise you have got five years if you display a firearm during the planning or commission of a felony that is an additional five years if you actually use it in the commission of a felony and then it is ten years.

DELEGATE MARCUM. Would you agree with me that this amendment is a conflict with the existing and heads penalties that are already included?

DELEGATE SHOTT. I don't think it is...it doesn't conflict with it. It just adds another layer of punishment that would....these penalties are for convicted felons, okay. As I understand the gentleman's amendment, if you are a person that is not eligible to carry a firearm and you carry one plus you also conceal it, he is adding an enhanced penalty for that concealment.

DELEGATE MARCUM. Is there a misdemeanor offense already included in this bill and this just changes it to a felony?

DELEGATE SHOTT. Yeah, there is a misdemeanor....under 61-7-3 if you carry a concealed weapon and you are under 21 that is the misdemeanor offense.

DELEGATE MARCUM. So this amendment would change that to a felony.

DELEGATE SHOTT. No, no it is a different reason that you get in trouble under his amendment. His amendment is if you are disqualified by some other section such as being a felon. 61-7-7 sets out the disqualifying conditions. Let me find those for you.

DELEGATE MARCUM. Okay and my final question is when we talked about the sentence shall run consecutively not concurrently... do we have any other criminal penalties that say that type of language that restricts the court's interpretation of our criminal statutes or prosecutor's ability to plea bargain?

DELEGATE SHOTT. I haven't practiced criminal law in a long time. You have practiced a lot sooner than I have so I am going to have to defer

to your experience in that area. I'm not a....I couldn't cite you any specific area.

DELEGATE MARCUM. Okay thank you very much. Thank you, Mr. Speaker.

DELEGATE J. NELSON. Thank you, Mr. Speaker. Ladies and gentlemen, prohibited persons from carrying a gun are already prohibited persons. This amendment is going to slow down the process I urge rejection and request the yeas and nays.

DELEGATE R. PHILLIPS. Thank you, Mr. Speaker. Ladies and gentlemen again, this bill went through the Senate, it went through the Committee. Everyone at the table made a compromise. It had a public hearing. Let's don't compromise the bill by complicating it. I urge no on this amendment. Thank you.

DELEGATE J. NELSON. Thank you, Mr. Speaker...ladies and gentlemen, I am going to rise in opposition to changing the age quite frankly because when I was 20 years old, I'm sorry 21 I was married to my wife she was 19, I bought her a gun when the Marine Corps decided I was going to have to go off and I taught her to shoot and she simply could not conceal carry that weapon, one could argue that she could open carry it but that is not practical for a lady in a dress. So I request the yeas and nays and urge rejection.

DELEGATE PUSHKIN. Thank you, Mr. Speaker. We are talking about the strike and insert, the committee amendment right? I believe one of the parts of the amendment that's in question...we are now raising the age requirement from 18 to 21, that is in the amendment?

DELEGATE SHOTT. In the strike and insert amendment, yes, you cannot carry conceal carry if you are under 21 without violating the law unless you fall within that exception group that includes active military

DELEGATE PUSHKIN. At what age do we gain constitutional rights?

DELEGATE SHOTT. If this amendment is adopted the constitutional right to open carry a weapon would be 21 unless you fall within those exceptions.



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DELEGATE PUSHKIN. But we wouldn't have the right to conceal carry until we turn 21. We don't have that constitutional right at the age of 18?

DELEGATE SHOTT. You have the right to open carry but in order to conceal carry under this bill as the strike and insert indicates you would have to be 21.

DELEGATE PUSHKIN. Okay, is there .....are there other....at what age do we get constitutional rights? We have passed laws that are recognized the constitutional rights of the preborn so what age to we get our constitutional rights?

DELEGATE SHOTT. It depends on what right you are referring to. Obviously as an adult, you get certain rights as a child you are born with certain rights. In this particular case if you pass the strike and insert amendment you cannot conceal carry if you are under 21.

DELEGATE PUSHKIN. Thank you.

DELEGATE IHLE. Thank you, Mr. Speaker. I want to thank the Judiciary Committee and all those who put all the hard work in on this bill and I understand we are wanting to make this something that is a good compromise for everybody and something that works together. No matter what the form is of the final bill I will vote green but I am speaking to the amendment not the bill so I will stick to that. You know we call this constitutional carry and as I understand it and I am not perfect so I may be wrong, if we pass this in this form this is going to benefit 99 out of 100 members of this chamber. But there is one that won't benefit, the gentledady from the 59<sup>th</sup> and I think I have that right and if I'm not please correct me. You know we have bragged on the youth in wanting to bring people into our state and express pride in the accomplishment of the gentledady in getting elected to her position and we have all spoken to that and yet we have an artificial distinction that gives me great pause and regardless of the form again I will support the final bill but I have misgivings about this. Thank you.

DELEGATE R. PHILLIPS. Thank you, Mr. Speaker would the Chairman yield? Thank you, Mr. Chairman this is the compromise that

WVCDL made, the NRA made, the Sheriff's Association, everybody that was involved this is the compromise?

DELEGATE SHOTT. To the gentleman, there were discussions involving various stakeholders including the WVCDL, NRA, Sheriff's Association, County Representatives, Members of the Judiciary Committee and yes this agreement which resulted in the redrafting of the bill and the form of the strike and insert was a negotiated compromise to try to address some of the issues, some of the concerns that had been raised about this bill.

DELEGATE R. PHILLIPS. Thank you. At the appropriate time Mr. Speaker I would like to speak to the bill.

DELEGATE R. PHILLIPS. Thank you, Mr. Speaker. To my colleague to my right, I totally understand where he is coming from. But at the price of losing this bill I am going to encourage everyone to support this amendment. It is not worth with all the trouble that we went through on the Senate side in committee, public hearing, all what we went through this evening, it is compromise. That is what we come here to do we compromise. But again, I do understand where the gentleman is coming from. At 17 I was packing. But, again I encourage a green vote on this. Thank you.

DELEGATE FOLK. Thank you, Mr. Speaker. The greatest concern I have is some of the most vulnerable in our society and I believe a female in college 18, 19, 20 years old those three years are very vulnerable. Often times they are stalked while on college campuses and in college towns. By passing this amendment you will restrict their right to protect themselves. Thank you.

DELEGATE MCGEEHAN. The chairman yield for a question? The strike and insert that was adopted in Judiciary, besides raising the age requirement from 18 years of age to 21 years of age to be able to carry a concealed weapon without a permit. What were the other differences between the strike and insert in the original com sub of Senate Bill 347, I think there was a couple of other ones.

DELEGATE SHOTT. There was ....there were....there's a change in the award of cost and

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fees related to a law suit over a license denial that made the award of those costs and fees discretionary rather than mandatory and the enhanced penalties that we have talked about earlier were added to the bill as part of those discussions that I have referred to. And then, of course, we excepted out from the requirement that someone under 21 has to have a permit to conceal carry. Individuals that are active duty, armed forces, reservists and guard members. Those are basically the changes.

DELEGATE MCGEEHAN. In the attorney fee portion it is my understanding in the original com sub, the original Senate Bill 347 say if a Sheriff denies me a conceal carry permit and I appeal that decision because I think he was wrong for whatever reason maybe he didn't like me or is making his decision very arbitrarily and I won my case, in the original version it was required that I be reimbursed for my attorney fees but now it's kind of iffy that I be reimbursed for my services.

DELEGATE SHOTT. It is discretionary on the judge if he decides that there wasn't good....if the Sheriff didn't use good reason to deny it. In other words, it is totally arbitrary or for some improper motive the judge would likely award the fees but you are right they are not mandatory they are now discretionary.

DELEGATE MCGEEHAN. Okay thank you sir.

DELEGATE ROHRBACH. Would Chairman yield for a question? Between 18 and 21 these individuals could still get a permit provided that they are eligible for a permit or they could not?

DELEGATE SHOTT. No they could get a permit. They would have....in order to not be guilty of the misdemeanor if they were carrying concealed they would have to have a permit which would be under the same process as before....training, background check and so forth.

DELEGATE ROHRBACH. Okay, thank you.

Delegate J. Nelson. Thank you, Mr. Speaker. Point of clarification if the chairman would yield. Eighteen year olds cannot get a concealed carry permit. I just wanted to clarify that, correct?

DELEGATE SHOTT. Eighteen year olds can't, that is correct.

DELEGATE J. NELSON. So basically you have to be 21 years old to get that permit?

DELEGATE SHOTT. Well that is not exactly correct. There is a provision in the law that says if you have a job that requires you to carry a firearm then there is an exception for that. There's also was some grandfathering in some people that apparently had gotten the permit before this section of law was changed so there is a couple of exceptions.

DELEGATE J. NELSON. Okay so large majority of West Virginian's though they are not eligible for concealed carry permit ages 18 to 21, correct?

DELEGATE SHOTT. That's true.

DELEGATE CAMPBELL. Thank you, Mr. Speaker. Would the chairman continue to yield? As a point of clarification, I have had several phone calls from constituents who currently have a permit that allows them to go to other states that require a permit and they were inquiring if we no longer require a permit will they still be able to get something so when they are going to another state that requires it, is that going to cause them a problem?

DELEGATE SHOTT. It is my understanding that you would still be able to go through the same process if you wanted a permit for reciprocity purposes you would have to go through the same process, the fees, the training, the background check but you would have a permit that would allow you in those states to recognize reciprocity to go into those states. Now that is my understanding I don't know of anything that would change under this law.

DELEGATE CAMPBELL. Thank you sir. Thank you, Mr. Speaker.

### COM. SUB. FOR S. B. 347

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REMARKS  
of  
MEMBERS  
March 12, 2015

DELEGATE L. PHILLIPS. Thank you, Mr. Speaker. To begin with I want to preface my

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remarks by saying I have been around guns all my life. My father was an avid hunter, took me in the woods many times to hunt squirrel. I just wouldn't shut up long enough to hunt the squirrel, can't imagine that huh? My husband is an avid gun collector, he taught me to shoot. I have a concealed permit. So you might say I am a true southern, redneck woman. During this session we have had several things that we have disagreed on, pieces of legislation. In a couple or three years to come we will know whether those were good bills or bad bills. We may look at them right now thinking they are bad bills and they may be good. We may think they are good and they may turn out to be bad. So, some of these bills are good, bad or ugly. We just don't know yet. This bill is different. It doesn't change education standards. It doesn't allow you to drink the milk you choose. It doesn't try to balance the budget. If we mess up on this one, it could cause someone to lose a life or be injured permanently. The other bills we can go back and change. We can reverse their decisions if we see they are wrong, but we can't reverse a life. I appreciate the Judiciary compromise on the 18 year old carry and brought it up to 21. I really had heartburn over that. Yes, we send our 18 year olds to the Armed Forces. They mature very quickly there but they are taught to use that gun, they are not just handed it. They go through training. They are disciplined in their thought process of how, when and where to use that weapon. My main objective over this entire thing is law enforcement. If someone carries now it is on their side and if law enforcement has to stop them for any reason it is apparent that, that gun is there. If this gun is going to be concealed then law enforcement is not going to recognize that right away and so therefore they are not going to know going into that situation that there is a gun present. I have had law enforcement officers contact me throughout the state, not just my county although my county has too. This particular email is from Nitro. He is a local law enforcement officer with 19 years of experience. He is very pro-gun. Huge second amendment supporter, concealed carry advocate and an NRA life member. He says, I encounter individuals every night while on duty who should not be carrying a concealed hand gun for a number of various reasons ranging from drugs, alcohol, habitual criminals or mental instability. But this bill would not stop those subjects from lawfully

carrying a concealed handgun making it more dangerous for everyone involved in an encounter with the police as well as innocent bystanders. Most of the people we encounter, this is the same email, most of the people we encounter would not already be considered a prohibited person although they should not be carrying a concealed firearm. However these people would not be in violation of carrying a concealed weapon and therefore create a huge safety risk to themselves, other citizens of the community and especially West Virginia law enforcement officers. For you that are not aware...no, I will say that in a minute because I will cry. It is sad. My county, Wyoming County law enforcement is definitely against this bill. They had heard one of the rumors that people wanted this bill to save West Virginia citizens a little money so they responded from that aspect as well. If every person in West Virginia saves \$150 and one soul is lost to an accidental discharge because there is no training and if it was your family member was it worth it? And then I had an email from a lady in Keyser and she said I realize criminals will do what he or she wants but what about the mentally disturbed individual who knows that he and she can legally take that fire arm anywhere he wants to go and even though it is illegal he could walk into this Capitol and shoot one of us. She also went on to say that she heard from a business man across the border in Maryland that told her thanks West Virginia keep passing laws which will keep and bring business back to Maryland. Now I don't necessarily agree with that one. But I do oppose the email or the bill and for those of you who don't know my son-in-law is ATF and he is undercover so he faces this every day, all day long. So it is a constant concern and worry of mine. But I oppose this bill because of law enforcement officers across our state that are going to be going into situations that are already dangerous and they put their lives on the line anyway for us and this is just going to make it just a little bit more dangerous for them. Lastly, I oppose this bill because of domestic violence victims. I know the perp is not supposed to carry but again this law just makes it easier. Before you punch that green button if your family is out enjoying a local ball game it is a tight game, your team wins, an irate, mentally disturbed individual fires a shot and it accidentally hits one of your children or your grandchildren, was that green vote worth it? Thank you, Mr. Speaker.

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DELEGATE GUTHRIE. Thank you, Mr. Speaker, ladies and gentlemen. I am not sure that there is a whole lot I can add from what we discussed last night other than that I share the concerns of citizens who have...who are frightened of this bill. The people that we serve are scared of this bill. Law enforcement is frightened by this bill. All people in your communities really want is to be able to walk down the street and not fear for their safety. They want to know that their communities are a place that they can live not in danger. More and more in this country, more and more in this state now we find a tone that exists that is mean spirited, hot headed and unreasonable. I witnessed that personally last evening in this chamber. Civility is dying in this country because we are giving up our rights to walk peacefully. We are giving up our rights to honor the rule of law. I don't think we ever were meant to pass a bill that endangers the public that law enforcement has pleaded with us not to run. The public has begged us not to run this bill. Yet, here we are. I don't know how you can clean up your communities if you can't make them communities that people feel safe to live in. I know this is a tough vote for a lot of people who are real second rights amendment advocates. I get that. I voted for a lot of hunting bills. I voted for the castle doctrine because I think you should be able to protect yourself on your own property. But it should stop at the border of your property. You shouldn't be taking your guns concealed without a permit into a public area, into a Baskin Robbins, into a Kroger for heaven sakes. People with guns can be very dangerous. If we don't enforce that rule of law we have no law. I just believe that in your heart many of you in here, even though you are going to press a green button, know that this time we have gone too far. This is something we never should have done. If police officers are not asking for it and the public is not asking for it we should not be bowing down to an advocacy group that has intimidated everybody in this chamber for almost the last 60 days except for the few that are their buddies. We are not talking about a lot of people. We are talking about a radical and extreme faction. They are dangerous. So I ask you please look in your heart just for once, stand on the side of the public and what they want. Stand on the side of law enforcement and the rule of law and please let's defeat this bill. Thank you.

DELEGATE KELLY. Thank you, Mr. Speaker. I would like to address a misconception I believe that several of the members have. This bill is not going to put guns in the hands of the criminals. They already have them. What this bill is going to do is make a level playing field for the honest people in the State of West Virginia who will be able to carry concealed and be able to carry concealed legally. A criminal, he doesn't care. He is going to carry. He doesn't care. I for one have had a concealed carry permit for over 30 years and this bill doesn't do away with the concealed carry permits. When mine is due for renewal I will renew that permit and the reason I will do that is so that I can continue have reciprocal agreements with other states to carry. The only thing we are going to do with this bill is to allow law abiding, honest citizens to carry a firearm under their coat. It is not going to help the criminal. He is already there and you need to keep that in mind. Thank you, Mr. Speaker I stand in support of this bill thank you.

DELEGATE HAMILTON. Thank you, Mr. Speaker. The lady from Kanawha is right. This is a tough vote. It is a tough vote for me. I am a life-long member of the NRA. I have taught hunter safety for 26 years. I have also had a concealed weapons permit for almost 30 years now. I have had mine so long that you had to go before the judge to get your permit. But what I want to talk to you about for a minute, the amendments last night that were tried on the floor and they were defeated and I understand the majority rules and I accept that but what I want you to think about when we teach our kids in hunter safety, and adults, we tell them a couple things. Always be aware of where your muzzle is. If you have it pointed in a safe direction no one is going to get hurt. Beware of what is behind your target and what is beyond your target and then I add a little bit to mine, I tell them this is not...handling guns is not video games. This is reality people. When you do this and please turn around and look at me. When you squeeze the trigger you can't say I'm sorry I didn't mean it, I didn't know you were standing there. It is gone out of the chamber and out of the barrel. Let's be aware of what we are voting for and I think you know where I am going. I am voting red.

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DELEGATE PUSHKIN. Thank you, Mr. Speaker. Would the gentleman from the 63<sup>rd</sup> please yield? I just have a couple of questions about the bill. As a small business owner can I prohibit someone from carrying a gun into my business?

DELEGATE FOLK. Yes.

DELEGATE PUSHKIN. So I am a cab driver, I can say before someone gets in my cab they can't carry a gun in my cab. Right?

DELEGATE FOLK. That is your prerogative, yes, correct.

DELEGATE PUSHKIN. But if I see the gun I would be able to ask them to leave their gun at home, not take their gun to town?

DELEGATE FOLK. That's no different than it is today.

DELEGATE PUSHKIN. I know I am just asking about the current law because I didn't see what we are changing here. So if I see the gun I can ask them to take the gun off before they get in my cab thus making my job less safe. So I guess I could put a sign up if I had a business, no guns allowed in my business?

DELEGATE FOLK. Yes you could. This bill it does nothing to change the current law in that respect.

DELEGATE PUSHKIN. I am trying to get a good grasp on what the current law is when it comes to this because when it comes to private property when it comes to people setting the rules in their own business and what the law is. Now could somebody if they ever had a concealed weapon could they ignore the sign and act like they didn't see it?

DELEGATE FOLK. Just as they could today.

DELEGATE PUSHKIN. Now I'm talking like right now before, the bill hasn't passed yet...

DELEGATE FOLK. The questions you are asking me have they don't....

DELEGATE PUSHKIN. It does pertain to the bill.

DELEGATE FOLK. We are not changing the law in that respect in any manner if this bill passes.

DELEGATE PUSHKIN. We are changing the law in concealed carry and I am saying if I see the gun I can ask them to take it off. If I can't see the gun I don't know they have one they could pretend like they didn't see the sign would they be in violation of any law if they acted like they didn't see the sign and came into my business with the conceal would that be a violation of the law?

DELEGATE FOLK. As I said there is people can already carry conceal today so they could already use the hypothetical that you are giving today. This law does nothing to address that situation one way or the other.

DELEGATE PUSHKIN. Okay so if somebody is...has a concealed weapon and they go into a business and there is a sign up that says no guns allowed but they act like they don't see it they are not breaking any laws because they could say they didn't see the...they are not breaking any rules of the business really they can't really be asked to leave I can't see the gun to ask them to leave. They could walk by the sign and there is no way to prove it they saw the sign, right?

DELEGATE FOLK. Again this bill does nothing to address the situation one way or the other the way you propose the hypothetical.

DELEGATE PUSHKIN. What I am addressing is the difference between open carry and concealed carry because it does change that.

DELEGATE FOLK. And we still have...we already have concealed carry and open carry in the state so this law if passed has nothing to do one way or the other to address the situation that you are hypothesizing.

DELEGATE PUSHKIN. In my opinion it does because if it is open carry I can see and ask them not to carry it into my business but concealed carry that is a difference between open and concealed is it's a jacket. That is the difference. I can't see it and here so I wouldn't be able to ask them to remove it.

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DELEGATE FOLK. I don't know how many times to say this. This law does nothing in any respect to change what is in effect today in the hypothetical situation that you are proposing.

DELEGATE PUSHKIN. Okay. I believe that it does but let's go on. Do you believe...do you think felons should be able to conceal carry?

DELEGATE FOLK. Excuse me? They can't today and they can't under this bill.

DELEGATE PUSHKIN. What about someone that commits a domestic battery?

DELEGATE FOLK. Certain level they cannot that is correct they cannot.

DELEGATE PUSHKIN. Because under the current law they get background checks every five years when they reapply for their controlled weapons permit.

DELEGATE FOLK. Again, in respect to your situation that you are trying to hypothesize in regards to domestic violence this bill does nothing, absolutely nothing to change the current code.

DELEGATE PUSHKIN. Except they won't need a concealed carry permit to carry concealed to conceal carry. They won't need a permit.

DELEGATE FOLK. Regards to domestic violence issues that you.....

DELEGATE PUSHKIN. Well when they get the background check is conducted every five years when they reapply.

DELEGATE FOLK. They are still prohibiting people under 61-7-7.

DELEGATE PUSHKIN. A couple more questions. I appreciate you answering all my hypothetical situation. I drive a cab in Charleston and this bill could possibly have an effect on my safety so that is why I am asking these questions. Under the current law do you have to be a state resident....this is under the current law, do you have to be a state resident to obtain a concealed weapons permit?

DELEGATE FOLK. For a West Virginia conceal carry permit unless you are using your reciprocity that is granted to you in the many states we have reciprocity agreements with.

DELEGATE PUSHKIN. So then that has be the United States citizen to get a concealed carry permit is that correct?

DELEGATE FOLK. I don't really understand your question.

DELEGATE PUSHKIN. Well if you have to be a citizen of West Virginia to get a concealed carry permit I'm stretching out that you would be a United State citizen is that correct?

DELEGATE FOLK. Well typically yes I would assume.

DELEGATE PUSHKIN. So is there anything in this proposed law that would make it illegal for a non US citizen can carry a concealed weapon.

DELEGATE FOLK. 61-7-7 says if you are a prohibited person if you're an illegal alien if that is what you are referring to.

DELEGATE PUSHKIN. I'm sorry I couldn't hear that.

DELEGATE FOLK. The current code says that if you are an illegal alien you cannot get a conceal carry permit currently.

DELEGATE PUSHKIN. But they wouldn't need a conceal carry permit if this bill passes.

DELEGATE FOLK. Excuse me just a minute.

DELEGATE PUSHKIN. Is there anything that would prohibit a non-citizen from the United States from....would they be breaking any law if they were carrying a concealed weapon?

DELEGATE FOLK. Again that is under 61-7-7 is an illegal alien is not allowed to do it under current code. Can't even carry a weapon.

DELEGATE PUSHKIN. They wouldn't need a permit though.

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DELEGATE FOLK. Again, the code says you cannot do it currently. This changes nothing in the current code in that respect.

DELEGATE PUSHKIN. Does the bill not change the current code?

DELEGATE FOLK. I am reading from the current code. I just said and this does not change that section of the current code.

DELEGATE PUSHKIN. What I am getting at is if we don't need a conceal permit to carry. What would prevent a non-US Citizen from carrying? Would they be breaking any law if they weren't a citizen and they were concealing a weapon would they be breaking any law?

DELEGATE FOLK. What you are referring to is the simple fact that 61-7-7 is in current code. This bill does nothing to change that part of code. It refers...what you are referring to is somebody that is a criminal carrying a gun. Yes you are under this code, under our current code that person is a criminal carrying a gun which is already illegal and you are making the exact point that you cannot.....criminals often times don't follow laws.

DELEGATE PUSHKIN. It is not illegal to not be a US citizen. I saying that somebody who is not a US citizen what would prevent them from carrying a concealed weapon wouldn't that be against the law?

DELEGATE FOLK. Please restate that question you just said again, please completely.

DELEGATE PUSHKIN. Okay the proposed bill does this. You would not need a concealed carry permit to conceal carry. Anyone can carry....

DELEGATE FOLK. I think your question was something about it is not illegal to be in this country as an illegal alien. Is that what you said? DELEGATE PUSHKIN. No I said non US resident. No I didn't say illegal alien I said not a resident of the United States. There are people in this country who aren't residents and who aren't citizens that are here legally.

DELEGATE FOLK. Again, this code doesn't change.....this bill does not change the code in any respect in your scenario.

DELEGATE PUSHKIN. Okay. What I am getting at if somebody is here in this country legally, they are not a felon, they haven't been convicted of any crimes could they conceal carry.....under the new law?

DELEGATE FOLK. If they are here legally and lawfully they can carry a weapon yes.

DELEGATE PUSHKIN. And they can hide it.

DELEGATE FOLK. Just what I said unless they are a prohibited person yes.

DELEGATE PUSHKIN. Okay so if they hadn't committed any crimes and there was somebody living in this country legally and hypothetically and they decided to join ISIS and tuck a gun under their shirt and we knew they were in ISIS say they had an ISIS t-shirt on and they tucked a gun under their shirt would they be breaking any laws?

DELEGATE FOLK. First of all I can't follow your questioning. Would you restate it? I am having a hard time hearing you over here.

DELEGATE PUSHKIN. Alright. What law would they be breaking if they are in this country legally but decided to join a terrorist group like ISIS and were conceal carry what law would they be breaking?

DELEGATE FOLK. Yeah I would say number one he is breaking a federal law by joining a terrorist group but I am just going to reiterate this since you need a little clarification. 61-7-7 states no person shall possess a firearm who has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year is habitually addicted to alcohol, is an unlawful user or habitually addicted to any controlled substance has been adjudicated to be mentally incompetent or who has been involuntary committed to a mental institution pursuant to the provisions of chapter 27 of this code or in similar law of another jurisdiction is an illegally or unlawfully in the United States has been discharged from the Armed Services under dishonorable conditions, 7 is subject to a domestic violence protective order or number 8 has been convicted of a misdemeanor offense of assault or battery which the victim was a current or former spouse,

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current or former sexual or intimate partner, person with whom the defendant has a child in common, person with whom the defendant co-habits or past co-habited, a parent or guardian the defendant's child award or at that time of the offense or has been convicted in any court of any jurisdiction of a comparable misdemeanor crime of domestic violence.

DELEGATE PUSHKIN. Thank you but we learned this when we reapplied for their or when they applied for their concealed carry permit that is when the background is conducted is that correct?

DELEGATE FOLK. Sir, I will put this very simply. You can't stop a criminal from carrying a gun and that is what we are talking about here. This law does nothing to change that.

DELEGATE PUSHKIN. Well it takes one crime away and it would be unlawfully carrying a concealed weapon if he didn't have a permit and the background....I appreciate you answering my questions at the appropriate time I would like to speak to the bill please. Thank you. I will spare everybody with the theatrics and I will cut to the chase. Yeah it might sound like a stretch to talk about somebody joining ISIS and tucking a gun underneath their ISIS t-shirt and I was wondering what law they would be breaking and if they were here illegally and they hadn't broken any laws yet they don't break a law until they actually do something. That makes the law enforcement job a lot tougher, I believe. It might sound like a stretch. It might sound ridiculous to you but no less ridiculous than this bill sounds to the people I represent the 37<sup>th</sup> district, the vast majority of them. I have gotten a lot of phone calls, a lot of emails and people, they are not happy about this. People that I represent. I am trying to do a good job of representing the people that sent me here and quite frankly they feel this law is ridiculous. I had a whole lot of things I was going to say, I will spare you the theatrics but I will say there is an elementary school in my neighborhood. Several members of the education committee we were fortunate to go over there last week and read to these children. Several times a year if not once a month the school is placed on lock down because of gun violence in the neighborhood. These are little kids that hear over the loud speaker quite often, so much that they are used to

it by now that the school is under lock down because there has been a shooting in the neighborhood. Anybody in here grow up in an elementary school like that? Where you hear over the loud speaker that you are placed under lock down because there was a shooting down the street? When we went to read to these kids, after I had read to them from a Dr. Seuss book, I told them what we did up here. I told them that I represent them and their parents and their grandparents in the House of Delegates and I try to make laws to help improve their lives, to help benefit them and I asked if they had any ideas, any suggestions of laws that they might be able to work on up here to help them and every one of them that had their hand up said yeah could we have less guns in our neighborhood? Could there be less shootings on my block? I am well aware of the difference between conceal carry and open carry. I have a conceal carry permit. I have been a night shift cab driver in Charleston for over ten years. I live over on the West Side of Charleston we have real gun crimes in my neighborhood. Somebody was shot two days ago less than two blocks from my house. I know all about gun crime. I have a dangerous job. This bill might possibly make my job less safe but it is not about my job it is about the children that live in the district that I was elected to represent. If we are not up here working to better the lives of the children we represent then what are we doing? Is this going to make the problem...is this going to make my neighborhood more safe? Anybody going to come police my neighborhood? It is making the policeman's job less safe. Alright, I am just going to make a bold prediction and say that this bill passes overwhelmingly and my simple question is...what are we going to do next year? What kind of brilliant gun legislation are we going to pass next year because we have to do it every year don't we? I know I could be accused of fear mongering but I believe the real fear mongering comes in this type of legislation. Everybody has to live in fear. Everybody has to be packing to feel safer. Well I live on the West Side, I drive a cab and I feel perfectly safe there. I feel safe here. I feel safe at home. I feel safe at work. I feel safe in voting against this legislation and I am not going to live in fear today and I am definitely not afraid of getting an "F" on an NRA grade card. So I urge you to be bold. Don't live in fear. Don't be afraid to do the right thing. Press red, get an "F", people will love you



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anyway. You are all very nice people. Thank you.

DELEGATE MOFFATT. Would the delegate yield? I think you mentioned before that someone...if someone is carrying a gun are they automatically committing a crime?

DELEGATE FOLK. Not necessarily, no.

DELEGATE MOFFATT. They could be using that gun to protect themselves?

DELEGATE FOLK. That's correct.

DELEGATE MOFFATT. They could be using their gun to ward off other criminals?

DELEGATE FOLK. Yes.

DELEGATE MOFFATT. So the last armed bank robbery you heard about, were there signs probably posted on the door that said no guns allowed? Most banks have those wouldn't you believe?

DELEGATE FOLK. I would assume so, yes.

DELEGATE MOFFATT. Then the bad guys didn't care about their signs?

DELEGATE FOLK. Obviously not.

DELEGATE MOFFATT. Is that usually the case if we pass this law or we don't pass this law the criminals will still not care whether the law is there or not?

DELEGATE FOLK. Yeah criminals very seldom follow the law that is why they are criminals.

DELEGATE MOFFATT. Thank you very much.

DELEGATE FLEISCHAUER. Thank you, Mr. Speaker. I rise and urge a no vote on this bill and I am hoping to convince you to vote no. I am going to use the law to start with because I have been doing a little bit of research. West Virginia passed a law to regulate guns in 1882 and our Supreme Court in 1894 ruled and considered the 2<sup>nd</sup> Amendment that the Legislature had the right to regulate firearms. More recently in the case of State ex rel. DNR vs. Cline our courts said the

right to keep and bear arms guaranteed by the West Virginia Constitution Article 3, Section 22 is not unlimited. It is not an absolute right. It is not unlimited. The individual's right to keep and bear arms and the state's duty under its police power to make reasonable regulations for the purpose of protecting the health, safety and welfare of its citizens must be balanced. Now what I think this bill does is overturn a common sense balanced approach that has been part of our laws for many years. It does away with the requirement for training for those who are going to carry concealed weapons and it does away with the background check that would determine that persons who are prohibited from carrying firearms would not be able to carry a concealed weapon and I think that strikes the proper balance that our court has been talking about for over a century. The two main reasons that I am voting against this bill: One has to do with law enforcement and I think the Lady from Wyoming and the Lady from Kanawha both talked about that and law enforcement said they need the current law in order to do their job which of course is the police power that our court has talked about. The second reason that I feel really strongly about this is the impact that this will have on those who are victims of domestic violence and who are afraid they are going to be the victim of domestic violence. The rate of homicide in West Virginia of men killing women is 13<sup>th</sup> in our country and we know that because we hear it on the news all the time. In fact, he talked about if any of your schools had their lock down....every school in my county was under lock down recently of a guy who went after his girlfriend and killed two other people. Every school in my county was in lock down and the whole community was terrorized. Women who are afraid of domestic violence are at a 500% increased risk for homicide and one of the main problems with this law is it prevents monitoring of people who shouldn't be having guns. The background check is a check on those people. Just as importantly, that background check and overturning that increases the opportunity of those who are prohibited from carrying firearms to terrorize their victims. We talk about terrorists. Usually we think of terrorists who are foreign nationals. But there are a lot of perpetrators of domestic violence who are terrorists because that women...usually, there are men victims of domestic violence but women live

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in terror...continue in those life situations for years because they worry that if they leave they are going to get killed, like the woman in Morgantown got killed. Now I understand people feel very strongly about this and they are concerned. I am concerned I am going to lose my A rating but I just think that this is a minimum that we are allowed to do to protect our citizens and to bide by our duty of keeping people safe in our communities so I have to vote no. I urge rejection and I hope I have convinced all of you. Thank you.

DELEGATE CAPUTO. Thank you very much, Mr. Speaker. Ladies and gentlemen, I got to tell you that this is my 19<sup>th</sup> session and I don't believe I have ever struggled more on a vote. I have had many conversations with some of my friends in the majority party. I have had conversations with friends on this side and I have had conversations with the lobbyists who are advocating for passage of this bill. I don't believe in my 19 years I have ever voted against an NRA sponsored bill. I really don't believe I have. I carry an A rating and I am endorsed by the NRA but this bill just puts a pit in my stomach for some reason and usually when I get that it is a sign that there needs to be concern. I heard the gentlelady, my friend from Wyoming talking about growing up in a house with guns, well that was me. My dad took me hunting all the time, that was me. He hated taking me squirrel hunting because I couldn't keep my mouth shut either. That was our house. We come from a long line of hunters, my dad, my granddad. I carry a concealed weapon permit. I keep that active all the time and I think that system works and I think that system is good for West Virginia and I think it is good for America. It keeps some things in perspective such as training and it keeps some things in perspective such as background checks and I think we have a system that works well. For the life of me...I guess my struggle, Mr. Speaker, is why do we have to change something that seems to work so well? The gentleman, the Majority Leader, offered a referendum amendment which I am generally opposed to referendums. I agree we are sent here to make tough decisions and we need to make that decision but in this case I supported that because I really wanted to know what other West Virginians thought of this because most of the calls I got and I am sure that is going to

change as soon as I get done saying what I got to say, most of the calls I got were from law enforcement officials and from constituents were saying you really shouldn't go there. There is not a problem. Why do you want to go there? You know if someone wants to carry a gun in West Virginia they can legally do so. They can get a permit and we are fine with that and we talk a lot about the open carry, of how it is law anyway and that is true. I certainly agree with that but it doesn't seem to be accepted. I guess, for lack of a better term in our society because I don't generally see people walking through my town with a holster on their side. Although if they did, that is fine, I am okay with that. You just generally don't see that and some people think that maybe this is about the fees. I don't care about the fees. I wouldn't care if we waived every fee related to concealed weapon permits...wouldn't bother me a bit because that is not what I believe this is about. This is a tough decision. I struggled with it until really late last night, until the amendment stage, and I thought, you know I could do the easy thing here and keep my 100% voting record with the NRA which I fully support their position on just about everything. I could do the easy thing here and make sure I keep my A rating and make sure they continue to endorse me. I could do that but that pit in my stomach just won't allow me to do that today and you know I am going to continue, I believe and some people may disagree with this statement but I am going to continue, I believe, to be an advocate and strong supporter of the 2<sup>nd</sup> Amendment rights in our country. I truly am. My no vote today is not going to indicate that I am changing my position on that but the gentlelady wrapped it up very well. What if we made a mistake, and I just don't want to think about that, and feel like that maybe I was partly responsible for that mistake. Someone told me one time that there is a couple things you can't take back and one of those is bullets and one is words. Once you fire the gun or once you say something, well, it is kind of out there and it is there forever and we have all said things probably we wish later on we hadn't but, Mr. Speaker, I am going to close. You know I am not asking anybody to vote yea or nay. I just want to explain to the Members why my light will be red and it is because of that pit in my stomach and I am going to follow my gut instinct on this one. Thank you, Mr. Speaker.

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DELEGATE FAST. Thank you, Mr. Chairman. My friend from the 37<sup>th</sup>, I think, actually raises a very valid point in this matter and he mentioned and what I am saying, I am very, very serious, that what if a person from ISIS were here and packing a gun and you know if that would happen and I think in our day and age that is not beyond reason that that very well may happen but if it does, I would hope that there would be quite a number of law abiding citizens that had guns that could defend themselves and their families there on the spot and put an end and stop the perpetrator right then and there, and, I think that is the whole point of what is going on here today, to make that more of an option for our citizens. There is another part I like about this bill, that it fully and totally preserves a private property owners right to say no guns. They can put a sign up at a store front and I don't care if we are in a constitutional carry state or you have a permit, if that sign is up at a store front, you are not allowed to take your gun in there. I think that is very important. If you have a house and you don't want people having guns all you have to do is make it known no guns in your house and that is the end of it. I know that, that could be considered a form of discrimination where one person who owns property decides not to do business with another person because they like to carry a gun but that is where the buck stops and this bill fully preserves that right and I truly think that this is a step in the right direction because it preserves fundamental rights yet it enhances the ability of the people to protect themselves and I urge passage of the bill.

DELEGATE FRICH. Thank you, Mr. Speaker. If a lady fears for her life due to potential stalking, harassment or any other person waiting on a permit delay her or their ability to arm themselves sufficiently and waiting for this permit can prevent them from potentially protecting themselves sufficiently. When I applied for my concealed carry permit and went through the training, I really did so because I was being, under that situation and it was because of my involvement in the political arena and it was very stressful to me to have to wait and wait and wait and I got that training as soon as I could because I knew people that were involved in this so I didn't have to wait to receive my training but I did have to wait on receiving on receiving the permit so I think that adds a lot of stress in a lady's life under these circumstances when they

have to wait so I am in support of this bill. I think if you're in need to defend yourself, you need to defend yourself as soon as possible. Thank you.

DELEGATE HORNBuckle. Thank you, Mr. Speaker. This is a tough one. I echo my esteemed colleague from the 50<sup>th</sup>. It is in my stomach. I have been going back and forth with this one. There has probably been about two other bills that I have literally given a considerable amount of thought on the floor. Senate Bill 6 and the forced pooling bill. March 23 about nine years ago, my dad will have passed. He left me firearms because he was a man that liked to fish and as he put it liked to hunt with his buddies out Wayne. So I am a friend of fire arms and guns and I am well accustomed to them. I am a person who even now I occasionally might shoot guns on New Year's Eve. That's me. But today, it is a serious one and a lot of people have talked about law enforcement and what the law enforcement back home has told them and I can't say it any better than what they have said. We have here, we are very fortunate to have great law enforcement but I ask you what happens with what I call in life the bad apple theory. Within every group there is always a cut up of bad apples, right? Unless you have been asleep not listening to the radio, the newspaper, the news, for as long as I can remember and so much in this past year, so much in this past week, there have been unarmed African-American men getting killed. Not only that poor white men as well. So with this legislation what we will do and rightfully so, our law enforcement will be forced to train to assume that everyone has concealed firearms and rightfully so because I want to be safe. So they will be forced to assume that. Guess who that is going to desperately impact. We are living in a time right now where we are trying to and I am trying to help them restore some image. This does nothing to help that, nothing at all, nothing at all. Let me tell you a quick story. 2012 in May, I was sitting at Starbucks in Huntington, WV and I was sitting there with a client... talking about some type of insurance. They needed it, I don't know what it was and my mom calls me and says, "Shawn, we have got the police and a tow truck in the back yard." In my back yard was an 89 Caprice Classic that I had bought before my Dad passed away and I wasn't driving

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it anymore but I was fixing it up. Paid my taxes on it. So I stopped my meeting, said "I apologize I will get right back to you," and I head down to my house and the car was on the tow truck. I stopped my car right in the alley. Went right in my yard and start talking to him saying, "what is going on here?" They say well something about the car doesn't meet inspection code. I said, "whoa, whoa, whoa, I have paid the taxes on it." They said that doesn't matter. So, as he tells me that I continue to walk to my mother. I am pretty angry at this point. He says something to me elevating his voice. I keep walking to my mom. He elevates his voice again. My mom almost starts crying and says, "Shawn would you please stop, will you please stop and answer him." My mom is 63 years old. She knew what was going to come next. If they are trained the way they should be trained after this legislation goes through, had that been many men I wouldn't be here. So in all these things of legislation we have to have mature reflection, we have to. Again I will go back to Senate Bill 6...probably lost some trial lawyers on that. My grandmother was in a situation but I didn't go with that. I went with what the people back home wanted. Forced pooling, I was sort of iffy on it. I want what my constituents wanted. This one about 60-65% of my constituents tell me no. These kids right here. I asked them when we are taking a picture, what do you all think about if people are potentially to be able to have easier access? They looked at me like I was crazy. They looked at me like I was crazy. So all I am saying is to just give this material reflection because I agree with my colleague from the 10<sup>th</sup>, I agree. We need to be able to defend ourselves. That is without question but to jam something through just because isn't the right thing. I have had a wonderful time this session for the most part. But the point is we have a lot of intelligent people in this body. We can address these issues without having to put people at risk. I am confident that we can. I am not just talking about over here I am talking about across that aisle. Everybody we have the mental capacity to address this issue the right way, the mature reflection. I am asking you to just think about it. Might not change any votes but just think about it. In going forward let's fix on the other underlying issues that I raised. Thank you.

DELEGATE HOWELL. Thank you, Mr. Speaker. We have heard a lot of talk about good people

and bad people. But this bill only addresses good people. The bad people are criminals. They break the law. They carry right now. If they are a convicted felon and they are not allowed to have a gun they carry one anyway. Make no mistake this law is only dealing with good people and whether or not good people can carry a gun without a permit because if they are bad people they are a felon. They are barred by the bill that we are taking up. In my business, I am a small business owner, in my business I have a sign that says concealed carry, okay, staff or patrons may be armed. That is in my business because that makes my business safer. Now there has been a rash of armed robberies in my area and thankfully my business now 25 years old we have never had an armed robbery. I don't know if it is because of that sign but I will guarantee one thing any criminal that has ever walked in there has seen that sign and know they are not a bunch of disarmed people that they can overpower easily. So, I am voting green on this because this is a good bill and this is a bill for good people. Thank you.

DELEGATE MANCHIN. Thank you, Mr. Speaker. My colleague from the 50<sup>th</sup> and I have been serving for so long that we think the same way without even discussing it so I rise in opposition to the bill. I don't intend to try to change anybody's mind. I think everybody has pretty much made up their mind but I do think that my constituents deserve an explanation of how I am thinking about as I approach this. I, too, have been a long proponent and advocate for the 2<sup>nd</sup> Amendment right to bear arms. I think I have the NRA's highest rating, I think that I have been endorsed by them. I don't ever remember supporting any bills that I think were opposed to but this ...and so this is a hard vote. You know I look at it and I did a little research this morning. You know that there are only 30 states that have open carry provisions in their constitutions and their rights. Actually I don't know what is in the Constitution, 30 states that are open carry, which we are one. I have been fine by that. Notwithstanding, we don't see many people open carry up north quite frankly. There are only four states that have no permit concealed carrying of weapons and so I guess we are proposing to join them. So, I got to think, well, why should we change what we are doing? Is there a problem here that needs to be addressed? I haven't heard

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a problem. I have never been contacted by a single constituent whoever told me that either, A, he couldn't get a permit to carry a concealed weapon or, B, that it was too expensive or, C, that it was too much hassle. Haven't heard that yet but we have heard this ground swell of support that we got to have this and it is our constitutional right and that sort of thing. I just have concerns about law enforcement and I have concerns about family safety and I have concerns about fear creating a more fearful place. I understand all the arguments that have been made on the other side about criminals, etc. But you know when parents take their children to a restaurant I think that they...you know if they walk in that restaurant and they see people carrying weapons they can look at that person, they can size that person up, they can decide, "well I am going to sit over on the other side of the room," or they can, say this looks a little too dangerous for my children, I am going to go someplace else to eat. I am not comfortable for them in here. We do allow concealed weapons but the fact of the matter is, is that maybe they see somebody they inadvertently with the concealed weapon or maybe they don't but they at least know when they take those children that if they take those children there that if somebody does have a concealed weapon at that establishment that that is somebody who is conscientious and who took the time to go through a safety training class that I think was eight hours, so that they know they have at least had that safety training which reduces the likelihood that there is going to be an accidental discharge in that facility. They also know that that person has gone through a background check. So it is very unlikely that that person is a convicted felon or has committed some other crime of where they have hurt somebody. So, to me and law enforcement has the same expectations out there and it seems like we are changing that and I don't know why we need to change that. I don't see the reason for it. We had, I have heard arguments made while we were down here that well it cost \$75 or \$100 to get a permit. So, I listened to that and the argument was, gee whiz, why should it cost you money to exercise your constitutional rights. I kind of understood that and so we did have an amendment. The Gentleman from the 2<sup>nd</sup> offered the amendment in committee and was very well articulated argument and cogent argument and I thought for sure we would pass that and I would be able to

vote for this bill but that argument, it was rejected. We rejected a free permit, a free handgun training, a free background check. No cost to exercise your constitutional rights. We rejected that amendment unfortunately. I think it had a lot to do with some of the groups that NRA, CDL and whoever else, there were all kinds of groups out there for guns that said no amendments. We can't accept any amendments other than an increase to age 21 which fortunately we did pass. We had another wonderful amendment then as we did yesterday that would have at least required a training course, at least we would have known that if somebody were legally carrying a concealed weapon that they would have gone through the training even if we didn't have the background. Once again the gun rights groups all oppose that and therefore that reasonable approach fell on deaf ears and it was rejected. We even had, and I don't necessarily favor it, but in this situation I would have liked it....the referendum, the public referendum. We pass it but the public then decide whether it go into effect or not. We rejected that one so I can't really know how strongly my people feel. We have been down here and quite frankly we have been tied up in Judiciary so I don't get to talk to too many people. So you know those are some of the arguments. Now they talk about you should never have a restriction on your constitutional rights but I mean we do have restrictions on our constitutional rights. The first amendment which is probably the most sacred of all of our bill of rights. We are still not allowed to go into a theater and yell fire and cause pandemonium. We are still not allowed, those folks up there sitting here are not allowed to exercise their right of free speech and say anything they want and disrupt these proceedings in any manner that they would like. So there are others. There is a constitutional right not to have your property taken. We quite frankly have found ways around that and we not only do it for public eminent domain but now we do it for private eminent domain. The right to vote, you have a constitutional right to vote but still we require registration. At the time of registration you have to show a voters .....some sort of identification or let them know who you are. So you know we have those restrictions. You know even though it is not a constitutional right, we require training before you drive an automobile. Surely we all would agree that a gun, a hand gun, a concealed

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gun is at least as dangerous as an automobile. So when I balance all those things out...I just can't find it in my heart to vote for this. I think it makes a more dangerous world and for not a very good reason. You know the last thing is I can tell you a little personal story. I have been in the legislature now for 13 years and my dear mother who is now 87 years old has never asked me to vote one way or another, has never chastised me for voting one way or another. About a week and a half ago Mom fell and fell on her face and had a subdural hematoma and actually went to the hospital and she got out of the hospital. I had gone back up that weekend, but the first phone conversation that I actually had with her once she got out of the hospital and she was in rehab and is still there, we were talking for just a few minutes and out of all the things that she had gone through and experienced, out of the blue comes this statement from Mom. She says, "You're not going to vote for that crazy gun bill are you?" "No, Mom, I am not going to."

DELEGATE R. PHILLIPS. Thank you, Mr. Speaker. This morning a Delegate thanked me for telling this body last night that this was a compromised bill upstairs. I thank her for recognizing that. This morning at the dry cleaners I got asked about this bill. They were totally, totally misinformed. So I told them I would bring a copy of the bill but also the fact sheet that I put on everybody's desk for the past week I am going to take them one of them. Most shootings are related to some type of drug deals. I have sworn to my people that I would fight drugs. Also, in a little town in Georgia, the Delegate from Morgantown might be able to say something about this, and you can look it up on line, gun ownership it's the law in Kennesaw, Georgia. Several Kennesaw officials attribute a drop in crime, I want to say again a drop in crime in the city over the past two decades to a law that requires residents to own a gun in the house. That is amazing. Maybe that is a law that we need to do here, everybody in this state is required to have a gun with ammunition by the way. Next year that would be my bill. Back in the 60s some War World II veterans and military people met, Navy, Japanese Navy and they sat at a table and one of the US Navy gentlemen asked a Japanese Admiral why didn't you all invade the West Coast? His remarks were, "You are right," he told the Americans. "We did indeed know

how much your preparedness, we knew that probably every second home in your country contained firearms. We knew that your country actually had state championships for private citizens shooting military rifles. We are not fools to set foot in such quicksand." Have you ever heard a quote "behind every blade of grass"? That is where that comes from, behind every blade of grass in America there is a gun. Ladies and gentlemen, our citizens owning guns has kept us from being invaded. If it was up to our President, he would take all of our guns. Ask him, he is trying. Ladies and gentlemen I am not going to speak much more on this because I think I spoke pretty good last night. I encourage everyone to vote green. Thank you.

DELEGATE IHLE. Thank you, Mr. Speaker. I have heard today that from several members, not only today but really throughout the whole session that it is our duty to protect people and I actually would agree with that. The question becomes what are we here to protect them from and what are we here to protect? I would argue that we are here to protect their God-given rights and we are here to protect them from big government and that is why I am here. This bill goes a long way towards getting government out of the way and in some respects it actually helped our law enforcement. I probably made everybody sick of the fact informing that my other job I am a mayor, the Mayor of Ravenswood. Ravenswood was recently named as the number two safest city in West Virginia and yet you can go nowhere in Ravenswood, our state or our country and be perfectly safe and in Ravenswood we don't have the budget to put a police officer on every street corner aside from the fact I think that is a terrible idea anyways. So, there are going to be moments when people need to protect themselves and law enforcement can't be there right away. So then the question becomes I can protect myself like this but not like this wearing a jacket unless I both pay a tax and that tax is used for a permission slip for me to have a gun while wearing my jacket. Let's remember that we are already an open carry state and you can get a gun and put it on your person right now without any training and do that. Where are all these negative consequences that are supposed to be happening from people not being trained? I am all for training. I chose to go through training because it helped me become

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more comfortable with my weapon. It was valuable. There is nothing prohibiting people from doing that. Those courses will still be available and we can still do them but we have to step back away from the fog and remind ourselves why we are here, to protect people. To protect people from big government and remember again an oft quoted case from the Supreme Court. *Moran v. Columbia* held that law enforcement officers have no duty to "protect and serve" and I am paraphrasing there, legal scholars can put that in a more correct technical definition, but they do exist to enforce the law. So I got to be that first line of defense for me and if I have a family, for my family and I should be able to do that whether I have a jacket on or I don't. Again, I draw my experience as a mayor. Our law enforcement do a wonderful job. They are well trained and one of the things I know from that training that helps make us the second safest city in West Virginia is that all of our law enforcement officers already operate under the assumption that everyone is harmed until proven otherwise. That is a critical part of making sure that both the officer and whoever that they are dealing with is kept safe. That is part of their training now and that is not going to change. So the bottom line is, should I have to pay a tax to both wear a gun and this jacket? Some of us say, "No, I shouldn't have to pay that tax but I should still have to get a permission slip." I don't think anybody here had to get a permission slip to talk today. Despite not liking everything I've heard, I would never want to make someone do that. So why are we here? We are here to protect our oath. We are here to protect the people, protect the people from big government. This is a step in the right direction. It is not perfect but it moves us much more closer on the Second Amendment...to doing what is right and in order to protect all of us, to help us protect ourselves, to help the most vulnerable in society, to remove barriers for those with low income. To those who need a timely defense and not have to wait for the permitting process to go through, whether it is an hour a day, a month or whatever. For all those reasons I urge a green vote and vote yes on this bill. Thank you.

DELEGATE COOPER. Thank you, Mr. Speaker. I like the Gentleman from the 50<sup>th</sup> have struggled with this issue for the last three or four days and I come to you with three thoughts. Number one

I don't have to explain to you my dedication to the 2<sup>nd</sup> Amendment. I spent 20 years of my life doing that, supporting the constitution of this country so I can tell you most of you in here know that. A lot of you in here have went that same route but you have also stood in defense of those liberties that we all hold so dear. But I am going to tell you a couple of other things. Last year, a year and a half ago, I only had two children. God blessed me with two children. Last year I buried one of them. This year my youngest and only child spends every day in a police car riding up and down a dangerous street and I think that this bill is not going to help his safety one bit. I say that because, in deference to my friend the Mayor, government's first function is to keep the people safe. That is the only function of government. We do that by making sure they are not hungry, making sure there are seat belts in cars and so on. So if I can keep my son safe, my son, then I am going to do it. I am going to vote no on this bill. Some of you in here have lost children and you know what we go through and I don't want to lose another one and I don't want anyone here to lose another one. I am telling you this bill does not make a police officer's job any easier so I am telling you I am voting no. How you vote is up to you. It is your conscious you have to live with. Thank you, Mr. Speaker.

DELEGATE J. NELSON. Thank you, Mr. Speaker. Ladies and gentlemen, I obviously rise in support of this piece of legislation. Every argument that I have heard today has been under the premise that a criminal is somehow going to follow a law. This bill does not change who can and who cannot carry one bit. All prohibited persons are still prohibited from carrying a gun. You know I spent five years of my life in the Marine Corps and I am still serving in the West Virginia National Guard and I am not a police officer but I have a lot of friends who are and I will tell you right now that I know most police officers, when they walk up to a car, they assume that a person is armed for the safety of their life so I am not sure that would change and the argument was made about mentally disturbed people. Ladies and gentlemen, a mentally disturbed person does not care what the law is. They are going to do what they are going to do. I was on active duty last year and I was on a little bit of a break so I went into a store, and

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obviously I was carrying a gun as I usually do, over to the sporting good section of the store and I heard a lady yelling something like don't stop or whatever. So I go over to the aisle where she is at because that was obviously out of the ordinary and there was an 18 year old mentally disturbed guy there who had a lady held up with a fish file knife. I walked up beside the lady and put my hand on the weapon and I got beside of her and the gentleman. I thought immediately about drawing on him but I didn't because I thought, hey, maybe he will go ahead and stab her if I entice him too much but basically I talked some distance between him and her and he finally put two and two together that this guy has got a gun and if I do something crazy he is probably going to shoot me. Well this goes on for probably ten minutes. Long story short, the guy ended up, I talked him into putting the knife on the ground kicking it over to us and I held him there for probably 10 minutes until the police officers could get there, 10 minutes. I sit back and I think about that quite often and think to myself, what if I wouldn't have been there with a gun? That 10 minutes, what would have happened in that 10 minutes? What I can tell you, what would happen if the guy would have tried to stab her with me there with a gun. Instead of 10 minutes, it would have been 1200 feet per second that that man would have dropped on the floor and he would not have taken this innocent lady's life. I will tell you I didn't learn a single thing in my NRA training class that I did not already know. Before I went to the Marine Corps I knew how to handle a gun because my dad taught me and I took it upon myself to read the owner's manuals of the guns that I currently have. Another story, I am 21 years old, I am married to my wife, she is 19. The Marine Corps decides I have got to take off for a little while so I go out and buy my wife a pistol. I teach her to shoot it. She has never been to a class and I assure you she can shoot better than most people in this room and she will argue with you that she can shoot better than me but we can have that debate at a later time. I take off and my wife can use that gun to protect herself at the house but as my wife goes out in public she is expected at 19 years old to open carry that gun on her hip in a dress. Quite frankly I think that is a little bit absurd. Ladies and gentlemen, prohibited persons are still going to be prohibited under this law. At any false security that we get because of this permit is just that,

false security. The only thing that is going to stop a bad guy with a gun is a good guy with a gun. What happens if that good guy is in his 30 day wait period or however long it is to get his permit? What happens if he could have been there to stop that? Every five years you have to go back and renew a concealed handgun permit. How much do we change over five years? How much does that background affect somebody...who they were five years ago? People who are mentally deranged, they can go mentally deranged in an instant. The 2<sup>nd</sup> Amendment says that a well-regulated militia, well at that point in time well-regulated meant a properly functioning militia being necessary to a free state, the rights to keep and bear arms. We know bear means to carry, shall not be infringed. Infringed means encroached upon or however you want to get it out of the dictionary. There are a lot of stories on both sides but I will tell you that there are a whole lot of people that get protected every single day, I know from first-hand experience, by a good guy with a gun. So whose rights are we infringing upon and whose rights are we protecting and who does this bill affect? The good guy who is going to have a gun because a bad person is still bad, regardless, and they are going to carry a gun they do not care what the law is. Ladies and gentlemen, I urge a yes vote on this piece of legislation.

DELEGATE PERDUE. Thank you, Mr. Speaker. Like my good friend from the 13<sup>th</sup> I really never intended to speak today, but I feel compelled to because I think if we don't speak you are being complicit. You're respected for what your vote is. I can't tell you much about carrying a concealed weapon because I have always done that when I felt like I needed to. I didn't care about that misdemeanor offense. I carried it and that is a strong argument on behalf of the advocates. I will tell you this, in my history I have been shot at once and I shot at somebody once. There are those in this body that the thought just occurred to them boy I wish that guy had had that training. I sure am glad that the other guy didn't but I had the benefit of that if you want to call that a benefit. Neither case was warranted. It wasn't warranted for me to be shot at and it wasn't warranted for me to try to kill somebody. It wasn't warranted. I have a conceal carry permit. I have had one for a number of years and as I said, I have carried them before but I stopped.



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My gun in a safe place where I can get to it if I need to. It is not on me because my temperament is not good. It's just not good, I could do something dumb in a heartbeat but that is not why I am opposed to this bill about. It is on a little bit broader scale. The proponents to this bill, and you have to understand from where I sit I have heard all of it, are correct, most, if not all of their arguments but where their argument fails is a little bit different place. As the Gentleman from the 50<sup>th</sup> noted this is very tough. I had trouble with it until about 8:30 this morning, as the Minority Leader knows, when I finally made up my mind. I have been supported by the NRA for the entire time I have been here. I suspect that will change today. But it is more important for this reason, what we are doing, ladies and gentlemen, and it has been alluded to, we are responding to fear. We are responding to the fear the terrorist have brought to us. We are responding to fear in a way that is going to cause more fear. I believe it will, can. I believe that whenever you feed fear you grow hatred and when you grow hatred it becomes unbridled you get to death and last night we had two police officers shot in Ferguson, MO. My good friend who spoke of his son, he is exactly right. He is precisely right. What happens here is we are going to make that fear more broadly spread in the State of West Virginia. The police officers are going to respond to that fear and then you are going to have not just people who are favorable toward the police, and the people who aren't favorable toward the police, you are going to have armed camps, which is what is happening in MO right now. You help feed the desire to develop your own tribe your own camp and then arm it. I think this bill probably, I'm certain, is well intentioned. I have no doubt. But I think the unintended consequence is to do that one thing that we can't do. We can't feed fear. We just can't do that. It is incumbent on us to be a nation of laws, not of men, of laws, not of men. If we abide by those laws and we trust our peace to our law enforcement people, we will be doing the right thing. You know that in our churches the phrase "peace in our world" is mentioned over and over again, over and over again. Isn't it interesting that one of the first famous weapons in American history was, that thumb-buster colt called the peacemaker. Is that the kind of peace that we want to yield to? Is that the fear that we want to yield to? I have to say no.

DELEGATE ELDRIDGE. Thank you, Mr. Speaker. I really didn't have any intentions on speaking today but again you got to stand for something. I feel like I am pretty comfortable in here if it is coming right down to a brawl. I feel pretty comfortable holding my own in this place. But when it comes to everybody owning a gun in here, you know, you don't know what may happen. We have heard a lot of good stories in here today. You know God granted me a beautiful son and two beautiful daughters. My son is old enough, he will be 21 before long, this bill will help him. You know I was taught growing up to use guns. Guns was your friend. My daddy didn't take me squirrel hunting. He taught me how to use a gun. He said I am going to go up this hollow. I want you to go up this hollow, because he didn't want someone making noise for him and I didn't want him making noise for me either. My girls are 2 and 1. I don't know if I will be here when in this legislature they turn 18 but I hope to God, hope to the legislature approves legislation to allow them to carry a gun to protect themselves, a concealed not necessarily, having to go through the classes because I'm going to teach my girls how to use guns. I think, as parents, that is what we are supposed to do, is teach them to protect themselves. Now I am going to teach them how to square up and I am going to teach them how to use a weapon. Because abuse and the killings happen with drugs and domestic violence and I want my two little girls to be comfortable and feel like the weapon is their friend and to protect themselves. So this year we pass this good legislation and hopefully in the years to come that we will consider the 18 and 20 year olds having the right to do the same thing. Thanks for listening to me today and thank you, Mr. Speaker, for giving me the opportunity to speak.

DELEGATE SMITH. Thank you, Mr. Speaker. I am not going to say I wasn't planning on speaking because I figured I would before the day was over. I have to agree with the Gentleman from the 19<sup>th</sup>. I am not here to tell you rather to vote for this or vote against it. I know how I am going to vote, I am going to support it. But he talked about fear and what we are doing here is we have created a fear that once we pass this law that everybody in the State of West Virginia over the age of 21 is going to grab a gun and hide in his coat or her coat. It's not going to happen. If

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there was some way we could prove now how many people we pass every day that is concealing a weapon that we don't even know about that's illegal. It happens every day. I took a....I've got a concealed weapons permit and I will never forget I took a class with a 64 and a 67 year old woman and I asked them why in the world are you getting a concealed weapons permit now and they said well we have carried for years but our grandkids told us we better get a license for it or we are going to get in trouble. But they packed for years. Once this legislation pass....are they gun violence now without this bill? Everyone knows they are. Are they going to be gun violence once this bill passes? Yes, there's going to be gun violence. Unlike some I really don't struggle that much with it. I am from a rural area and guns are just a way of life. I know my colleagues from the city, what I call the city, are a little afraid of guns because they have never been around them. All they see is the bad from them. The drug dealers using them. Gangs using them. They are fearful for them. My area and a lot of your areas here in the rural areas, that's not the problem. That is not the way we raised. A lot of you once this is over you are not going to go and start carrying a gun whether you vote for it or against it. I will keep my....you know we talked about the Sheriff's Association or losing the money or whatever...most of us here have concealed weapons permit and once this is passed we are still going to keep our concealed weapons permits so we can go into other states and be legal to carry in other states. You know I heard a lot of, or not a lot, some talk about the radical gun groups. These groups has showed me nothing but respect and I would say if everyone here was honest they never threatened anyone. Unlike other group you didn't see mass protest. I never got a death threat an email from a gun group. I am sure no one else has either but I did get death threats from other groups. You know I have never had to fill out a police report from a radical gun group since I have been here three years. I have had to fill out police reports from other groups from threats. Not radical gun groups. These are supposedly friendly law abiding citizens also. So to put all of us gun lovers or gun supporters in a group as a radical gun toting people is unfair because most of your gun owners are law abiding citizens. What I am saying is it is doing it legally you know. So to say that you know guns are evil....yeah guns are

evil, cars are evil. We think nothing of putting our 15-16 year old kids in a vehicle and sending them out on the road. We think nothing of that. That is our society. It is acceptable in society. We are not going to give our 15-16 year old kids let them carry concealed weapons. I am just saying, I think we are a lot of us are conceding to fear. The fear that everybody in the State of West Virginia is going to have a gun. It's not going to happen. When the sun comes up the day after this law goes into affect nothing is going to change from what is already is now. People are packing guns, they are still going to be packing guns. No one is going to make, you know they are not going to stand in line for hours and get a gun because now it is legal to conceal it. So yes there is fear. There is fear on both sides. With all due respect the colleague....and different people looks at different fears. Am I afraid of gun or person who has a gun? No. But I am afraid to get a lot of places without my gun, without carrying my gun. You know I do open carry. I have...did open carry. I do conceal carry. Does that make me a bad person? No. But the bottom line here is when I took this....when I ran for this, I took an oath to uphold the Constitution of the United States. We all I guess, evidently look and interpret the Constitution differently. Just like the press. All of us has been attacked by the press and we didn't like it but we didn't come in here and try to pass laws where they couldn't abuse us. Maybe we should but we haven't. In closing I am just going to say that I am going to support this bill. I know a lot of people there is not going to support this bill. A lot of people are. I look for it to be a closer vote than what we think. But like my colleague from the 48<sup>th</sup> there, when he was talking about his mother, my 89 year old mother bless her soul she has passed away since then but when I filed to run for office she said you mean to tell me you are going to become one of them crazy lying politicians? So here I am. I don't like to lie but I am a little crazy so I am going to vote yes. I am not going to tell anybody else how to vote but I am going to vote yes because of protecting the Constitution of the United States of America. Thank you, Mr. Speaker.

DELEGATE MORGAN. Thank you, Mr. Speaker I believe the gentleman just said what I was thinking. If I walk in building 6 or building 7, I go through a metal detector. If I walk in my courthouse I go through a metal detector. If I get

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on an airplane I go through a metal detector. If I come in here where Homeland Security, who knows what they have got down there in the basement? If I go in the other corner we've got the Governor. Who cares what we bring in here? I think I do. I know how I am going to vote on this bill and what I just said doesn't have anything to do with this bill but I appreciate the opportunity to say it. Thank you, Mr. Speaker.

DELEGATE MCGEEHAN. Thank you, Mr. Speaker. I rise in support of this legislation. First off typically when I look at legislation that comes before me or if I sponsor it I take a look and remember my oath of office. I look at the oath of office that I took and I say am I furthering my oath of office or am I disobeying my oath of office and obviously when it comes to this piece of legislation I believe I am staying true to the oath I took to support and defend the Constitution, so help me God. But I want to tell you, share with you a personal, kind of an emotional story from my childhood. I was ...I grew up an Air force BRAT. That is a nice term, it is not a mean term for many people in here that had parents in the service. You know what I am talking about and my father was an Air Force bomber pilot so in my earlier years we followed him from base to base during the Cold War in the 80's and his name was Mark McGeehan, the late Colonel Mark McGeehan. His last assignment before his death was at an Air Force base near Spokane, Washington, Fairchild Air force base. On June 20, 1994, four days before my father perished in a tragic B52 Bomber accident, a crazed gunman who had been recently discharged from the Air Force, a young enlisted airman, I think he was in his early 20s had been discharged from a psychiatrist at the base hospital which was located about half a mile away from where my family lived in base housing on that Air Force base. Again, this is 1994, and this is during the Clinton's administration ban on assault weapons. About two weeks after this gentleman's discharge, he walked back into that hospital about half a mile from where I lived, our family lived. I was 14 years old at the time and put together a knock off of the AK47 assault rifle with a 70 round drum of ammunition, armored piercing ammunition attached to it and continued to shoot 23 innocent civilians. I believe he only killed actually five and the rest were injured but at the time, there was as you could expect, mass chaos on the base. No one knew what was happening.

There was rumors going around that there were multiple gunmen. Some gunmen might be roaming around base housing so my father, at the time he was a Colonel, he was squadron commander and he had a lot of guys under his command and some of them were in the base hospital, some of their families were affected and shot by this tragedy. But before anybody could really put the facts together while this was all going on, my dad rushed home and got a 12 gauge shot gun out along with a 9 mm pistol handed it to me, I was 14 years old, gave me a box of 12 gauge shells, gave me a couple clips of 9 mm ammunition....again I was in the Boy Scouts and at that time, I had learned how to shoot a 22 rifle and that was about it. He said defend the house...told me what was going on. He had to rush back out and said if anybody comes down that street that is armed you do what you have to do. I didn't have a permit, obviously, 14 years old and again this is a military base....a gun free zone. So, I went out in the front yard and I was a little nervous of course, I was 14 and I was a little 14 year old, believe me. But the results of that were very tragic. After everything kind of calmed down and we got the facts the next day, my Dad, I remember him telling me some of his last words, I remember him telling me before he passed away four days later was that always stand on principle and regardless of how scared you might be always stick to principle and always preserve the Constitution and part of that has to do with, of course, the Bill of Rights. I remember him mentioning that to me. I just wanted to share that story with you because sometimes there are of course there is a certain evil in this world and certain evil has to be combatted by men and women of principle. I really do think to uphold our oath of office right now we need to protect the 2<sup>nd</sup> Amendment. We need to further this piece of legislation and we all took that oath. That oath has no expiration date, so help me God. Thank you.

### COM. SUB. FOR H. B. 2016

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REMARKS  
of  
MEMBERS  
March 12, 2015

DELEGATE KURCABA. Thank you. First I want to say I think that \$22 million in the rainy day

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fund is a whole lot better than \$100 million that we were talking about possibly toward the end of last year. I want to encourage you for first time being head of the Finance Committee and the work you have done. I want to encourage you in that and I think you have done a pretty good job especially for a first timer.

DELEGATE E. NELSON. It was a team effort. There is 25 members plus a great staff but thank you.

DELEGATE KURCABA. Oh you are welcome. I guess looking back on the last two months of this, my first session, one of the things that I know I wish I had done more of was to encourage people. There has been a lot of discouragement I think when times we can do better just by encouraging people to do a good job. Now I do have some concerns looking forward to next year. I do have some concerns that we did not pass a balanced budget...concerns would be I really don't believe the budget is balanced if you have to dip into the rainy day fund to do so. That is something...that's a background in money...in dealing with finances on a regular basis, that is the belief that I have. Looking at...we had a lot of help from the stock market in the last year...\$44 million that normally would have gone out of the budget, is spending didn't have to go in because the stock market performed well and the teachers' pensions and therefore the way that the formula works as I've come to understand that you don't have to put quite as much money in. I was looking at some numbers year-to-date. The stock market this year is down .5 percent. Last year I believe you mentioned that the IMB returned like 18 percent so I guess would it be fair to assume if we don't get an 18 percent return this year that we would not get that \$44 million help in getting this budget closer to being passed?

DELEGATE E. NELSON. We are required to put 7.5 percent in and that is our base level. So to the extent that we do not have or receive investment returns of at least 7.5 we are subject to a greater line item going into retirement payments and you were correct last year, we benefit by the tune of almost 10 points because we had earnings in excess of 17 percent.

DELEGATE KURCABA. That's right and so if we don't have those kind of returns next year and

we only have a 7.5 percent rate of return through IMB instead of last year they returned almost 18 percent is it safe to say that we won't get that \$44 million worth of extra little bit of help getting us closer to a balanced budget?

DELEGATE E. NELSON. Your math is correct.

DELEGATE KURCABA. Okay. I would say first that it is your...you have a difficult job of planning your tier when you have to balance a budget based on how well pension returns are in determining how much you are going to have to put in that pension each year so I think that is a difficult scenario to manage on an ongoing basis. My concerns are looking toward next year. I think that if we didn't get a balanced budget this year and we have a bad year in the market next year, where the market returns zero or negative is it, I guess, is it conceivable then that we would have to put...we wouldn't get that \$44 million plus we might have to put extra in on top of it? Is that conceivable?

DELEGATE E. NELSON. That is conceivable.

DELEGATE KURCABA. So...my concern is and this is not your fault.

DELEGATE E. NELSON. There is nothing we can do in this budget right now.

DELEGATE KURCABA. Yeah but looking forward to next year...my concerns are this was our greatest shot at getting a balanced budget in my opinion and we came this close. Of the \$12.5 billion budget we came \$22 million short. I guess it is just my opinion that we were so close, we are so close and there were some ideas that had been mentioned yesterday in the amendments period and people had voiced their concerns and I am not going to rehash all those today because it is not worth their time in this moment. But I guess just concerns that we were so close this year and we had that help that next year I'm more concerned.

DELEGATE E. NELSON. I can tell you right now as we look at next year our projected deficit is over \$100 million right now.

DELEGATE KURCABA. My concern is that this year we didn't take the extra effort, the extra...if

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we couldn't get it this year with a \$22 million problem next year we are at 100-150 we have got some issues. I guess it is my point here is to encourage the Chairman and in this body to really dig in over the next 12 months to look at this issues very hard because we very well could have more difficult times coming. Thank you, Mr. Chairman.

DELEGATE MORGAN. Thank you, Mr. Speaker and I do intend to speak about the budget bill. I may stray slightly so I would ask indulgence if I stray every now and then. Mr. Chairman, you can remain seated I only have rhetorical questions in this. I appreciate the work of the Finance Committee. You certainly have had a tough job this year and it would appear to do exactly what you, the Majority wanted to do was to shake the Capitol to find money only you didn't fine enough. Those of you who were here last year remember that we balanced the budget for this year and learned of another kind of bucket list and haircuts plus borrowing money from the rainy day fund. West Virginia needs to have budget dollars to be a first class state. According to Kiplinger's business survey we are the 42<sup>nd</sup> lowest tax state in the nation with a combination of all of our taxes. We do have higher gas taxes. We have higher income taxes and we have ridiculously low property taxes. Our business taxes rank as 23<sup>rd</sup> and previous Legislators and Legislatures have cut almost \$400 million. But what does this year's budget show? Have we made any major commitments to highways? There is less federal money coming in the future. Do you know that \$333 is the average extra cost to West Virginia motorist due to bad roads? Have we budgeted any pay raises for jail or correctional employees, state workers, teachers, service personnel? What have we done for higher education? Education is an economic engine in this state but that engine is about to run out of gas. It needs money. How about our decaying state parks? Once we were promised new lodges at Beech Fork and Capon Springs but that hasn't happened. How about early childhood development? What have we done about that? This is a big disappointment, dollars for addiction treatment and rehabilitation, educational programs and dollars for drug fighting. On top of that we appear to be trying to kill the working

middle class and take away women's rights and not fight discrimination but I stray. We could raise the tobacco tax but now that is mixed up with fireworks, smoking and could that possibly be constitutional if it comes out as a bill. When I left this body last year and said I hoped I would return so I could say, "I told you so", we will need more income. I'm back and looking at the future and unmet needs for the 2016 budget, the gentleman from Mon said we will need more income. This budget talks about things in terms of hundreds of thousands of dollars when we should be talking about millions of dollars. Finance has balanced the budget by borrowing and causing agencies to scrimp to get by plus \$72 million in cuts and \$22 million in the rainy day fund. We have had no general tax increases in five years and here it comes. I suggest adding a one percent sales tax for the next four years until the changes that we are told are going to help West Virginia's economy will take hold. It would be what I would consider an investment in West Virginia. A little backbone in this body will make this a better state and I am not complaining, I am just suggesting what might have been. I believe it is time to ask all West Virginians to invest in the well-being of West Virginia. I propose that general sales tax increase from 6 to 7% which will last only four years when the financial status is supposed to be better and bring in about an additional \$200 million. It is about as broad based tax as you can find. Would cost each person who makes purchases only \$1 on \$100 purchases, one cent on a dollar and for the average person probably less than \$15 a month. It is not a tax and spend but a tax and improve but I prefer to think of it as an investment in West Virginia. We can't be the cheapest state and continue to attract business. We need a good state, good roads, good parks, good schools, good arts and culture, good care for the seniors and veterans and a solid good financial budget. This Legislature can't go home and say that they have done anything to help any of those. I believe if we want a better state we can put in pennies a day and yes, I guess it really is a tax increase. We all know you can't make a silk purse out of a sow's ear but at pennies a day I believe it is a solution to our problem. I urge the legislature, as we come back, and the Governor, to consider this issue closely and

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carefully and I said I would talk about the budget, I plan to vote no because it could have been so much better. Thank you.

DELEGATE PERRY. Thank you, Mr. Speaker. Would the gentleman yield? You talked about restoration in Glenville, Concord and Bluefield, I believe. What was the West Virginia University Institute of Technology budget numbers?

DELEGATE E. NELSON. I believe I may have talked about that yesterday afternoon but they are roughly \$8 million and some and they are within WVU line item.

DELEGATE PERRY. Is that an increase or a decrease?

DELEGATE E. NELSON. Right in line with the Governor's recommendation it was a 1.4 percent decrease from last year...\$8.2 million, hundred and eighteen thousand dollar cut.

DELEGATE PERRY. Thank you, Mr. Chairman. Thank you, Mr. Speaker.

DELEGATE ELLINGTON. Mr. Speaker, would the Finance Chair yield to a question? Mr. Chairman, there was something I caught looking through here. I just want to see what you think about it. On my system, I am on the computer system it is page 77. I don't know if it corresponds to the page you have in your text but it is section 62, Division of Health Central Office and it is line item 22 and it has to do with tuberculosis control. I thought we just got rid of that, I didn't know if that is another item in there or is it coming out of budget this year or next year.

DELEGATE E. NELSON. Line item 18, 367?

DELEGATE ELLINGTON. Twenty-two, it says tuberculosis control.

DELEGATE E. NELSON. Okay, alright.

DELEGATE ELLINGTON. \$367,137

DELEGATE E. NELSON. We were getting rid of that legislation....

DELEGATE ELLINGTON. I think that was just repealed this year, we just took it out through legislation is that the same item?

DELEGATE E. NELSON. Well, in conference we will be looking at all the legislation that is one reason we come in next week is to match up the legislation that was passed and conference with the Senate.

DELEGATE ELLINGTON. Okay, that should be the same thing. It is not a different item.

DELEGATE E. NELSON. No

DELEGATE ELLINGTON. Okay, that should give you 367,000 to your hundred million.

DELEGATE DUKE. Would the gentleman continue to yield? I have three quick questions. One is on an income concern. \$466 million is estimated to come in, in lottery this year, this coming year this fiscal year. How does that match up with 2013-14 and the current year FY 15?

DELEGATE E. NELSON. It is about 30,000 less than....excuse me....about 30 million less than fiscal year 2015.

DELEGATE DUKE. Is there any difference between the tracks versus the smaller bar owners in terms of the estimated revenues from those two different sources of the lottery stream income?

DELEGATE E. NELSON. We don't have the details and the breakdown but each line item has a downward trim.

DELEGATE DUKE. Thank you. On the expenditure side on page 85 it is on category 66. The Division of Human Services on page 85 line 8 the medical services, I assume that is Medicaid?

DELEGATE E. NELSON. Yes, that is correct.

DELEGATE DUKE. And last year's or current year's, budget 2015, that number was \$312 million and this year...it is FY 16...it will go to \$469 million. So that is \$157 million increase. I guess that is due to....I'm asking is that due to the expansion of Medicaid?

DELEGATE E. NELSON. That particular line item or area is funded five different ways and again last year when we went into rainy day for \$100 million it came into that line item.

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DELEGATE DUKE. So there was a supplement from last year? I'm looking at last year's budget item at \$312...so you say there was a supplement that went in that pretty much matched that. Thank you. The third question, the third comment, I guess, I have on this document that you passed out to us, education at \$1.9 billion is 44.8 percent of the budget. Does that also include roughly \$298 million of the this year's 40 year payment plan toward the teacher retirement of that unfunded liability?

DELEGATE E. NELSON. Yes, it does.

DELEGATE DUKE. So then, therefore that would make the figure if you would back that out it would be 1.631 which is about 37.8 percent of the budget.

DELEGATE E. NELSON. One point you did ask about, the Medicaid. Our total Medicaid expenditures are \$5 million less in fiscal year 16 than 15.

DELEGATE DUKE. Thank you, sir.

DELEGATE MCGEEHAN. Thank you, Mr. Speaker. Gentleman continue to yield? Some of the comments...questions I'm about to ask kind of have been touched on by the gentleman from Mon. County but to start off fiscal year 2013, general revenue budget was \$4.14 billion. Going into 2014 it was \$4.14 billion or so...2015 \$4.27 billion and now fiscal year 2016 our proposed budget is at \$4.31 billion is that correct?

DELEGATE E. NELSON. Yes.

DELEGATE MCGEEHAN. So we have increased the budget in terms of total dollars is that correct?

DELEGATE E. NELSON. That is correct and again two of those were estimates.

DELEGATE MCGEEHAN. Two of those were what?

DELEGATE E. NELSON. The 15 and 16 are estimated numbers.

DELEGATE MCGEEHAN. Okay.

DELEGATE E. NELSON. Okay.

DELEGATE MCGEEHAN. I just want to read to you the Governor's Executive Summary for budget from fiscal year 2014. I could not find the Governor's Executive Budget summary from fiscal year 2015. Due to investment gains it would only be about 1 percent occurring in fiscal year 2012. The current schedule for the teacher's pension system now requires much more additional funding for this year in 2014 of \$27 million more than the fiscal year 2013 funding level. Fiscal year 2015 through fiscal year 2019 budgets will have to assume future investment earnings well and above 7 ½ percent. So I guess my question is, since much of this year's budget relied on that 16 percent earning from the IMB on the teacher's pension...do you really believe that those kind of earnings are sustainable going forward two, three, four years as this executive summary from fiscal year 2014 is assuming because if not we are in a heap of trouble?

DELEGATE E. NELSON. The gentleman has a point well taken and I will tell you in Finance...one of our systems, PERS, is what's on a smoothing basis so that it takes into account the peaks and valleys in earnings each year but it levels it out. Our TERS does not, thus the reason for this past year of the large benefit of the \$44 million. The discussion was or has been in Finance to implement similar smoothing aspects so that we don't run into the peaks and valleys of investment returns from year to year.

DELEGATE MCGEEHAN. Can you say that last part one more time? I lost some hearing overseas I'm sorry.

DELEGATE E. NELSON. Okay...the Finance Committee has had discussions of implementing or looking at the smoothing of investment returns over years so that we avoid the peaks and valleys that we are subject to with changing market conditions, changing market returns.

DELEGATE MCGEEHAN. But you do realize that sometimes there are very drastic market changes, like what happened in 2008.

DELEGATE E. NELSON. Absolutely.

DELEGATE MCGEEHAN. You do realize that there is a great potential that there could be another very drastic market change in the future

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that would make 2008 look like a little speed bump.

DELEGATE E. NELSON. The subject that the potential is there and you know these funds are managed by the IMB, they are within prudent investment standards and their policy is such that it is diversified amongst various investment categories and I am sure that they are. Their investment philosophy is such that it is looking at the changing market conditions.

DELEGATE MCGEEHAN. I guess I would just suggest that ....

DELEGATE E. NELSON. But the gentleman hasn't....

DELEGATE MCGEEHAN. Portfolio start to be kind of paid more attention to ....

DELEGATE FOLK. Mr. Speaker, not you. Would the Gentleman from the 16<sup>th</sup> yield? Did I hear you correctly a couple days ago speaking on the floor that you are intending to vote no on this budget?

DELEGATE MORGAN. That is correct.

DELEGATE FOLK. Okay, then I have heard some of the concerns you have mentioned this year and last year about possibly doing a sales tax but if I pulled up the budget vote from last year and am I looking at this correct you voted yes last year on the budget?

DELEGATE MORGAN. I didn't understand you.

DELEGATE FOLK. Did you vote yes on the budget bill last year?

DELEGATE MORGAN. Right, I voted yes.

DELEGATE FOLK. Okay, so why the change of heart between last year and this year since we are kind of in the same situation as far as finances?

DELEGATE MORGAN. Well, there are a couple things different. We are in a little different situation this time and last time I was sitting about where you were and you were sitting over here and that makes some difference, too. I wanted to support what we were doing.

DELEGATE FOLK. Thank you. I would like to speak to the bill very briefly. As a matter of consistency it doesn't matter what party is in control I will never vote for a budget that is taking from the rainy day fund. Thank you.

DELEGATE PERDUE. The gentleman yield? Several things, sir, I think you have a good explanation for all of them that I want covered. I have been engaged on occasion with the budget and I realize what you just went through and it ain't over yet. Having said that, first of all, in your discussions, particularly about the budget, has there been any indication that our bond rating is changing or likely to change or anything like that?

DELEGATE E. NELSON. As a matter of fact, had discussions on that yesterday and no we are still viewed from the rating agencies as a double a credit.

DELEGATE PERDUE. Okay, has our coverage ratio changed appreciably? I mean we talked about the haircut bill last year and all we did with that, and in your knowledge, does that coverage ratio change or do you know what it is?

DELEGATE E. NELSON. It is inconsistent level still and I believe it is in the 4 ½ and 5 ½ range.

DELEGATE PERDUE. 4 ½ to 5 ½ range....4 is like where you don't want to be below 4. Am I right about that? Is that correct?

DELEGATE E. NELSON. Absolutely, to maintain that AA, we want to be up in the comfort zone we are now.

DELEGATE PERDUE. Thank you, sir. I am going to ask you some specifics. I guess it is page 77 at least in the system...and you may have covered this item number 6, there, local public health, was that cut?

DELEGATE E. NELSON. Is it item? What item number?

DELEGATE PERDUE. I believe it is number 6 on page 77.

DELEGATE E. NELSON. Page 7.

DELEGATE PERDUE. In the, what I am looking at in the system. So it may not be the same.



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DELEGATE E. NELSON. Can you give the title of the category that you are looking at?

DELEGATE PERDUE. Yeah, let me see if I can get down in here.

DELEGATE E. NELSON. I am assuming you are in the Division of Health item 62, line 6? Is that the safe drinking water?

DELEGATE PERDUE. The local public health line.

DELEGATE E. NELSON. Is that a \$16 million line item you are looking at?

DELEGATE PERDUE. Let me pull it back up here. Yeah that is right. \$16 million was that...what was that item was it cut or reduced in anyway?

DELEGATE E. NELSON. Same level as Fiscal 15.

DELEGATE PERDUE. Okay and also in that same area primary care support you may have covered that. I didn't hear it.

DELEGATE E. NELSON. That is the primary care support line item and the Governor cut that by...cut that line a little over \$3 million.

DELEGATE PERDUE. And what did we do?

DELEGATE E. NELSON. The idea was because of the Medicaid and the ability to bill for those line items that they would be able to recoup those dollars through billing.

DELEGATE PERDUE. There is suggestion that there is no change.

DELEGATE E. NELSON. Correct.

DELEGATE PERDUE. Okay...number 39 in that group, I believe, is tobacco education. Was that cut?

DELEGATE E. NELSON. Unchanged.

DELEGATE PERDUE. And then diabetes education.

DELEGATE E. NELSON. Unchanged.

DELEGATE PERDUE. Very good...you referenced earlier, Mr. Chairman...and thank you for your time here...that total Medicaid, I believe, you say is \$5 million less in 16 versus 15?

DELEGATE E. NELSON. Yes.

DELEGATE PERDUE. Okay can you kind of elaborate on that a little bit?

DELEGATE E. NELSON. Well there is a lot of line items....

DELEGATE PERDUE. I know I couldn't either.

DELEGATE E. NELSON. 5 million out of....

DELEGATE PERDUE. Perhaps this is a discussion we can have.

DELEGATE E. NELSON. And this is probably in your Baily Wick...the F map increased just a little bit so that is where some of those savings derives from.

DELEGATE PERDUE. So we were able to do that because of .....

DELEGATE E. NELSON. Just part of it yes.

DELEGATE PERDUE. Okay, well then I was kind of getting there...and you mentioned...well let me ask you this and I did not see it in here, perhaps the staff, and you do have a marvelous staff, the IDD Waiver there is a listing here for the AD Waiver, I didn't see a listing for the IDD Waiver, and that may be hidden within another but I believe it had its own line in year's past. If the Speaker would like, you can come back to that so you can answer other questions that is fine.

DELEGATE E. NELSON. The MRDD Waiver, \$88 million unchanged.

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DELEGATE PERDUE. It's unchanged. Thank you sir. Thank you, Mr. Speaker.

### COM. SUB. FOR S. B. 423

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REMARKS  
of  
**HON. PATRICK LANE**  
*March 12, 2015*

DELEGATE LANE. Thank you, Mr. Speaker. Ladies and gentlemen, I think it is important to understand that this is not a partisan issue. I have sort of had that impression maybe over the last few days when we tried to deal with the bill and come to terms on it. It is not a Kanawha County versus other county issues so I don't want that impression to be out there either. Although, I suspect that there will be many Kanawha County Delegates that will vote no. I don't think it will just be one as it was in the Senate. Maybe we did go a little too far last year, maybe we did. But I would like to remind the people who were here last year and maybe the people like my friend from the 37<sup>th</sup> who weren't members but were upstairs listening in the gallery between the hours upon hour upon hours spent in the Health Committee. The hours upon hours upon hours spent in the Judiciary Committee and the hours upon hours spent on this floor dealing with this issue. As I recount I think there was about 25 or 30 different amendments and provisions that would have made the bill last year tougher, tougher and stronger and would have tightened things up even more. In an effort to make sure the bill passed last year to protect the water those 20 or 30 items that were tougher and stronger and more protective of the water were compromised out. So this year, when the effective date, the internal effective date of the provisions of last year's bill haven't really been in effect for a while, industry has been complaining and I think probably, rightly so. Maybe we did go too far. Maybe we did hurt some of the oil and gas, the small oil and gas producers that are not near the zones of critical concern. But we don't know that. That is anticipated harm. It's anticipated problems. Maybe we should deal with those. Maybe we should. This bill does a lot more than just deal with anticipated problems and anticipated harms. It goes pretty far. Now I think it is odd because I find myself in a position

where the people who are what we would call environmentalist as groups, as activists, as citizens, usually, do not find a very sympathetic ear when they come to talk to me. I am not all about green. I am not all about protecting every tree and salamander and underwater mushroom that there is. I really do take a balanced approach and quite frankly, I come down on the side of jobs about 98% of the time and if something like that, that is environmental, is going to really impede job creation, job growth in our state then that is where I am going to land. But on this one, it is water, water. One time industry came to me and said we don't like this bill and I said to them I don't like it either. I don't like it either but we don't like it for different reasons. Let's sit down and talk. This time, me, I need your help. I have been with you because I think we line up on a lot of issues. I have been with you 95 times out of 100. This is the time, this bill, this amendment, this language, is when I need industry to be with me. Ladies and gentlemen, I am tearing up because I am voting with my kids.

### S. B. 30

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REMARKS  
of  
**HON. DON PERDUE**  
*March 10, 2015*

DELEGATE PERDUE: Ladies and gentlemen of the House, I would like to say I am going to be brief but I won't be. This is not deserving of cavalier laughter. This is not deserving of ridicule. This is serious business, very serious business. I distributed earlier today something to your desks which was, it was pointed out that Oregon had no regulations in place and by the way there are no real regulations in this bill and if you think this is not about selling raw milk you are being very naïve. Raw milk sells from \$7.50 to \$10.00 a gallon. The next step will be to make retail sales legal in West Virginia, I have no doubt. But I distributed something to your desks earlier today and it was pointed out that Oregon was a non-regulated state and Kentucky is and I will get to that in a moment. What does Seamus Nordyke and Kylie Fischer have in common? Kylie is the lady in the...both of them are examples of how real the danger is of raw milk are, how real they are for those whose immune

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systems are not fully developed to fight off that terrible pathogen. While milk is consumed in a local small scale setting in a closed geographical area, it is recorded that only of 1 to 3 % of people drink raw milk or consume raw milk products in the United States. But since 1998 up through 2012 it is accounted for two deaths, 3,327 illnesses and 357 hospitalizations. What is most shocking by far is that almost 60%, 59% of those 3,327 illnesses were in children under the age of five, children under the age of five. Two of those children Seamus Nordyke and Kylie Fischer. Amy Nordyke from Kentucky started drinking raw milk because she had read about its nutritional benefits. She was part of a herd share and picked up her order as she did every week. One day in September her 18 month old son Seamus began experiencing bloody diarrhea and over the course of the next couple of days his condition worsened. He was admitted into the hospital with hemolytic uremic syndrome, remember that (HUS) because I am going to guarantee three or four years from now you are going to remember HUS. We will put that in the bank. But it is because it is caused by a pathogen, *ecoli 157 H7* which is the second most common pathogen found in raw milk outbreaks, Amy saw her son go through hemodialysis where all of his blood was removed and cleaned and then returned to try to counteract what was happening. HUS has no cure. HUS has no cure. Oh but the good news is 60% of the people who get it live. The ones that walk away however have a life-long anemias or worse. They need kidney transplants or they experience nervous system deterioration. Seamus spent 30 days in the hospital fighting for his life going through dialysis, blood transfusions and etc. By the time his stay was done, four other children, four other children were also admitted into the hospital suffering hemolytic uremic syndrome. All of those children had something in common with Seamus. They all belonged to the same herd share and all were drinking the same unpasteurized milk. The story I gave you earlier on your desk and the one I just related are just a couple of the stories that make up those statistics of illnesses on the charts we read. No, there are limited deaths but at what cost shall we risk a child's quality of life, their freedom, their freedom, their freedom for a choice they have no say in making. These illnesses in life are life changing illnesses, not your typical rumored food

poisoning with flu-like symptoms. These bacterial infections can cause damaging effects to those whose immune systems cannot counteract the attack. These illnesses aren't affecting adults. The statistics show that they are affecting those under five whose immune systems have not developed. Both of these herd sharing outbreaks are proof it is not an error-free system. This is not the same thing as 48 individual people owning your own cow and by the way it is not just a couple of people on the shares it is not defined in there, it could be hundreds. This is a consumer buying a share in a cow and allowing the trust that someone else will be competent to know the proper steps to prevent food-borne illness. Yes, there are other ways to develop food borne illnesses that is why we are taught to wash our produce and why shellfish has strict harvesting regulations. Sushi must be inspected and there are warning labels to not eat uncooked meats. You wouldn't eat raw sausage for breakfast would you? What are we as legislators going to do to make sure West Virginia parents do not suffer the emotional pain and financial burden that the Nordykes and Youngs have faced when all of that would have been prevented by heating the milk for 15 seconds, 15 seconds at 161 degrees. The suggestion earlier was that, this....I promise not to be anything less than serious on this....but it has been suggested...and I drank raw milk too folks, back in the 50s and 60s but *e-coli* was not found in raw milk in the 1950s and 60s and it was not in the mutated form, the toxic strain that is commonly found in cattle and around cattle. *E-coli 0157 H7* was first known in a beef outbreak in Canada. It is the second most common pathogen behind *campylobacter* for raw milk illnesses *E-coli 0157* alone, alone, counts for 60 deaths annual in the US and up to 73,000 illnesses. The CDC, the FDA, the State Veterinary Medical Association, the American Veterinary Medical Association, the American Formula all oppose this kind of legislation. Not because they don't think somebody should have freedom to drink milk from their cow, not because of that, because they know at \$7.50 to \$10.00 a gallon you are going to start selling a bunch of it pretty soon. I think it is noteworthy we talk about food borne illnesses and pasteurization, 25% of all the food borne illness deaths that were caused by milk before pasteurization became invoked, 25% deaths, not illnesses....deaths. There is no real monitoring,

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no real inspection in this bill especially for milk handling and cooling and bacterial testing and monitoring. There is nothing in this bill about that. There is no real regulation here. On top of that we are just going to fine you \$100 if you do it. If you sell it or if you do something else we are just going to fine you 100 bucks. There is no mention of how many times we can do that so potentially you could sell 1000 gallons for \$10 a gallon and get fined 100 bucks or maybe 10 bucks. These transactions will occur and they are going to occur off the grid. We are not going to know about it. Be too late to do anything about it then. There are virtually no penalties. The question you have to ask yourself is does raw milk pose a greater risk of food borne illnesses than pasteurized milk? I would ask the clinicians in this room, does raw milk offer a greater risk than pasteurized milk? Well, of course, the answer is yes so why would we do that? Why're we exposing five year olds to that? The obvious next step will be to encourage retail sales. Ladies and gentlemen, I don't want to belabor you on this. I know what is going to happen here. I regret it and I will suggest you will regret it. You will deeply regret it. I want to ask you to indulge me for just a moment and do one thing, just do one thing for me. Want you to close your eyes, just close your eyes and we have seen these cups of raw milk distributed throughout the body here. I want you to visualize that cup of raw milk. Think about it. Just close your eyes. Now I want you to give that cup of raw milk to your five year old grandson, granddaughter, son or daughter. In your mind give them that cup of milk. Thank you.

**S. C. R. 63**

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REMARKS  
of  
**HON. MIKE CAPUTO**  
*March 14, 2015*

DELEGATE CAPUTO. Thank you very much Mr. Speaker. This resolution was something the Governor asked your leadership team, I guess, because he didn't talk to me about it, to look at because of his concerns with the moving of equipment provision in the coal mine safety bill that passed this body and he signed the other day. As you know I certainly had deep concerns about

that and several members on both sides did but I am big boy and I know how to process works and that bill went down to the Governor. I asked the Governor to veto that bill and he decided not to do that. Instead he is asking, asking, please keep in mind asking, the Board of Coal Mine Health and Safety to take a look at that and hopefully come up with some regulations. Well, I certainly hope that happens. I hope that happens quickly but again resolutions are just words. Resolutions have no binding authority. This body has binding authority and the Governor has binding authority when he signed that bill. So I am going to support this bill. I truly am. I think this was kind of an easy way out if you want to know the truth about it. I think it was an easy way out and I think it might make some folks feel better about the bill but I am going to support it in hopes that the board does look at this because I have grave concerns about it. But I want remind the members that we pass a lot of resolutions every year and they make a lot of people feel good and there is nothing wrong with that. Nothing wrong with that at all but resolutions are not binding and this does nothing but express some words and ask, not force, but ask someone to do something. So I just wanted to express my thoughts on that. I certainly thank the body for their indulgence and I am going to vote yes. Thank you.

**COM. SUB. FOR S. B. 286**

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REMARKS  
of  
**MEMBERS**  
*March 14, 2015*

DELEGATE STORCH. Thank you, Mr. Speaker. I am pretty rational, I think, but I am going to try to be pretty unemotional and...that might be a little difficult because this situation does cause me some angst because I know the people and the players and have seen these children that have been impacted. So I want to debunk a few myths that have been spread around this building, this body and they are just exactly that...myths. First of all, the first myth is that we are trying to not vaccinate children. As I sit here today or stand here today, my 9 year old is next to me. She is fully vaccinated. All of my children are fully vaccinated and I would encourage everyone to be fully vaccinated and if there is a situation in

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which your child is not able to receive one vaccination because perhaps they have a medical situation that precludes them from getting one...that is between you, your child's physician and your child. I am not trying to make that medical determination. I am not trying to be the person that says that child shouldn't receive that vaccination. However, in this instance I gave yesterday, the child had received every vaccination except for the MMR. This was not because his mother was fearful of autism. She has three boys. Her three boys are all fully vaccinated. She had one son that had extreme allergies. The son that had allergies had an allergy to something bovine and something egg. The MMR apparently has the components that involve in being grown in bovine cells or egg cells that precluded him from being advised by his pediatrician to receive that. Not his witch doctor, not his next door neighbor, not his firefighter...his pediatrician. So we didn't go ask, you know, the lady who stayed at a Holiday Inn Express or anybody else we went to a pediatrician and he said, "Let's get a t-dap. Let's get a chicken pox. Let's get whatever we need however I don't really recommend this specific child get an MMR shot because of his allergic condition." This was further cemented for this mother because she took this child to an independent allergist at Ruby Memorial Hospital at WVU, not witch doctor central, not hey you know I want to throw my shingle and pretend I am a doctor. I think we can all agree they are a notable, medical place in our state and the allergist said your child should not receive the MMR. He had a skin prick test, his skin negatively reacted to these components and he was granted finally a medical exemption. This is one to two percent. This is not us being rogue and saying you don't need shots, everybody decide, there is no religious exemption. There is no philosophical exemption and there are multiple fallacies in the arguments that are being made. First of all, this bill extends this to day cares. No child going into a day care currently is required to be immunized. It is only magically required when they start public school. Okay, well what about the child up to the age of five? No requirement. This bill includes day cares. Secondly, it specifically spells out private and parochial schools. They have always been required to immunize in private and parochial schools, however, now it is not gray area

anymore it is specifically spelled out. So I think if you look at this you will see we are broadening the scope of immunizing but allowing the physicians of the children that have issues that should not get this vaccination, one not all...you are not exempted from every vaccine just because you have a situation that precludes you from receiving...if there is a certain medical reason for you to not have one vaccine that is all this does and for one to two percent I think it is absolutely irresponsible to pontificate that we are trying to spread measles and spread rubella and do other things. I have another situation in my district where a girl had received the Tdap shot, her booster Tdap, ten days before the interpretative rule went into effect and let me remind you the interpretative rule which I really have issue with because it was created on the last day of session of the 2011...March 2011 year required that Tdap shot be given after your fourth birthday. Many pediatricians want to see the child prior to their birthday. So this child was in kindergarten, was removed from kindergarten because when they went through the records they noticed that she had gotten her shot ten days before her fourth birthday. This was only changed because of this March 2011 interpretative rule. She was removed from kindergarten. How do you explain to a five year old they are not allowed to go back to school? You are not sick. You have no reason not to be in school. You feel perfectly fine you have just made new friends. You are not allowed to go back to school because of an interpretative rule says you needed to have the shot eleven days after you did. This child is still not in the public school because her family is so ticked off about this situation that she is homebound now. Homebound cost the counties \$12,000 a child. Is this logical? I don't know, I think we as a legislature have a vested interest in having a say in this. I think this interpretive rule is bologna and I urge adoption. Thank you.

DELEGATE ROHRBACH. The Senate Bill...286 which is what all of our major societies in the state...meaning the State Medical Association, State Academy of Pediatrics, State Academy of Family Physicians...favor. That bill takes the county health officer out so you would go to your personal physician or pediatrician that, be it the case, and they would initiate the process of an exemption for medical reasons then they would

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refer this to the State Health Department in Charleston who is going to appoint a vaccine officer and that officer will work with your personal physician provider and they will determine together if it is a valid medical exemption or further testing such as an allergy testing is needed. Now one of the big differences in the two bills, the bill we are considering now and the Senate version is ....there are several differences. Number one there is a ten day period and both cases your family physician will initiate the process instead of the county health officers so that both of those are major departure from the system we have now that have a lot of people have angst with, as they should. Now, the difference is the State Health Department doesn't think ten days is adequate enough to assemble the records and to do any appropriate allergy testing or whatever they might need and if they don't render a decision within ten days under the currently proposed bill that we are considering at this time then the decision is final. Where in the other system it is open until the state health department can adequately assess the situation and come up with a medical determination in consultation with the family physician that initiated the process. The child could enter school. There is a waiver until the process is final. The child has an exemption to go to school.

DELEGATE PERDUE. Thank you, Mr. Speaker. At the risk of making anyone's nerves raw I am going to raise the importance of the Minority. The Minority must believe their voice is and will be heard. We have talked at length, sometimes emotionally, sometimes quietly and introspection about Senate Bill 286 and what it does. We know that those who have been affected are a minority. Yet their voice must be heard. The gentlelady just spoke about that. But let me step back and suggest that the events that transpired in 2010, 11, 12...those were responded to. The department changed the way they did business. What 286 would do, absent the amendment that was put on last night, would have been to codify that. The local public health officer would have been taken out of the equation and the real problem we had and the issues that were raised were with the local public health officer. Let me talk to you a little bit about what that amendment did. Senate Bill 286 in its original form would have streamlined the medical exemption process

to be more effective and more efficient for our children and families. The bill allowed for the Bureau of Public Health to maintain its ability to control and prevent, I will say it again, and prevent communicable disease. The recent amendment passed by the House Judiciary would restrict the Bureau for Public Health's ability to control and prevent communicable diseases by minimalizing the medical exemption process and eliminating the rule making process for new vaccines. The amendment would remove the ability for the Bureau of Public Health to protect West Virginians against communicable diseases by adding any vaccines that are recommended by the CDC Advisory Committee on immunization practices. A group of medical and public health experts that develop recommendations on how to use vaccines, how to use vaccines to control disease in the United States. Losing this ability to add necessary vaccines for schools, for school, is significantly harmful to public health and puts our children and most vulnerable residents at an unprecedented risk. Proponents of the amendment argue that the interpretive rule is an abuse of powers. The courts have heard this challenge and disagreed. The courts have upheld public health's ability to mend eight vaccinations as a part of public health. As recent as September 2013 the West Virginia State Supreme Court of Appeals dismissed another such law suit and affirmed the validity of the rule. Currently West Virginia is a model immunization state in the nation. Mandated vaccinations have increased immunization rates in WV to 97% exceeding all national expectations. In other words, the nation expected us to not do that well and we did better. While other states are racing to tighten their immunization laws, West Virginia's compulsory immunization is keeping our state's children safe. The medical exemption process in West Virginia is based on science, follows the guidance of the CDC Advisory Committee and is supported by all major health organizations. This process allows for valid medical conditions where immunization is not appropriate to run exemptions to protect the child. This process has been successful ensuring that most all children in West Virginia schools are vaccinated against dangerous vaccination preventable diseases. The amendment weakens the exemption review process by allowing a physician to write an exemption but restricts the number of days that the Bureau for Public Health

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can review, approve or deny the exemption. Thus this process may inadvertently cause children to miss vaccinations that they should have received, thus putting them at risk during an outbreak. The amendment will ultimately cause mass confusion in society as each physician may handle the exemption review process differently. Parents will not understand whether to send their child to school or keep them home. The law as it stands allows for public health in the medical community to work hand in hand. In this decision process ensuring that proven science is used when making these vaccination decisions. This historic, historic collaboration will be permanently damaged due to this amendment. The amendment creates an unprecedented paradox for the Bureau of Public Health that is confusing to parents, medical providers and others who want to understand the exemption process and protections that are forwarded to the public during an outbreak. Public health has the ability to quarantine in the event of a disease outbreak but with this amendment we will have limited ability to require vaccination to prevent the disease. Let me repeat that. But with this amendment we will have limited ability to require vaccination to prevent the disease. The amendment will significantly harm the Bureau for Public Health's ability to track medical exemptions. This amendment does not explain how that process would work, not being able to tell if it was medically unable to be vaccinated for valley contraindications is a problem during an outbreak. Ladies and gentlemen, those are all directed from the various people in the medical community...that is where all that came from. I didn't write it. I think it is pretty good information. One of the things that is absolutely key in thinking about this. Please, by all means think about this. We have talked about outbreaks. We keep using that word outbreaks. Why don't we have outbreaks? Because we prevent them. What that amendment did will significantly harm the ability to move to be proactive rather than reactive, to be proactive rather than reactive. Ladies and gentlemen, I am reluctant to talk to you again on this because I know who is going to be batting cleanup. I know how good he is. I know absolutely that he is extraordinarily articulate that he swings from the fences, but folks, the ball can move around, the players can change. The pitcher can be extraordinary. The batter can swing from the

fences. The only thing that doesn't change is the plate. The plate doesn't move. What we are talking about here is home.

DELEGATE ROHRBACH. Thank you, Mr. Speaker. Before us today is a decision about vaccinating our children and I agree that we are not doing away with that. But what we are really saying is we are looking at a bill that has two important parts to it. The vaccination schedule that is not going to change. The medical exemption process which is going to change, frankly if we would have adopted the senate bill or the version that is in front of us now it is going to move the county health officer and it is going to get your physician involved in the process. But a lot of what this seems to revolve around is the interpretive rule. Now, let's look back at the history of interpretive rule and the three vaccines that were put in under interpretive rule. Hepatitis B is number one cause of liver failure in the world, number one cause of liver cancer. Meningitis, deadly. Go in the armed services, go to a college dormitory, you are going to take meningitis vaccine or they are not going to let you in. That certainly wasn't an overreach of a bureaucrat. Chicken pox, again try to go to college, try to join the military. You are going to get that and as we discussed last night and I am not going to belabor the point these are all serious diseases. Now, so what this really revolves around is we are trying to put the DHHR back in its place. Now, I have a three page letter from the DHHR with reservations that they have with what we adopted last night. They prefer the Senate version. We can ignore that and we can move ahead and we can deny the expertise that the DHHR has but I think we need to understand this system has worked for a long time. People in the DHHR, people in public health they are not political. They are here for one reason, to preserve the health of these citizenry of this state, period. We should not under any circumstance politicize that. This bill needs to be defeated and we need to go back and adopt the bill that your physician community and your public health community is solidly behind. With all that being said, Mr. Speaker, I rise in opposition to this bill. Thank you.

DELEGATE ELLINGTON. Thank you, Mr. Speaker. Let me say first that I support both of the bills. The original Senate Bill and also the

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amended bill and I will give you my rationale for that. As a provider I will just tell you I am pro-vaccination. I have gotten all my vaccinations. My family members have gotten all of theirs. I recommend that to all of my patients and, as many of you know, I deal with a lot of pregnant women and I will tell you every year I get the flu shot. I will tell you have my patients don't and that raises issues as far as do they want that or do they not? Do they have a right to decline care? Do they have that individual right or is that something that is going to promote more infection within society where public health gets to be the issue? Now looking at both of these bills, the original bill and the amended bill we have before us, neither one of them prevents people from getting vaccinations. They both promote people getting vaccinations. That is our goal. We are not working against people getting them. It is just a matter of who gets to decide on certain exemptions. It maintains the same vaccinations that have been recommended over the past several years by the CDC. If you look at the history of this what really prompted it was the interpretive rule and a public official that decided to not grant certain exemptions. Now you could look at the different reasons for the exemptions. Medical exemptions, I am in favor of in certain cases. I do not want to force a child that has anaphylactic reactions to a vaccinations to get one. As a parent I would resist my kid being forced to do that. I don't particularly like the idea of my kid being told can't be in school and violate its constitutional right by the West Virginia Constitution to obtain an education. It is easy enough to say for a public official to say, "go ahead and homeschool your kid." Well that doesn't solve the problem. The kid is still in society. Still not vaccinated. It is still going to be exposed to other children. The other issue I have and I try to play devil's advocate on this and look at the other side of it. You take a kid out of school, is there a prolong time the kid is going to be out of school? That is why the time barriers were put in on that amended bill to try to speed that up. Maybe ten working days isn't appropriate but six month isn't appropriate either so I think that is an issue we have to look at. This just speeds it up. Yes, there will probably be leeway on time and how you deal with it but just remember you take one kid out of school that is not necessarily putting the rest of them at risk or decreasing the risk. You have other

individuals in that school that are not immunized. You don't mandate that all the teachers there or all the other ancillary staff, all the visitors, anyone else playing sports in the adjacent counties or states that these kids are coming in contact with. You are not mandating that but you are taking that kid out of school. Then you are telling them that they have to be home schooled. The Lady from the 3<sup>rd</sup> mentioned about the one with the medical exemption. We had one down in Mercer County that the kid had to come out of school. Both parents worked, they tried to home school the kid. They found that they couldn't do that because of their work. They had to move into Virginia. I don't think that is the intent of what we wanted here. There should be some exemptions and that is what both of these bills grant. Now we had discussions with the commissioner over the past two months. We came up with the commissioner agreed that he would review all the cases and grant exceptions and he would be a little more liberal than what happened before. The problem is, is this commissioner may not be here next year or two years or four years. So does that give us the say that we let one individual decide what's the mandate for certain kids to have to get vaccinated...or for...it's going to have to be out of school? Or do we decide on the legislative stand point we have some control over that. Now I trust the current commissioner. I take him at his word. I trust the current secretary of DHHR to make proper rules but that doesn't mean that they are going to do that and that doesn't mean that if they change we are going to get someone that is going to be as agreeable. Neither of these bills stop kids from getting immunized. It just decides who gets to make that decision. It also grants, both of them, grant these emergency duties on the DHHR and Bureau of Public Health but if there is an emergency they can still override things. That does not stop that. So like I said I am 50/50 on this, I can go on either version. I just hate to see that a kid is taken out of school when they decide they need to do that. The other thing, like I said, you have kids that be home schooled they are still in the same community with the other kids. They are still going to interact. They are still going to have the same risk of infection. You go back to informed consent you are balancing public health versus informed consent. Each of us I think would like to have the opportunity to say, "do I want a particular



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treatment? Is there a medical risk to me? Do I have philosophical religious reasons why I don't want to do something? Well we looked at the numbers. The philosophical and religious exemptions we felt would blow the numbers out of proportion. That is why this bill did not go to that. We realized it was a public health issue. We did not want those numbers to go up. Medical exemptions we are talking 25-50 within the state. Now, is that really going to decrease the immunization rate in this state when you have other people that are not immunized? It's not. Those 25-50 kids is not going to cause the sky to fall. Chicken Little is not coming out now, alright? So let's be realistic about it. I think either one could pass I have no preference which one. I will support this one at this time if it goes to committee I will go either way. Thank you, Mr. Speaker.

### OPENING PRAYER

#### REMARKS

of

**REVEREND DAVE GALVIN**

*March 11, 2015*

REVEREND DAVE GALVIN. In the Father, the Son and the Holy Spirit. Amen. Almighty merciful God, we thank you for the gift of our very lives and thank you for making us West Virginians. We recognize our foundation and once choosing the moral good. Long ago we adopted the motto, "Mountaineers are always free". We beg you this day to help us once again grant true freedom in the State of West Virginia. You teach us there is no true freedom except in the service of what is just and good. Help us to recognize that the choice to disobey and do evil is an abuse of freedom and leads to the slavery of sin and the disregard for human life. By deviating from your moral law we violate our own freedom and become imprisoned within ourselves thus destroying our society. When you sent your son, Jesus Christ, He told us, "Let the children come to Me. Do not prevent them for the Kingdom of God is at hand." We are reminded that all of us are made in Your image and likeness. We pray for all in the House of Delegates to practice true freedom by ensuring that everyone of us that is capable of pain is

allowed to be free and to live. We ask that you cleanse the hearts of our Delegates. Cure them of every desire against divine truth and allow them this day to protect the dignity of all human life, the moment of conception until natural death. Help us, dear Lord, to recognize that as great as the State of West Virginia is, if we fail to protect our most vulnerable then we ourselves will not enter the Kingdom of God. We ask all this through our Lord and Savior, Jesus Christ and may Almighty God bless you this day in the Father and the Son and the Holy Spirit. Amen.

### COM. SUB. FOR S. B. 242

#### REMARKS

of

**HON. PAT MCGEEHAN**

*March 14, 2015*

DELEGATE MCGEEHAN. Thank you, Mr. Speaker. I rise in opposition to this bill as well. I would like to echo the comments from my colleague on the other side of the aisle, the Gentleman from Kanawha County. I understand the intent of this bill making it a crime and to disseminate false information during to declare state of emergency, but I think there is unintended consequences that could come about from this type of thing. Mainly, that we really want the government to monopolize what is said and what is not said during a time of emergency. Do we want to suppress the freedom of information, from other people that might know something that the central government here does not know yet, from being said and from being spread? It is already a crime to threaten life and property. It is already a crime to commit fraud and it is probably already a crime to do something like this as well. Another law to the books yet again to make another law, to make another crime to continue to do all of these things that we seem to have a pattern of doing. Also, I think it might lead to a slippery slope. Automated telephone calls and robo-calls during election seasons are often used to get messages to the voters on where different candidates stand and so I don't like this being encoded into law and then somewhere down the line expanding the scope of this crime to infringe on political speech as well, so I rise in opposition to this bill and I urge a no vote. Thank you.

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### COM. SUB. FOR S. B. 2688

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REMARKS  
of  
**HON. DANA LYNCH**  
*March 14, 2015*

DELEGATE LYNCH. Thank you, Mr. Speaker. Mr. Ireland there is one of my good friends I think or I consider him one. But ladies and gentlemen let me tell you he is wrong. What we have done here, what we are doing here is wrong. He is telling you this is the best deal for the people just to take their land. It is gas but it is real estate. So we are just going to take it. Says give them a fair shake, everybody gets a fair shake. It is your constitutional right to own what you have and when you get rid of it, it is back to conveying it away in a deed and to receive what you believe is a fair price. Not because you are having to agree to some pooling bill and allow some company to take your gas and give you what they believe is the market value. You know I can go on your property and cut your trees and I got to give you three times what that tree is worth. Now why if they steal your gas do they not have to give you three times what it is worth? But they tell you it is a fair shake and I don't believe that. They say, well it is a good deal because they are going to take it anyway and you will never know it. Ladies and gentlemen does that make it right? This is 2015, I am a born again Christian and I don't believe in stealing and

I don't believe in passing any law to say that it is right to steal somebody's gas without paying them or without them agreeing to it. Right for everybody for forever. What is wrong with protecting people's property rights? They purchased it, they own it. We don't have a right to set down here and pass a law and say you can just go in there and take Larry's gas because he is in the middle of 640 acres. I think that is the amount of acreage they refer to, 640 acres. With technology today they can drill gas wells in so many different manners, they can determine how many cubic feet of gas is under that ground. They can do all kind of things and if you don't want to sign they can pump out so many cubic feet and leave that last little bit whatever you owed them there. Sure you can't go back and get it but that is not your intentions. You don't want to go back and get it. You didn't want to sell it to start with or you would have sold it. But we are going to force you to sell it because somebody else needs it? Because we need a cracker plant. I agree we need a cracker plant I think it is one of the best things that could ever happen to the State of West Virginia. We need jobs but ladies and gentlemen they have already purchased the property. The cracker plant is coming. There is three states in the United States that has the biggest reserve of gas in the world, West Virginia, Pennsylvania and Ohio. Now do you think they are just going to move away from here? They are going to get this Marcellus Shale gas. Thank you, Mr. Speaker I urge a no vote.