

# JOURNAL of THE SENATE State of West Virginia

## **EIGHTY-THIRD LEGISLATURE**

Regular Sixty-Day Session, 2018  
First Extraordinary Session, 2018  
Second Extraordinary Session, 2018  
Impeachment Proceedings, 2018

## **VOLUME III**



NOTE: The third volume continues with Journal proceedings proper (page 2675) of March 10, the date of final adjournment; followed by the Appendix consisting of remarks of members during the Regular Session, 2018; History of Bills and Resolutions of both houses considered by the Senate; a Topical Index of all Senate bills introduced; and the Index of the Official Journal.

This volume further consists of the Journal proceedings proper of the First Extraordinary Session (May 20, 2018-May 21, 2018), together with the Index for same; and the Journal proceedings proper of the Second Extraordinary Session (June 26, 2018-December 10, 2018), together with the Index and Appendix for same.

The remainder of this volume includes the proceedings proper of the Journal of the Court of Impeachment: State of West Virginia vs Various Justices of the Supreme Court of Appeals of the State of West Virginia (September 11, 2018-October 2, 2018), ending with page 10 of the Journal of the Court of Impeachment.



3	Current Expenses .....	13000	558,815
4	Workshop Development .....	16300	1,817,427
5	Supported Employment Extended Services..	20600	77,960
6	Ron Yost Personal Assistance Fund .....	40700	333,828
7	Employment Attendant Care Program.....	59800	131,575
8	BRIM Premium.....	91300	<u>77,464</u>
9	Total.....		\$ 14,380,303

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

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### *53 - Environmental Quality Board*

(WV Code Chapter 20)

Fund 0270 FY 2019 Org 0311

1	Personal Services and Employee Benefits ....	00100	\$ 76,915
2	Current Expenses .....	13000	29,353
3	Repairs and Alterations.....	06400	100
4	Equipment.....	07000	300
5	Other Assets.....	69000	400
6	BRIM Premium.....	91300	<u>791</u>
7	Total.....		\$ 107,859

*54 - Division of Environmental Protection*

(WV Code Chapter 22)

Fund 0273 FY 2019 Org 0313

1	Personal Services and Employee Benefits ....00100	\$ 4,051,891
2	Water Resources	
3	Protection and Management .....06800	570,654
4	Current Expenses .....13000	96,916
5	Repairs and Alterations.....06400	1,500
6	Unclassified.....09900	14,825
7	Dam Safety.....60700	212,186
8	West Virginia Stream Partners Program.....63700	77,396
9	Meth Lab Cleanup.....65600	199,616
10	WV Contributions to River Commissions ....77600	148,485
11	Office of Water Resources	
12	Non-Enforcement Activity .....85500	<u>934,525</u>
13	Total.....	\$ 6,307,994

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

*55 - Air Quality Board*

(WV Code Chapter 16)

Fund 0550 FY 2019 Org 0325

1	Personal Services and Employee Benefits ....00100	\$ 60,737
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2	Current Expenses .....	13000	12,462
3	Repairs and Alterations.....	06400	50
4	Equipment .....	07000	300
5	Other Assets .....	69000	200
6	BRIM Premium.....	91300	<u>2,304</u>
7	Total.....	\$	76,053

**DEPARTMENT OF HEALTH AND HUMAN RESOURCES**

*56 - Department of Health and Human Resources –*

*Office of the Secretary*

(WV Code Chapter 5F)

Fund 0400 FY 2019 Org 0501

1	Personal Services and Employee Benefits ....	00100	\$ 379,014
2	Unclassified.....	09900	6,459
3	Current Expenses .....	13000	50,613
4	Commission for the		
5	Deaf and Hard of Hearing.....	70400	<u>219,910</u>
6	Total.....	\$	655,996

Any unexpended balance remaining in the appropriation for the Women’s Commission (fund 0400, appropriation 19100) at the close of the fiscal year 2018 is hereby reappropriated for expenditure during the fiscal year 2019.

*57 - Division of Health –*

*Central Office*

(WV Code Chapter 16)

Fund 0407 FY 2019 Org 0506

1	Personal Services and Employee Benefits ....00100	\$ 12,446,690
2	Chief Medical Examiner .....04500	6,618,003
3	Unclassified.....09900	671,795
4	Current Expenses .....13000	4,677,059
5	State Aid for Local and	
6	Basic Public Health Services .....18400	12,652,756
7	Safe Drinking Water Program (R) .....18700	2,188,827
8	Women, Infants and Children .....21000	38,621
9	Early Intervention .....22300	8,134,060
10	Cancer Registry .....22500	200,682
11	Statewide EMS Program Support (R) .....38300	1,835,429
12	Black Lung Clinics .....46700	170,885
13	Vaccine for Children .....55100	335,423
14	Tuberculosis Control .....55300	372,366
15	Maternal and Child Health Clinics, Clinicians	
16	Medical Contracts and Fees (R) .....57500	6,335,115
17	Epidemiology Support .....62600	1,513,869
18	Primary Care Support .....62800	4,245,849
19	Sexual Assault Intervention and Prevention .72300	125,000
20	Health Right Free Clinics .....72700	2,750,000
21	Capital Outlay and Maintenance (R) .....75500	100,000
22	Maternal Mortality Review .....83400	47,712

23	Diabetes Education and Prevention .....	87300	97,125
24	BRIM Premium.....	91300	169,791
25	State Trauma and Emergency Care System..	91800	<u>2,004,450</u>
26	Total.....		\$ 67,731,507

Any unexpended balances remaining in the appropriations for Safe Drinking Water Program (fund 0407, appropriation 18700), Statewide EMS Program Support (fund 0407, appropriation 38300), Maternal and Child Health Clinics, Clinicians and Medical Contracts and Fees (fund 0407, appropriation 57500), Capital Outlay and Maintenance (fund 0407, appropriation 75500), Emergency Response Entities – Special Projects (fund 0407, appropriation 82200).

From the above appropriation for Current Expenses (fund 0407, appropriation 13000), an amount not less than \$100,000 is for the West Virginia Cancer Coalition; \$50,000 shall be expended for the West Virginia Aids Coalition; \$100,000 is for Adolescent Immunization Education; \$73,065 is for informal dispute resolution relating to nursing home administrative appeals; and \$50,000 is for Hospital Hospitality House of Huntington.

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

*58 - Consolidated Medical Services Fund*

(WV Code Chapter 16)

Fund 0525 FY 2019 Org 0506

1	Personal Services and Employee Benefits ....	00100	\$ 1,590,408
2	Current Expenses .....	13000	14,113

3	Behavioral Health Program (R) .....	21900	64,462,622
4	Family Support Act.....	22100	251,226
5	Institutional Facilities Operations (R).....	33500	134,223,239
6	Substance Abuse Continuum of Care (R).....	35400	5,000,000
7	Capital Outlay and Maintenance (R) .....	75500	950,000
8	Renaissance Program .....	80400	165,996
9	BRIM Premium.....	91300	<u>1,296,098</u>
10	Total.....		\$207,953,702

Any unexpended balances remaining in the appropriations for Behavioral Health Program (fund 0525, appropriation 21900), Institutional Facilities Operations (fund 0525, appropriation 33500), Substance Abuse Continuum of Care (fund 0525, appropriation 35400), and Capital Outlay and Maintenance (fund 0525, appropriation 75500) at the close of the fiscal year 2018 are hereby reappropriated for expenditure during the fiscal year 2019.

Notwithstanding the provisions of Title I, section three of this bill, the secretary of the Department of Health and Human Resources shall have the authority to transfer funds within the above appropriations: *Provided*, That no more than five percent of the funds appropriated to one appropriation may be transferred to other appropriations: *Provided, however*, That no funds from other appropriations shall be transferred to the personal services and employee benefits appropriation.

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

From the above appropriation for Institutional Facilities Operations (fund 0525, appropriation 33500), together with available funds from the Division of Health – Hospital Services Revenue Account (fund 5156, appropriation 33500), on July 1, 2018, the sum of \$160,000 shall be transferred to the Department



of Agriculture – Land Division – Farm Operating Fund (1412) as advance payment for the purchase of food products; actual payments for such purchases shall not be required until such credits have been completely expended.

The above appropriation for Institutional Facilities Operations (fund 0525, appropriation 33500) contains prior year salary increases due to the Hartley court order in the amount of \$2,202,013 for William R. Sharpe Jr. Hospital, and \$2,067,984 for Mildred Mitchel-Bateman Hospital.

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

Additional funds have been appropriated in fund 5156, fiscal year 2019, organization 0506, for the operation of the institutional facilities. The secretary of the Department of Health and Human Resources is authorized to utilize up to ten percent of the funds from the Institutional Facilities Operations appropriation to facilitate cost effective and cost saving services at the community level.

*59 - Division of Health –*

*West Virginia Drinking Water Treatment*

(WV Code Chapter 16)

Fund 0561 FY 2019 Org 0506

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

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

*60 - Human Rights Commission*

(WV Code Chapter 5)

Fund 0416 FY 2019 Org 0510

1	Personal Services and Employee Benefits ....00100	\$ 1,028,561
2	Unclassified.....09900	4,024
3	Current Expenses .....13000	331,304
4	BRIM Premium.....91300	<u>10,764</u>
5	Total.....	\$ 1,374,653

*61 - Division of Human Services*

(WV Code Chapters 9, 48 and 49)

Fund 0403 FY 2019 Org 0511

1	Personal Services and Employee Benefits ....00100	\$ 45,354,625
2	Unclassified.....09900	5,688,944
3	Current Expenses .....13000	11,404,008
4	Child Care Development.....14400	4,090,908
5	Medical Services.....18900	413,957,363
6	Social Services .....19500	154,183,734
7	Family Preservation Program .....19600	1,565,000
8	Family Resource Networks .....27400	1,762,464
9	Domestic Violence Legal Services Fund .....38400	400,000
10	James "Tiger" Morton	
11	Catastrophic Illness Fund .....45500	102,883

12	I/DD Waiver.....	46600	88,753,483
13	Child Protective Services Case Workers .....	46800	23,473,825
14	OSCAR and RAPIDS .....	51500	6,453,502
15	Title XIX Waiver for Seniors.....	53300	13,593,620
16	WV Teaching Hospitals		
17	Tertiary/Safety Net .....	54700	6,356,000
18	Child Welfare System .....	60300	1,291,873
19	In-Home Family Education.....	68800	1,000,000
20	WV Works Separate State Program.....	69800	1,935,000
21	Child Support Enforcement .....	70500	6,487,501
22	Temporary Assistance for Needy Families/		
23	Maintenance of Effort.....	70700	25,819,096
24	Child Care – Maintenance of Effort Match ..	70800	5,693,743
25	Grants for Licensed Domestic Violence		
26	Programs and Statewide Prevention .....	75000	2,500,000
27	Capital Outlay and Maintenance (R) .....	75500	11,875
28	Community Based Services and		
29	Pilot Programs for Youth.....	75900	1,000,000
30	Medical Services Administrative Costs .....	78900	38,127,412
31	Traumatic Brain Injury Waiver.....	83500	800,000
32	Indigent Burials (R) .....	85100	2,050,000
33	BRIM Premium.....	91300	892,642
34	Rural Hospitals Under 150 Beds.....	94000	2,596,000

35	Children’s Trust Fund – Transfer.....	95100	<u>220,000</u>
36	Total.....		\$867,565,501

Any unexpended balances remaining in the appropriations for Capital Outlay and Maintenance (fund 0403, appropriation 75500) and Indigent Burials (fund 0403, appropriation 85100) at the close of the fiscal year 2018 are hereby reappropriated for expenditure during the fiscal year 2019.

Notwithstanding the provisions of Title I, section three of this bill, the secretary of the Department of Health and Human Resources shall have the authority to transfer funds within the above appropriations: *Provided*, That no more than five percent of the funds appropriated to one appropriation may be transferred to other appropriations: *Provided, however*, That no funds from other appropriations shall be transferred to the personal services and employee benefits appropriation.

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

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

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

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

The above appropriation for WV Works Separate State Program (fund 0403, appropriation 69800), shall be transferred to the WV Works Separate State College Program Fund (fund 5467), and the WV Works Separate State Two-Parent Program Fund (fund 5468)

as determined by the secretary of the Department of Health and Human Resources.

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

From the above appropriation for the Grants for Licensed Domestic Violence Programs and Statewide Prevention (fund 0403, appropriation 75000), 50% of the total shall be divided equally and distributed among the fourteen (14) licensed programs and the West Virginia Coalition Against Domestic Violence (WVCADV). The balance remaining in the appropriation for Grants for Licensed Domestic Violence Programs and Statewide Prevention (fund 0403, appropriation 75000), shall be distributed according to the formula established by the Family Protection Services Board.

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

## **DEPARTMENT OF MILITARY AFFAIRS**

### **AND PUBLIC SAFETY**

*62 - Department of Military Affairs and Public Safety –*

*Office of the Secretary*

(WV Code Chapter 5F)

Fund 0430 FY 2019 Org 0601

1	Personal Services and Employee Benefits....00100	\$	732,256
2	Unclassified (R).....09900		18,949
3	Current Expenses .....13000		58,320
4	Repairs and Alterations.....06400		2,500

5	Equipment.....	07000	2,500
6	Fusion Center (R).....	46900	542,430
7	Other Assets.....	69000	2,500
8	Directed Transfer.....	70000	32,000
9	BRIM Premium.....	91300	18,190
10	WV Fire and EMS		
11	Survivor Benefit (R).....	93900	200,000
12	Homeland State Security		
13	Administrative Agency (R).....	95300	<u>318,890</u>
14	Total.....		\$ 1,928,535

Any unexpended balances remaining in the appropriations for Unclassified (fund 0430, appropriation 09900), Fusion Center (fund 0430, appropriation 46900), Justice Reinvestment Training – Surplus (fund 0430, appropriation 69900), WV Fire and EMS Survivor Benefit (fund 0430, appropriation 93900), and Homeland State Security Administrative Agency (fund 0430, appropriation 95300) at the close of the fiscal year 2018 are hereby reappropriated for expenditure during the fiscal year 2019.

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

*63 - Adjutant General –*

*State Militia*

(WV Code Chapter 15)

Fund 0433 FY 2019 Org 0603

1	Unclassified (R).....	09900	\$ 106,798
2	College Education Fund.....	23200	4,000,000

3	Civil Air Patrol.....	23400	249,664
4	Mountaineer ChalleNGe Academy.....	70900	1,500,000
5	Armory Board Transfer.....	70015	2,317,555
6	Military Authority (R).....	74800	6,029,611
7	Drug Enforcement and Support .....	74801	<u>1,500,000</u>
8	Total.....		\$ 15,703,628

Any unexpended balance remaining in the appropriations for Unclassified (fund 0433, appropriation 09900) and Military Authority (fund 0433, appropriation 74800) at the close of the fiscal year 2018 is hereby reappropriated for expenditure during the fiscal year 2019.

From the above appropriations an amount approved by the Adjutant General and the secretary of Military Affairs and Public Safety may be transferred to the State Armory Board for operation and maintenance of National Guard Armories.

The adjutant general shall have the authority to transfer between appropriations.

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

*64 - Adjutant General –*

*Military Fund*

(WV Code Chapter 15)

Fund 0605 FY 2019 Org 0603

1	Personal Services and Employee Benefits ....	00100	\$ 100,000
2	Current Expenses .....	13000	<u>57,775</u>

3	Total.....	\$	157,775
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*65 - West Virginia Parole Board*

(WV Code Chapter 62)

Fund 0440 FY 2019 Org 0605

1	Personal Services and Employee Benefits ....00100	\$	402,254
2	Current Expenses .....	13000	365,234
3	Salaries of Members of		
4	West Virginia Parole Board.....	22700	609,833
5	BRIM Premium.....	91300	<u>6,149</u>
6	Total.....	\$	1,383,470

The above appropriation for Salaries of Members of West Virginia Parole Board (fund 0440, appropriation 22700) includes funding for salary, annual increment (as provided for in W.Va. Code §5-5-1), and related employee benefits of board members.

*66 - Division of Homeland Security and*

*Emergency Management*

(WV Code Chapter 15)

Fund 0443 FY 2019 Org 0606

1	Personal Services and Employee Benefits ....00100	\$	1,268,402
2	Unclassified.....	09900	26,342
3	Current Expenses .....	13000	53,024
4	Repairs and Alterations.....	06400	600
5	Radiological Emergency Preparedness .....	55400	17,052
6	SIRN .....	55401	600,000



7	Federal Funds/Grant Match (R) .....	74900	663,463
8	Mine and Industrial Accident Rapid		
9	Response Call Center.....	78100	461,355
10	Early Warning Flood System (R) .....	87700	475,832
11	BRIM Premium.....	91300	96,529
12	WVU Charleston Poison Control Hotline.....	94400	<u>712,942</u>
13	Total.....		\$ 4,375,541

Any unexpended balances remaining in the appropriations for Federal Funds/Grant Match (fund 0443, appropriation 74900), Early Warning Flood System (fund 0443, appropriation 87700), and Disaster Mitigation (fund 0443, appropriation 95200) at the close of the fiscal year 2018 are hereby reappropriated for expenditure during the fiscal year 2019.

*67 - Division of Corrections –*

*Central Office*

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

Fund 0446 FY 2019 Org 0608

1	Personal Services and Employee Benefits ....	00100	\$ 621,000
2	Current Expenses .....	13000	<u>2,400</u>
3	Total.....		\$ 623,400

*68 - Division of Corrections –*

*Correctional Units*

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

Fund 0450 FY 2019 Org 0608

1	Employee Benefits .....	01000	\$ 1,258,136
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2	Children's Protection Act (R) .....	09000	838,437
3	Unclassified.....	09900	1,578,800
4	Current Expenses (R).....	13000	21,151,011
5	Facilities Planning and Administration (R) ..	38600	1,274,200
6	Charleston Correctional Center .....	45600	3,026,773
7	Beckley Correctional Center.....	49000	2,027,265
8	Anthony Correctional Center.....	50400	5,468,335
9	Huttonsville Correctional Center .....	51400	20,907,772
10	Northern Correctional Center.....	53400	7,205,041
11	Inmate Medical Expenses (R) .....	53500	21,226,064
12	Pruntytown Correctional Center .....	54300	7,630,256
13	Corrections Academy.....	56900	1,666,247
14	Information Technology Services.....	59901	2,259,052
15	Martinsburg Correctional Center .....	66300	3,856,727
16	Parole Services.....	68600	5,361,413
17	Special Services .....	68700	7,100,452
18	Investigative Services .....	71600	3,129,759
19	Capital Outlay and Maintenance (R) .....	75500	2,000,000
20	Salem Correctional Center .....	77400	10,260,770
21	McDowell County Correctional Center .....	79000	2,542,590
22	Stevens Correctional Center.....	79100	7,863,195
23	Parkersburg Correctional Center.....	82800	3,412,708

24	St. Mary's Correctional Center .....	88100	12,939,805
25	Denmar Correctional Center .....	88200	4,666,171
26	Ohio County Correctional Center .....	88300	1,874,033
27	Mt. Olive Correctional Complex .....	88800	20,063,054
28	Lakin Correctional Center.....	89600	9,510,551
29	BRIM Premium.....	91300	<u>2,527,657</u>
30	Total.....		\$194,626,274

Any unexpended balances remaining in the appropriations for Children's Protection Act (fund 0450, appropriation 09000), Unclassified – Surplus (fund 0450, appropriation 09700), Current Expenses (fund 0450, appropriation 13000), Facilities Planning and Administration (fund 0450, appropriation 38600), Inmate Medical Expenses (fund 0450, appropriation 53500), Capital Improvements – Surplus (fund 0450, appropriation 66100), Capital Outlay, Repairs and Equipment – Surplus (fund 0450, appropriation 67700), Capital Outlay and Maintenance (fund 0450, appropriation 75500), and Security System Improvements – Surplus (fund 0450, appropriation 75501) at the close of the fiscal year 2018 are hereby reappropriated for expenditure during the fiscal year 2019.

The Commissioner of Corrections shall have the authority to transfer between appropriations to the individual correctional units above and may transfer funds from the individual correctional units to Current Expenses (fund 0450, appropriation 13000) or Inmate Medical Expenses (fund 0450, appropriation 53500).

From the above appropriation to Unclassified (fund 0450, appropriation 09900), on July 1, 2018, the sum of \$300,000 shall be transferred to the Department of Agriculture – Land Division – Farm Operating Fund (1412) as advance payment for the purchase of food products; actual payments for such purchases shall not be required until such credits have been completely expended.

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

Any realized savings from Energy Savings Contract may be transferred to Facilities Planning and Administration (fund 0450, appropriation 38600).

*69 - West Virginia State Police*

(WV Code Chapter 15)

Fund 0453 FY 2019 Org 0612

1	Personal Services and Employee Benefits ....00100	\$ 58,857,744
2	Children's Protection Act .....09000	972,973
3	Current Expenses .....13000	10,384,394
4	Repairs and Alterations.....06400	450,523
5	Trooper Class .....52100	4,000,000
6	Barracks Lease Payments .....55600	237,898
7	Communications and Other Equipment (R)..55800	570,968
8	Trooper Retirement Fund.....60500	5,584,775
9	Handgun Administration Expense .....74700	72,268
10	Capital Outlay and Maintenance (R) .....75500	250,000
11	Retirement Systems – Unfunded Liability....77500	15,415,000
12	Automated Fingerprint	
13	Identification System .....89800	3,185,756
14	BRIM Premium.....91300	<u>5,743,921</u>
15	Total.....	\$105,726,220

Any unexpended balances remaining in the appropriations for Communications and Other Equipment (fund 0453, appropriation 55800), and Capital Outlay and Maintenance (fund 0453, appropriation 75500) at the close of the fiscal year 2018 are hereby reappropriated for expenditure during the fiscal year 2019.

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

*70 - Fire Commission*

(WV Code Chapter 29)

Fund 0436 FY 2019 Org 0619

1	Current Expenses .....	13000	\$	64,021
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*71 - Division of Justice and Community Services*

(WV Code Chapter 15)

Fund 0546 FY 2019 Org 0620

1	Personal Services and Employee Benefits ....	00100	\$	550,620
2	Current Expenses .....	13000		133,360
3	Repairs and Alterations .....	06400		1,804
4	Child Advocacy Centers (R) .....	45800		1,704,001
5	Community Corrections (R) .....	56100		6,919,589
6	Statistical Analysis Program .....	59700		48,272
7	Sexual Assault Forensic			
8	Examination Commission (R) .....	71400		76,963
9	Qualitative Analysis and Training			
10	for Youth Services (R) .....	76200		332,446

11	Law Enforcement Professional Standards ....83800	157,692
12	BRIM Premium.....91300	<u>2,123</u>
13	Total.....	\$ 9,926,870

Any unexpended balances remaining in the appropriations for Child Advocacy Centers (fund 0546, appropriation 45800), Community Corrections (fund 0546, appropriation 56100), Sexual Assault Forensic Examination Commission (fund 0546, appropriation 71400), and Qualitative Analysis and Training for Youth Services (fund 0546, appropriation 76200) at the close of the fiscal year 2018 are hereby reappropriated for expenditure during the fiscal year 2019.

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

*72 - Division of Juvenile Services*

(WV Code Chapter 49)

Fund 0570 FY 2019 Org 0621

1	Statewide Reporting Centers.....26200	\$ 6,730,137
2	Robert L. Shell Juvenile Center .....26700	2,183,169
3	Resident Medical Expenses (R) .....53501	3,604,999
4	Central Office.....70100	2,496,733
5	Capital Outlay and Maintenance (R) .....75500	250,000
6	Gene Spadaro Juvenile Center .....79300	2,356,207
7	BRIM Premium.....91300	115,967
8	Kenneth Honey Rubenstein	
9	Juvenile Center (R) .....98000	5,325,233

10	Vicki Douglas Juvenile Center .....	98100	2,083,190
11	Northern Regional Juvenile Center.....	98200	2,876,302
12	Lorrie Yeager Jr. Juvenile Center .....	98300	2,118,510
13	Sam Perdue Juvenile Center .....	98400	2,220,766
14	Tiger Morton Center .....	98500	2,322,188
15	Donald R. Kuhn Juvenile Center .....	98600	4,465,381
16	J.M. "Chick" Buckbee Juvenile Center .....	98700	<u>2,227,993</u>
17	Total.....		\$ 41,376,775

Any unexpended balances remaining in the appropriations for Resident Medical Expenses (fund 0570, appropriation 53501), Capital Outlay and Maintenance (fund 0570, appropriation 75500), and Kenneth Honey Rubenstein Juvenile Center (fund 0570, appropriation 98000) at the close of the fiscal year 2018 are hereby reappropriated for expenditure during the fiscal year 2019.

From the above appropriations, on July 1, 2018, the sum of \$50,000 shall be transferred to the Department of Agriculture – Land Division – Farm Operating Fund (1412) as advance payment for the purchase of food products; actual payments for such purchases shall not be required until such credits have been completely expended.

The Director of Juvenile Services shall have the authority to transfer between appropriations to the individual juvenile centers above and may transfer funds from the individual juvenile centers to Resident Medical Expenses (fund 0570, appropriation 53501).

*73 - Division of Protective Services*

(WV Code Chapter 5F)

Fund 0585 FY 2019 Org 0622

1	Personal Services and Employee Benefits....	00100	\$ 2,894,483
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2	Unclassified (R) .....	09900	21,991
3	Current Expenses .....	13000	443,357
4	Repairs and Alterations.....	06400	8,500
5	Equipment (R).....	07000	64,171
6	BRIM Premium.....	91300	<u>12,226</u>
7	Total.....		\$ 3,444,728

Any unexpended balances remaining in the appropriations for Equipment (fund 0585, appropriation 07000), and Unclassified (fund 0585, appropriation 09900) at the close of the fiscal year 2018 are hereby reappropriated for expenditure during the fiscal year 2019.

**DEPARTMENT OF REVENUE**

*74 - Office of the Secretary*

(WV Code Chapter 11)

Fund 0465 FY 2019 Org 0701

1	Personal Services and Employee Benefits ....	00100	\$ 502,846
2	Unclassified.....	09900	5,837
3	Current Expenses .....	13000	81,594
4	Repairs and Alterations.....	06400	1,262
5	Equipment.....	07000	8,000
6	Other Assets.....	69000	<u>500</u>
7	Total.....		\$ 600,039

Any unexpended balance remaining in the appropriation for Unclassified – Total (fund 0465, appropriation 09600) at the close



of the fiscal year 2018 is hereby reappropriated for expenditure during the fiscal year 2019.

*75 - Tax Division*

(WV Code Chapter 11)

Fund 0470 FY 2019 Org 0702

1	Personal Services and		
2	Employee Benefits (R) .....	00100	\$ 18,211,688
3	Unclassified (R) .....	09900	224,578
4	Current Expenses (R) .....	13000	5,770,589
5	Repairs and Alterations .....	06400	10,000
6	Equipment .....	07000	50,000
7	Tax Technology Upgrade .....	09400	3,700,000
8	Integrated Tax Assessment System .....	29200	5,000,000
9	Multi State Tax Commission .....	65300	77,958
10	Other Assets .....	69000	10,000
11	BRIM Premium .....	91300	<u>15,579</u>
12	Total .....		\$ 33,070,392

Any unexpended balances remaining in the appropriations for Personal Services and Employee Benefits (fund 0470, appropriation 00100), Unclassified (fund 0470, appropriation 09900), and Current Expenses (fund 0470, appropriation 13000) at the close of the fiscal year 2018 are hereby reappropriated for expenditure during the fiscal year 2019.

*76 - State Budget Office*

(WV Code Chapter 11B)

Fund 0595 FY 2019 Org 0703

1	Personal Services and Employee Benefits ....00100	\$	672,446
2	Unclassified (R) .....	09900	<u>1,199</u>
3	Total .....	\$	673,645

Any unexpended balance remaining in the appropriation for Unclassified (fund 0595, appropriation 09900) at the close of the fiscal year 2018 is hereby reappropriated for expenditure during the fiscal year 2019.

*77 - West Virginia Office of Tax Appeals*

(WV Code Chapter 11)

Fund 0593 FY 2019 Org 0709

1	Personal Services and Employee Benefits ....00100	\$	438,046
2	Current Expenses (R) .....	13000	93,022
3	Unclassified .....	09900	5,255
4	BRIM Premium .....	91300	<u>3,062</u>
5	Total .....	\$	539,385

Any unexpended balance remaining in the appropriation for Current Expenses (fund 0593, appropriation 13000) at the close of the fiscal year 2018 is hereby reappropriated for expenditure during the fiscal year 2019.

*78 - Division of Professional and Occupational Licenses –**State Athletic Commission*

(WV Code Chapter 29)

Fund 0523 FY 2019 Org 0933

1	Personal Services and Employee Benefits ....00100	\$	7,200
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2	Current Expenses .....	13000	<u>29,611</u>
3	Total.....	\$	36,811

**DEPARTMENT OF TRANSPORTATION**

*79 - State Rail Authority*

(WV Code Chapter 29)

Fund 0506 FY 2019 Org 0804

1	Personal Services and Employee Benefits ....	00100	\$ 319,933
2	Current Expenses .....	13000	287,707
3	Other Assets (R).....	69000	1,303,277
4	BRIM Premium.....	91300	<u>201,541</u>
5	Total.....	\$	2,112,458

Any unexpended balance remaining in the appropriation Other Assets (fund 0506, appropriation 69000) at the close of the fiscal year 2018 is hereby reappropriated for expenditure during the fiscal year 2019.

*80 - Division of Public Transit*

(WV Code Chapter 17)

Fund 0510 FY 2019 Org 0805

1	Equipment (R).....	07000	\$ 384,710
2	Current Expenses (R).....	13000	<u>1,878,279</u>
3	Total.....	\$	2,262,989

Any unexpended balances remaining in the appropriations for Equipment (fund 0510, appropriation 07000), Current Expenses (fund 0510, appropriation 13000), Buildings (fund 0510, appropriation 25800), and Other Assets (fund 0510, appropriation

69000) at the close of the fiscal year 2018 are hereby reappropriated for expenditure during the fiscal year 2019.

*81 - Public Port Authority*

(WV Code Chapter 17)

Fund 0581 FY 2019 Org 0806

1	Personal Services and Employee Benefits ....00100	\$	200,000
2	Current Expenses .....	13000	<u>300,000</u>
3	Total.....	\$	500,000

*82 - Aeronautics Commission*

(WV Code Chapter 29)

Fund 0582 FY 2019 Org 0807

1	Personal Services and Employee Benefits ....00100	\$	170,304
2	Current Expenses (R).....	13000	591,839
3	Repairs and Alterations.....	06400	100
4	BRIM Premium.....	91300	<u>4,438</u>
5	Total.....	\$	766,681

Any unexpended balances remaining in the appropriations for Unclassified (fund 0582, appropriation 09900) and Current Expenses (fund 0582, appropriation 13000) at the close of the fiscal year 2018 are hereby reappropriated for expenditure during the fiscal year 2019.

**DEPARTMENT OF VETERANS' ASSISTANCE**

*83 - Department of Veterans' Assistance*

(WV Code Chapter 9A)

Fund 0456 FY 2019 Org 0613

1	Personal Services and Employee Benefits....00100	\$ 1,887,475
2	Unclassified.....09900	20,000
3	Current Expenses .....13000	140,161
4	Repairs and Alterations.....06400	5,000
5	Veterans' Field Offices .....22800	248,345
6	Veterans' Nursing Home (R) .....28600	5,770,950
7	Veterans' Toll Free Assistance Line .....32800	2,015
8	Veterans' Reeducation Assistance (R).....32900	29,502
9	Veterans' Grant Program (R).....34200	30,741
10	Veterans' Grave Markers .....47300	10,254
11	Veterans' Transportation .....48500	625,000
12	Veterans Outreach Programs .....61700	162,107
13	Memorial Day Patriotic Exercise.....69700	20,000
14	Veterans Cemetery.....80800	382,085
15	BRIM Premium.....91300	<u>25,530</u>
16	Total.....	\$ 9,359,165

Any unexpended balances remaining in the appropriations for Veterans' Nursing Home (fund 0456, appropriation 28600), Veterans' Reeducation Assistance (fund 0456, appropriation 32900), Veterans' Grant Program (fund 0456, appropriation 34200), Veterans' Bonus – Surplus (fund 0456, appropriation 34400), and Educational Opportunities for Children of Deceased Veterans (fund 0456, appropriation 85400) at the close of the fiscal year 2018 are hereby reappropriated for expenditure during the fiscal year 2019.

*84 - Department of Veterans' Assistance –*

*Veterans' Home*

(WV Code Chapter 9A)

Fund 0460 FY 2019 Org 0618

1	Personal Services and Employee Benefits ....00100	\$	1,148,764
2	Current Expenses .....	13000	<u>46,759</u>
3	Total.....	\$	1,195,523

**BUREAU OF SENIOR SERVICES**

*85 - Bureau of Senior Services*

(WV Code Chapter 29)

Fund 0420 FY 2019 Org 0508

1	Transfer to Division of Human Services		
2	for Health Care		
3	and Title XIX Waiver		
4	for Senior Citizens .....	53900	\$ 29,950,955

The above appropriation for Transfer to Division of Human Services for Health Care and Title XIX Waiver for Senior Citizens (fund 0420, appropriation 53900) along with the federal moneys generated thereby shall be used for reimbursement for services provided under the program.

The above appropriation is in addition to funding provided in fund 5405 for this program.

**WEST VIRGINIA COUNCIL FOR COMMUNITY  
AND TECHNICAL COLLEGE EDUCATION**

*86 - West Virginia Council for*

*Community and Technical College Education –*

*Control Account*

(WV Code Chapter 18B)

Fund 0596 FY 2019 Org 0420

1	West Virginia Council for Community		
2	and Technical Education (R) .....	39200	\$ 730,800
3	Transit Training Partnership .....	78300	34,293
4	Community College		
5	Workforce Development (R) .....	87800	2,784,901
6	College Transition Program .....	88700	278,222
7	West Virginia Advance		
8	Workforce Development (R) .....	89300	3,118,172
9	Technical Program Development (R) .....	89400	<u>1,800,735</u>
10	Total .....		\$ 8,747,123

Any unexpended balances remaining in the appropriations for West Virginia Council for Community and Technical Education (fund 0596, appropriation 39200), Capital Improvements – Surplus (fund 0596, appropriation 66100), Community College Workforce Development (fund 0596, appropriation 87800), West Virginia Advance Workforce Development (fund 0596, appropriation 89300), and Technical Program Development (fund 0596, appropriation 89400) at the close of the fiscal year 2018 are hereby reappropriated for expenditure during the fiscal year 2019.

From the above appropriation for the Community College Workforce Development (fund 0596, appropriation 87800), \$200,000 shall be expended on the Mine Training Program in Southern West Virginia.

Included in the above appropriation for West Virginia Advance Workforce Development (fund 0596, appropriation 89300) is \$200,000 to be used exclusively for advanced manufacturing and energy industry specific training programs.

*87 - Mountwest Community and Technical College*

(WV Code Chapter 18B)

Fund 0599 FY 2019 Org 0444

- 1 Mountwest Community
- 2 and Technical College .....48700 \$ 5,505,121

*88 - New River Community and Technical College*

(WV Code Chapter 18B)

Fund 0600 FY 2019 Org 0445

- 1 New River Community
- 2 and Technical College .....35800 \$ 5,452,807

*89 - Pierpont Community and Technical College*

(WV Code Chapter 18B)

Fund 0597 FY 2019 Org 0446

- 1 Pierpont Community
- 2 and Technical College .....93000 \$ 7,244,243

*90 - Blue Ridge Community and Technical College*

(WV Code Chapter 18B)

Fund 0601 FY 2019 Org 0447

- 1 Blue Ridge Community
- 2 and Technical College .....88500 \$ 5,099,246

*91 - West Virginia University at Parkersburg*

(WV Code Chapter 18B)

Fund 0351 FY 2019 Org 0464

- 1 West Virginia University – Parkersburg.....47100 \$ 9,495,037



*92 - Southern West Virginia Community and Technical College*

(WV Code Chapter 18B)

Fund 0380 FY 2019 Org 0487

- 1 Southern West Virginia Community
- 2 and Technical College .....44600 \$ 7,944,214

*93 - West Virginia Northern Community and Technical College*

(WV Code Chapter 18B)

Fund 0383 FY 2019 Org 0489

- 1 West Virginia Northern Community
- 2 and Technical College .....44700 \$ 6,833,499

*94 - Eastern West Virginia Community and Technical College*

(WV Code Chapter 18B)

Fund 0587 FY 2019 Org 0492

- 1 Eastern West Virginia Community
- 2 and Technical College .....41200 \$ 1,812,537

*95 - BridgeValley Community and Technical College*

(WV Code Chapter 18B)

Fund 0618 FY 2019 Org 0493

- 1 BridgeValley Community
- 2 and Technical College .....71700 \$ 7,420,648

**HIGHER EDUCATION POLICY COMMISSION**

*96 - Higher Education Policy Commission –*

*Administration –*

*Control Account*

## (WV Code Chapter 18B)

Fund 0589 FY 2019 Org 0441

1	Personal Services and Employee Benefits ....00100	\$ 2,646,406
2	Current Expenses .....13000	1,114,959
3	Higher Education Grant Program .....16400	40,619,864
4	Tuition Contract Program (R).....16500	1,224,839
5	Underwood-Smith Scholarship	
6	Program-Student Awards.....16700	328,349
7	Facilities Planning and Administration.....38600	1,760,254
8	Higher Education System Initiatives.....48801	1,630,000
9	PROMISE Scholarship – Transfer.....80000	18,500,000
10	HEAPS Grant Program (R).....86700	5,011,298
11	BRIM Premium.....91300	<u>17,817</u>
12	Total.....	\$ 72,853,786

Any unexpended balances remaining in the appropriations for Unclassified – Surplus (fund 0589, appropriation 09700), Tuition Contract Program (fund 0589, appropriation 16500), Capital Improvements – Surplus (fund 0589, appropriation 66100), Capital Outlay and Maintenance (fund 0589, appropriation 75500), and HEAPS Grant Program (fund 0589, appropriation 86700) at the close of the fiscal year 2018 are hereby reappropriated for expenditure during the fiscal year 2019.

The above appropriation for Facilities Planning and Administration (fund 0589, appropriation 38600) is for operational expenses of the West Virginia Education, Research and Technology Park between construction and full occupancy.

The above appropriation for Higher Education Grant Program (fund 0589, appropriation 16400) shall be transferred to the Higher

Education Grant Fund (fund 4933, org 0441) established by W.Va. Code §18C-5-3.

The above appropriation for Underwood-Smith Scholarship Program-Student Awards (fund 0589, appropriation 16700) shall be transferred to the Underwood-Smith Teacher Scholarship and Loan Assistance Fund (fund 4922, org 0441) established by W.Va. Code §18C-4-1.

The above appropriation for PROMISE Scholarship – Transfer (fund 0589, appropriation 80000) shall be transferred to the PROMISE Scholarship Fund (fund 4296, org 0441) established by W.Va. Code §18C-7-7.

*97 - Higher Education Policy Commission –*

*Administration -*

*West Virginia Network for Educational Telecomputing (WVNET)*

(WV Code Chapter 18B9)

Fund 0551 FY 2019 Org 0495

1	WVNET .....	16900	\$	1,681,744
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*98 - West Virginia University –*

*School of Medicine*

*Medical School Fund*

(WV Code Chapter 18B)

Fund 0343 FY 2019 Org 0463

1	WVU School of Health Science –			
2	Eastern Division.....	05600	\$	2,158,359
3	WVU – School of Health Sciences .....	17400		16,778,145
4	WVU – School of Health Sciences –			
5	Charleston Division .....	17500		2,218,598

6	Rural Health Outreach Programs .....	37700	162,520
7	West Virginia University School of Medicine		
8	BRIM Subsidy .....	46000	<u>1,203,087</u>
9	Total.....		\$ 22,520,709

The above appropriation for Rural Health Outreach Programs (fund 0343, appropriation 37700) includes rural health activities and programs; rural residency development and education; and rural outreach activities.

The above appropriation for West Virginia University School of Medicine BRIM Subsidy (fund 0343, appropriation 46000) shall be paid to the Board of Risk and Insurance Management as a general revenue subsidy against the “Total Premium Billed” to the institution as part of the full cost of their malpractice insurance coverage.

*99 - West Virginia University –*

*General Administrative Fund*

(WV Code Chapter 18B)

Fund 0344 FY 2019 Org 0463

1	West Virginia University .....	45900	\$ 93,559,659
2	Jackson’s Mill .....	46100	480,879
3	West Virginia University		
4	Institute of Technology .....	47900	7,717,964
5	State Priorities – Brownfield		
6	Professional Development .....	53100	316,556
7	West Virginia University – Potomac State ...	99400	<u>3,834,937</u>
8	Total.....		\$105,909,995

From the above appropriation for Jackson's Mill (fund 0344, appropriation 46100) \$250,000 shall be used for the West Virginia State Fire Training Academy.

*100 - Marshall University –*

*School of Medicine*

(WV Code Chapter 18B)

Fund 0347 FY 2019 Org 0471

1	Marshall Medical School .....	17300	\$ 11,774,743
2	Rural Health Outreach Programs (R).....	37700	156,022
3	Forensic Lab.....	37701	226,009
4	Center for Rural Health.....	37702	153,075
5	Marshall University Medical School		
6	BRIM Subsidy .....	44900	<u>872,612</u>
7	Total.....		\$ 13,182,461

Any unexpended balance remaining in the appropriation for Rural Health Outreach Program (fund 0347, appropriation 37700) at the close of the fiscal year 2018 is hereby reappropriated for expenditure during the fiscal year 2019.

The above appropriation for Rural Health Outreach Programs (fund 0347, appropriation 37700) includes rural health activities and programs; rural residency development and education; and rural outreach activities.

The above appropriation for Marshall University Medical School BRIM Subsidy (fund 0347, appropriation 44900) shall be paid to the Board of Risk and Insurance Management as a general revenue subsidy against the "Total Premium Billed" to the institution as part of the full cost of their malpractice insurance coverage.

*101 - Marshall University –**General Administration Fund*

(WV Code Chapter 18B)

Fund 0348 FY 2019 Org 0471

1	Marshall University .....	44800	\$ 44,273,845
2	Luke Lee Listening		
3	Language and Learning Lab .....	44801	96,203
4	Vista E-Learning (R).....	51900	229,019
5	State Priorities – Brownfield		
6	Professional Development (R).....	53100	309,606
7	Marshall University Graduate		
8	College Writing Project (R).....	80700	25,412
9	WV Autism Training Center (R) .....	93200	<u>1,742,215</u>
10	Total.....		\$ 46,676,300

Any unexpended balances remaining in the appropriations for Vista E-Learning (fund 0348, appropriation 51900), State Priorities – Brownfield Professional Development (fund 0348, appropriation 53100), Marshall University Graduate College Writing Project (fund 0348, appropriation 80700), and WV Autism Training Center (fund 0348, appropriation 93200) at the close of the fiscal year 2018 are hereby reappropriated for expenditure during the fiscal year 2019.

*102 - West Virginia School of Osteopathic Medicine*

(WV Code Chapter 18B)

Fund 0336 FY 2019 Org 0476

1	West Virginia School		
2	of Osteopathic Medicine.....	17200	\$ 6,683,018

3	Rural Health Outreach Programs (R).....	37700	163,299
4	West Virginia School of Osteopathic Medicine		
5	BRIM Subsidy .....	40300	153,405
6	Rural Health Initiative –		
7	Medical Schools Support.....	58100	<u>391,968</u>
8	Total.....		\$ 7,391,690

Any unexpended balance remaining in the appropriation for Rural Health Outreach Programs (fund 0336, appropriation 37700) at the close of fiscal year 2018 is hereby reappropriated for expenditure during the fiscal year 2019.

The above appropriation for Rural Health Outreach Programs (fund 0336, appropriation 37700) includes rural health activities and programs; rural residency development and education; and rural outreach activities.

The above appropriation for West Virginia School of Osteopathic Medicine BRIM Subsidy (fund 0336, appropriation 40300) shall be paid to the Board of Risk and Insurance Management as a general revenue subsidy against the “Total Premium Billed” to the institution as part of the full cost of their malpractice insurance coverage.

*103 - Bluefield State College*

(WV Code Chapter 18B)

Fund 0354 FY 2019 Org 0482

1	Bluefield State College .....	40800	\$ 5,600,993
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*104 - Concord University*

(WV Code Chapter 18B)

Fund 0357 FY 2019 Org 0483

1	Concord University .....	41000	\$ 8,552,843
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*105 - Fairmont State University*

(WV Code Chapter 18B)

Fund 0360 FY 2019 Org 0484

1 Fairmont State University .....41400 \$ 15,111,777

*106 - Glenville State College*

(WV Code Chapter 18B)

Fund 0363 FY 2019 Org 0485

1 Glenville State College .....42800 \$ 5,885,700

*107 - Shepherd University*

(WV Code Chapter 18B)

Fund 0366 FY 2019 Org 0486

1 Shepherd University.....43200 \$ 9,671,542

*108 - West Liberty University*

(WV Code Chapter 18B)

Fund 0370 FY 2019 Org 0488

1 West Liberty University.....43900 \$ 7,823,727

*109 - West Virginia State University*

(WV Code Chapter 18B)

Fund 0373 FY 2019 Org 0490

1 West Virginia State University .....44100 \$ 9,861,240

2 West Virginia State University

3 Land Grant Match.....95600 1,586,340

4 Total..... \$ 11,447,580



5 Total TITLE II, Section 1 – General Revenue

6 (Including claims against the state)..... \$4,381,808,884

**Sec. 2. Appropriations from state road fund.** — From the state road fund there are hereby appropriated conditionally upon the fulfillment of the provisions set forth in Article 2, Chapter 11B of the Code the following amounts, as itemized, for expenditure during the fiscal year 2019.

**DEPARTMENT OF TRANSPORTATION**

*110 - Division of Motor Vehicles*

(WV Code Chapters 17, 17A, 17B, 17C, 17D, 20 and 24A)

Fund 9007 FY 2019 Org 0802

	<b>Appropriation</b>	<b>State Road Fund</b>
1 Personal Services and Employee Benefits ....00100	\$ 23,378,949	
2 Current Expenses .....13000	16,181,042	
3 Repairs and Alterations.....06400	144,000	
4 Equipment.....07000	1,080,000	
5 Buildings.....25800	10,000	
6 Other Assets.....69000	2,600,000	
7 BRIM Premium.....91300	<u>84,738</u>	
8 Total.....	\$ 43,478,729	

*111 - Division of Highways*

(WV Code Chapters 17 and 17C)

Fund 9017 FY 2019 Org 0803

1	Debt Service.....	04000	\$ 89,000,000
2	Maintenance.....	23700	386,386,000
3	Nonfederal Improvements .....	23701	156,500,000
4	Inventory Revolving .....	27500	4,000,000
5	Equipment Revolving .....	27600	22,500,000
6	General Operations .....	27700	68,295,000
7	Interstate Construction.....	27800	95,000,000
8	Other Federal Aid Programs .....	27900	370,000,000
9	Appalachian Programs .....	28000	110,000,000
10	Highway Litter Control.....	28200	1,719,000
11	Courtesy Patrol.....	28201	<u>5,000,000</u>
12	Total.....		\$1,308,400,000

The above appropriations are to be expended in accordance with the provisions of Chapters 17 and 17C of the code.

The Commissioner of Highways shall have the authority to operate revolving funds within the State Road Fund for the operation and purchase of various types of equipment used directly and indirectly in the construction and maintenance of roads and for the purchase of inventories and materials and supplies.

There is hereby appropriated in addition to the above appropriations, sufficient money for the payment of claims, accrued or arising during this budgetary period, to be paid in accordance with Sections 17 and 18, Article 2, Chapter 14 of the code.

It is the intent of the Legislature to capture and match all federal funds available for expenditure on the Appalachian highway system at the earliest possible time. Therefore, should amounts in excess of those appropriated be required for the purposes of

Appalachian programs, funds in excess of the amount appropriated may be made available upon recommendation of the commissioner and approval of the Governor. Further, for the purpose of Appalachian programs, funds appropriated by appropriation may be transferred to other appropriations upon recommendation of the commissioner and approval of the Governor.

*112 - Office of Administrative Hearings*

(WV Code Chapter 17C)

Fund 9027 FY 2019 Org 0808

1	Personal Services and Employee Benefits ....00100	\$ 1,585,201
2	Current Expenses .....13000	338,278
3	Repairs and Alterations.....06400	3,000
4	Equipment.....07000	15,500
5	BRIM Premium.....91300	<u>10,000</u>
6	Total.....	\$ 1,951,979
7	Total TITLE II, Section 2 – State Road Fund	
8	(Including claims against the state).....	<u>\$1,354,239,538</u>

**Sec. 3. Appropriations from other funds.** — From the funds designated there are hereby appropriated conditionally upon the fulfillment of the provisions set forth in Article 2, Chapter 11B of the Code the following amounts, as itemized, for expenditure during the fiscal year 2019.

**LEGISLATIVE**

*113 - Crime Victims Compensation Fund*

(WV Code Chapter 14)

Fund 1731 FY 2019 Org 2300

	<b>Appropriation</b>	<b>Other Funds</b>
1 Personal Services and Employee Benefits ....00100	\$ 498,020	
2 Current Expenses .....	13000	133,903
3 Repairs and Alterations.....06400		1,000
4 Economic Loss Claim Payment Fund.....33400		2,360,125
5 Other Assets.....69000		<u>3,700</u>
6 Total.....	\$ 2,996,748	

**JUDICIAL**

*114 - Supreme Court –*

*Family Court Fund*

(WV Code Chapter 51)

Fund 1763 FY 2019 Org 2400

1 Current Expenses .....	13000	\$ 1,600,000
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*115 - Supreme Court –*

*Court Advanced Technology Subscription Fund*

(WV Code Chapter 51)

Fund 1704 FY 2019 Org 2400

1 Current Expenses .....	13000	\$ 500,000
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*116 - Supreme Court –*

*Adult Drug Court Participation Fund*

(WV Code Chapter 62)

Fund 1705 FY 2019 Org 2400

1	Current Expenses .....	13000	\$	300,000
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**EXECUTIVE***117 - Governor's Office –**Minority Affairs Fund**(WV Code Chapter 5)*Fund 1058 FY 2019 Org 0100

1	Personal Services and Employee Benefits ....	00100	\$	172,800
2	Current Expenses .....	13000		503,200
3	Martin Luther King, Jr. Holiday Celebration	03100		<u>8,926</u>
4	Total .....		\$	684,926

*118 - Auditor's Office –**Land Operating Fund**(WV Code Chapters 11A, 12 and 36)*Fund 1206 FY 2019 Org 1200

1	Personal Services and Employee Benefits ....	00100	\$	749,297
2	Unclassified.....	09900		15,139
3	Current Expenses .....	13000		715,291
4	Repairs and Alterations.....	06400		2,600
5	Equipment .....	07000		426,741
6	Cost of Delinquent Land Sales.....	76800		<u>1,341,168</u>
7	Total .....		\$	3,250,236

There is hereby appropriated from this fund, in addition to the above appropriations if needed, the necessary amount for the

expenditure of funds other than Personal Services and Employee Benefits to enable the division to pay the direct expenses relating to land sales as provided in Chapter 11A of the West Virginia Code.

The total amount of these appropriations shall be paid from the special revenue fund out of fees and collections as provided by law.

*119 - Auditor's Office –*

*Local Government Purchasing Card Expenditure Fund*

(WV Code Chapter 6)

Fund 1224 FY 2019 Org 1200

1	Personal Services and Employee Benefits ....00100	\$	588,283
2	Current Expenses .....13000		282,030
3	Repairs and Alterations.....06400		6,000
4	Equipment.....07000		10,805
5	Other Assets.....69000		50,000
6	Statutory Revenue Distribution.....74100		<u>2,350,000</u>
7	Total.....	\$	3,287,118

There is hereby appropriated from this fund, in addition to the above appropriations if needed, the amount necessary to meet the transfer of revenue distribution requirements to provide a proportionate share of rebates back to the general fund of local governments based on utilization of the program in accordance with W.Va. Code §6-9-2b.

*120 - Auditor's Office –*

*Securities Regulation Fund*

(WV Code Chapter 32)

Fund 1225 FY 2019 Org 1200

1	Personal Services and Employee Benefits ....00100	\$ 2,375,836
2	Unclassified.....09900	31,866
3	Current Expenses .....13000	1,463,830
4	Repairs and Alterations.....06400	12,400
5	Equipment.....07000	394,700
6	Other Assets.....69000	<u>900,000</u>
7	Total.....	\$ 5,178,632

*121 - Auditor's Office – Technology Support and Acquisition Fund*

(WV Code Chapter 12)

Fund 1233 FY 2019 Org 1200

1	Current Expenses .....13000	\$ 10,000
2	Other Assets.....69000	<u>5,000</u>
3	Total.....	\$ 15,000

Fifty percent of the deposits made into this fund shall be transferred to the Treasurer's Office – Technology Support and Acquisition Fund (fund 1329, org 1300) for expenditure for the purposes described in W.Va. Code §12-3-10c.

*122 - Auditor's Office –*

*Purchasing Card Administration Fund*

(WV Code Chapter 12)

Fund 1234 FY 2019 Org 1200

1	Personal Services and Employee Benefits ....00100	\$ 2,667,397
2	Current Expenses .....13000	2,303,622

3	Repairs and Alterations.....06400	5,500
4	Equipment.....07000	650,000
5	Other Assets.....69000	308,886
6	Statutory Revenue Distribution.....74100	<u>8,000,000</u>
7	Total.....	\$ 13,935,405

There is hereby appropriated from this fund, in addition to the above appropriations if needed, the amount necessary to meet the transfer and revenue distribution requirements to the Purchasing Improvement Fund (fund 2264), the Hatfield-McCoy Regional Recreation Authority, and the State Park Operating Fund (fund 3265) per W.Va. Code §12-3-10d.

*123 - Auditor's Office –*

*Chief Inspector's Fund*

(WV Code Chapter 6)

Fund 1235 FY 2019 Org 1200

1	Personal Services and Employee Benefits ....00100	\$ 3,405,512
2	Current Expenses .....13000	765,915
3	Equipment.....07000	<u>50,000</u>
4	Total.....	\$ 4,221,427

*124 - Auditor's Office –*

*Volunteer Fire Department Workers'*

*Compensation Premium Subsidy Fund*

(WV Code Chapters 12 and 33)

Fund 1239 FY 2019 Org 1200



1	Volunteer Fire Department		
2	Workers' Compensation Subsidy .....	83200	\$ 2,500,000

*125 - Treasurer's Office*

*College Prepaid Tuition and Savings Program*

*Administrative Account*

(WV Code Chapter 18)

Fund 1301 FY 2019 Org 1300

1	Personal Services and Employee Benefits ....	00100	\$ 774,769
2	Unclassified.....	09900	14,000
3	Current Expenses .....	13000	<u>619,862</u>
4	Total.....		\$ 1,408,631

*126 - Department of Agriculture –*

*Agriculture Fees Fund*

(WV Code Chapter 19)

Fund 1401 FY 2019 Org 1400

1	Personal Services and Employee Benefits ....	00100	\$ 2,244,245
2	Unclassified.....	09900	37,425
3	Current Expenses .....	13000	1,856,184
4	Repairs and Alterations.....	06400	158,500
5	Equipment.....	07000	436,209
6	Other Assets.....	69000	<u>10,000</u>
7	Total.....		\$ 4,742,563

*127 - Department of Agriculture –  
West Virginia Rural Rehabilitation Program*

(WV Code Chapter 19)

Fund 1408 FY 2019 Org 1400

1	Personal Services and Employee Benefits ....00100	\$	73,807
2	Unclassified.....09900		10,476
3	Current Expenses .....13000		<u>963,404</u>
4	Total.....	\$	1,047,687

*128 - Department of Agriculture –*

*General John McCausland Memorial Farm Fund*

(WV Code Chapter 19)

Fund 1409 FY 2019 Org 1400

1	Personal Services and Employee Benefits ....00100	\$	67,000
2	Unclassified.....09900		2,100
3	Current Expenses .....13000		89,500
4	Repairs and Alterations.....06400		36,400
5	Equipment.....07000		<u>15,000</u>
6	Total.....	\$	210,000

The above appropriations shall be expended in accordance with Article 26, Chapter 19 of the Code.

*129 - Department of Agriculture –*

*Farm Operating Fund*

(WV Code Chapter 19)

Fund 1412 FY 2019 Org 1400

1	Personal Services and Employee Benefits ....00100	\$	809,248
2	Unclassified.....09900		15,173
3	Current Expenses .....13000		1,367,464
4	Repairs and Alterations.....06400		388,722
5	Equipment.....07000		399,393
6	Other Assets.....69000		<u>20,000</u>
7	Total.....	\$	3,000,000

*130 - Department of Agriculture –*

*Donated Food Fund*

(WV Code Chapter 19)

Fund 1446 FY 2019 Org 1400

1	Personal Services and Employee Benefits ....00100	\$	958,864
2	Unclassified.....09900		45,807
3	Current Expenses .....13000		3,410,542
4	Repairs and Alterations.....06400		128,500
5	Equipment.....07000		10,000
6	Other Assets.....69000		<u>27,000</u>
7	Total.....	\$	4,580,713

*131 - Department of Agriculture –*

*Integrated Predation Management Fund*

(WV Code Chapter 7)

Fund 1465 FY 2019 Org 1400

1	Current Expenses .....	13000	\$	100,000
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*132 - Department of Agriculture –**West Virginia Spay Neuter Assistance Fund*

(WV Code Chapter 19)

Fund 1481 FY 2019 Org 1400

1	Current Expenses .....	13000	\$	500,000
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*133 - Department of Agriculture –**Veterans and Warriors to Agriculture Fund*

(WV Code Chapter 19)

Fund 1483 FY 2019 Org 1400

1	Current Expenses .....	13000	\$	7,500
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*134 - Department of Agriculture –**State FFA-FHA Camp and Conference Center*

(WV Code Chapters 18 and 18A)

Fund 1484 FY 2019 Org 1400

1	Personal Services and Employee Benefits ....	00100	\$	1,169,194
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2	Unclassified.....	09900		17,000
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3	Current Expenses .....	13000		1,143,306
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4	Repairs and Alterations.....	06400		82,500
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5	Equipment.....	07000		76,000
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6	Buildings.....	25800		1,000
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7	Other Assets .....	69000	10,000
8	Land .....	73000	<u>1,000</u>
9	Total .....	\$ 2,500,000	

*135 - Attorney General –*

*Antitrust Enforcement Fund*

(WV Code Chapter 47)

Fund 1507 FY 2019 Org 1500

1	Personal Services and Employee Benefits ....00100	\$ 356,900
2	Current Expenses .....	13000 148,803
3	Repairs and Alterations.....06400	1,000
4	Equipment.....07000	<u>1,000</u>
5	Total.....	\$ 507,703

*136 - Attorney General –*

*Preneed Burial Contract Regulation Fund*

(WV Code Chapter 47)

Fund 1513 FY 2019 Org 1500

1	Personal Services and Employee Benefits ....00100	\$ 210,226
2	Current Expenses .....	13000 54,615
3	Repairs and Alterations.....06400	1,000
4	Equipment.....07000	<u>1,000</u>
5	Total.....	\$ 266,841

*137 - Attorney General –**Preneed Funeral Guarantee Fund*

(WV Code Chapter 47)

Fund 1514 FY 2019 Org 1500

1	Current Expenses .....	13000	\$	901,135
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*138 - Secretary of State –**Service Fees and Collection Account*

(WV Code Chapters 3, 5, and 59)

Fund 1612 FY 2019 Org 1600

1	Personal Services and Employee Benefits ....	00100	\$	991,051
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2	Unclassified.....	09900		4,524
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3	Current Expenses .....	13000		<u>8,036</u>
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4	Total.....		\$	1,003,611
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*139 - Secretary of State –**General Administrative Fees Account*

(WV Code Chapters 3, 5, and 59)

Fund 1617 FY 2019 Org 1600

1	Personal Services and Employee Benefits ....	00100	\$	2,769,898
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2	Unclassified.....	09900		25,529
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3	Current Expenses .....	13000		796,716
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4	Technology Improvements .....	59900		<u>750,000</u>
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5	Total.....		\$	4,342,143
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**DEPARTMENT OF ADMINISTRATION**

*140 - Department of Administration –*

*Office of the Secretary –*

*Tobacco Settlement Fund*

(WV Code Chapter 4)

Fund 2041 FY 2019 Org 0201

1	Tobacco Settlement Securitization		
2	Trustee Pass Thru .....	65000	\$ 80,000,000

*141 - Department of Administration –*

*Office of the Secretary –*

*Employee Pension and Health Care Benefit Fund*

(WV Code Chapter 18)

Fund 2044 FY 2019 Org 0201

1	Current Expenses .....		
2	13000		
3	\$ 35,000,000		

The above appropriation for Current Expenses (fund 2044, appropriation 13000) shall be transferred to the Consolidated Public Retirement Board – Teachers’ Accumulation Fund (fund 2600).

*142 - Department of Administration –*

*Division of Finance –*

*Shared Services Section Fund*

(WV Code Chapter 5A)

Fund \_\_\_\_ FY 2019 Org 0209

1	Personal Services and Employee Benefits ....00100	\$ 1,500,000
2	Current Expenses .....	13000 <u>500,000</u>
3	Total.....	\$ 2,000,000

*143 - Division of Information Services and Communications*

(WV Code Chapter 5A)

Fund 2220 FY 2019 Org 0210

1	Personal Services and Employee Benefits ....00100	\$ 21,378,322
2	Unclassified.....	09900     382,354
3	Current Expenses .....	13000     13,378,766
4	Repairs and Alterations.....	06400     1,000
5	Equipment.....	07000     2,050,000
6	Other Assets.....	69000 <u>1,045,000</u>
7	Total.....	\$ 38,235,442

The total amount of these appropriations shall be paid from a special revenue fund out of collections made by the Division of Information Services and Communications as provided by law.

Each spending unit operating from the General Revenue Fund, from special revenue funds or receiving reimbursement for postage from the federal government shall be charged monthly for all postage meter service and shall reimburse the revolving fund monthly for all such amounts.

*144 - Division of Purchasing –*

*Vendor Fee Fund*

(WV Code Chapter 5A)

Fund 2263 FY 2019 Org 0213



1	Personal Services and Employee Benefits ....00100	\$	655,208
2	Unclassified.....09900		2,382
3	Current Expenses .....13000		238,115
4	Repairs and Alterations.....06400		5,000
5	Equipment.....07000		2,500
6	Other Assets.....69000		2,500
7	BRIM Premium.....91300		<u>810</u>
8	Total.....	\$	906,515

*145 - Division of Purchasing –  
Purchasing Improvement Fund  
(WV Code Chapter 5A)*

Fund 2264 FY 2019 Org 0213

1	Personal Services and Employee Benefits ....00100	\$	739,272
2	Unclassified.....09900		5,562
3	Current Expenses .....13000		393,066
4	Repairs and Alterations.....06400		500
5	Equipment.....07000		500
6	Other Assets.....69000		500
7	BRIM Premium.....91300		<u>850</u>
8	Total.....	\$	1,140,250

*146 - Travel Management –  
Fleet Management Office Fund  
(WV Code Chapter 5A)*

Fund 2301 FY 2019 Org 0215

1	Personal Services and Employee Benefits ....00100	\$	722,586
2	Unclassified.....09900		4,000
3	Current Expenses .....13000		8,130,614
4	Repairs and Alterations.....06400		12,000
5	Equipment.....07000		800,000
6	Other Assets.....69000		<u>2,000</u>
7	Total.....	\$	9,671,200

*147 - Travel Management –**Aviation Fund*

(WV Code Chapter 5A)

Fund 2302 FY 2019 Org 0215

1	Unclassified.....09900	\$	1,000
2	Current Expenses .....13000		149,700
3	Repairs and Alterations.....06400		1,175,237
4	Equipment.....07000		1,000
5	Buildings.....25800		100
6	Other Assets.....69000		100
7	Land.....73000		<u>100</u>
8	Total.....	\$	1,327,237

*148 - Division of Personnel*

(WV Code Chapter 29)

Fund 2440 FY 2019 Org 0222

1	Personal Services and Employee Benefits....00100	\$ 4,442,590
2	Unclassified.....09900	51,418
3	Current Expenses .....13000	1,262,813
4	Repairs and Alterations.....06400	5,000
5	Equipment.....07000	20,000
6	Other Assets.....69000	<u>60,000</u>
7	Total.....	\$ 5,841,821

The total amount of these appropriations shall be paid from a special revenue fund out of fees collected by the Division of Personnel.

*149 - West Virginia Prosecuting Attorneys Institute*

(WV Code Chapter 7)

Fund 2521 FY 2019 Org 0228

1	Personal Services and Employee Benefits....00100	\$ 249,242
2	Unclassified.....09900	4,023
3	Current Expenses .....13000	297,528
4	Repairs and Alterations.....06400	600
5	Equipment.....07000	500
6	Other Assets.....69000	<u>500</u>
7	Total.....	\$ 552,393

*150 - Office of Technology –*

*Chief Technology Officer Administration Fund*

(WV Code Chapter 5A)

Fund 2531 FY 2019 Org 0231

1	Personal Services and Employee Benefits ....00100	\$	399,911
2	Unclassified.....09900		6,949
3	Current Expenses .....13000		227,116
4	Repairs and Alterations.....06400		1,000
5	Equipment.....07000		50,000
6	Other Assets.....69000		<u>10,000</u>
7	Total.....	\$	694,976

From the above fund, the provisions of W.Va. Code §11B-2-18 shall not operate to permit expenditures in excess of the funds authorized for expenditure herein.

**DEPARTMENT OF COMMERCE***151 - Division of Forestry*

(WV Code Chapter 19)

Fund 3081 FY 2019 Org 0305

1	Personal Services and Employee Benefits ....00100	\$	1,464,328
2	Current Expenses .....13000		282,202
3	Repairs and Alterations.....06400		53,000
4	Equipment.....07000		<u>300,000</u>
5	Total.....	\$	2,099,530

*152 - Division of Forestry –**Timbering Operations Enforcement Fund*

(WV Code Chapter 19)

Fund 3082 FY 2019 Org 0305

1	Personal Services and Employee Benefits ....00100	\$	224,433
2	Current Expenses .....	13000	87,036
3	Repairs and Alterations.....06400		<u>11,250</u>
4	Total.....	\$	322,719

*153 - Division of Forestry –**Severance Tax Operations*

(WV Code Chapter 11)

Fund 3084 FY 2019 Org 0305

1	Personal Services and Employee Benefits ....00100	\$	859,626
2	Current Expenses .....	13000	<u>435,339</u>
3	Total.....	\$	1,294,965

*154 - Geological and Economic Survey –**Geological and Analytical Services Fund*

(WV Code Chapter 29)

Fund 3100 FY 2019 Org 0306

1	Personal Services and Employee Benefits ....00100	\$	37,966
2	Unclassified.....09900		2,182
3	Current Expenses .....	13000	141,631
4	Repairs and Alterations.....06400		50,000
5	Equipment.....07000		20,000
6	Other Assets.....69000		<u>10,000</u>

7 Total..... \$ 261,779

The above appropriations shall be used in accordance with  
W.Va. Code §29-2-4.

*155 - West Virginia Development Office –*

*Department of Commerce –*

*Marketing and Communications Operating Fund*

(WV Code Chapter 5B)

Fund 3002 FY 2019 Org 0307

1	Personal Services and Employee Benefits ....00100	\$ 1,528,219
2	Unclassified.....09900	30,000
3	Current Expenses .....13000	<u>1,482,760</u>
4	Total.....	\$ 3,040,979

*156 - West Virginia Development Office –*

*Office of Coalfield Community Development*

(WV Code Chapter 5B)

Fund 3162 FY 2019 Org 0307

1	Personal Services and Employee Benefits ....00100	\$ 430,724
2	Unclassified.....09900	8,300
3	Current Expenses .....13000	<u>399,191</u>
4	Total.....	\$ 838,215

*157 - Division of Labor –*

*HVAC Fund*

(WV Code Chapter 21)

Fund 3186 FY 2019 Org 0308

1	Personal Services and Employee Benefits ....00100	\$	300,000
2	Unclassified.....09900		4,000
3	Current Expenses .....13000		85,000
4	Repairs and Alterations.....06400		1,500
5	Buildings.....25800		1,000
6	BRIM Premium.....91300		<u>8,500</u>
7	Total.....	\$	400,000

*158 - Division of Labor –*

*Contractor Licensing Board Fund*

(WV Code Chapter 21)

Fund 3187 FY 2019 Org 0308

1	Personal Services and Employee Benefits ....00100	\$	3,019,374
2	Unclassified.....09900		21,589
3	Current Expenses .....13000		597,995
4	Repairs and Alterations.....06400		15,000
5	Buildings.....25800		5,000
6	BRIM Premium.....91300		<u>8,500</u>
7	Total.....	\$	3,667,458

*159 - Division of Labor –*

*Elevator Safety Fund*

(WV Code Chapter 21)

Fund 3188 FY 2019 Org 0308

1	Personal Services and Employee Benefits ....00100	\$	376,772
2	Unclassified.....09900		2,261
3	Current Expenses .....13000		44,112
4	Repairs and Alterations.....06400		2,000
5	Buildings.....25800		1,000
6	BRIM Premium.....91300		<u>8,500</u>
7	Total.....	\$	434,645

*160 - Division of Labor –*

*Steam Boiler Fund*

(WV Code Chapter 21)

Fund 3189 FY 2019 Org 0308

1	Personal Services and Employee Benefits ....00100	\$	80,000
2	Unclassified.....09900		1,000
3	Current Expenses .....13000		15,000
4	Repairs and Alterations.....06400		2,000
5	Buildings.....25800		1,000
6	BRIM Premium.....91300		<u>1,000</u>
7	Total.....	\$	100,000

*161 - Division of Labor –*

*Crane Operator Certification Fund*

(WV Code Chapter 21)



Fund 3191 FY 2019 Org 0308

1	Personal Services and Employee Benefits ....00100	\$	184,380
2	Unclassified.....09900		1,380
3	Current Expenses .....13000		49,765
4	Repairs and Alterations.....06400		1,500
5	Buildings.....25800		1,000
6	BRIM Premium.....91300		<u>8,500</u>
7	Total.....	\$	246,525

*162 - Division of Labor –**Amusement Rides and Amusement Attraction Safety Fund*

(WV Code Chapter 21)

Fund 3192 FY 2019 Org 0308

1	Personal Services and Employee Benefits ....00100	\$	179,316
2	Unclassified.....09900		1,281
3	Current Expenses .....13000		44,520
4	Repairs and Alterations.....06400		2,000
5	Buildings.....25800		1,000
6	BRIM Premium.....91300		<u>8,500</u>
7	Total.....	\$	236,617

*163 - Division of Labor –**State Manufactured Housing Administration Fund*

(WV Code Chapter 21)

Fund 3195 FY 2019 Org 0308

1	Personal Services and Employee Benefits ....00100	\$	283,768
2	Unclassified.....09900		1,847
3	Current Expenses .....13000		43,700
4	Repairs and Alterations.....06400		1,000
5	Buildings.....25800		1,000
6	BRIM Premium.....91300		<u>3,404</u>
7	Total.....	\$	334,719

*164 - Division of Labor -**Weights and Measures Fund*

(WV Code Chapter 47)

Fund 3196 FY 2019 Org 0308

1	Personal Services and Employee Benefits ....00100	\$	1,500,000
2	Current Expenses .....13000		227,000
3	Repairs and Alterations.....06400		28,000
4	Equipment.....07000		15,000
5	BRIM Premium.....91300		<u>8,500</u>
6	Total.....	\$	1,778,500

*165 - Division of Labor –**Bedding and Upholstery Fund*

(WV Code Chapter 21)

Fund 3198 FY 2019 Org 0308

1	Personal Services and Employee Benefits ....00100	\$	150,000
2	Unclassified.....09900		2,000
3	Current Expenses .....13000		43,000
4	Repairs and Alterations.....06400		2,000
5	Buildings.....25800		1,000
6	BRIM Premium.....91300		<u>2,000</u>
7	Total.....	\$	200,000

*166 - Division of Labor –*

*Psychophysiological Examiners Fund*

(WV Code Chapter 21)

Fund 3199 FY 2019 Org 0308

1	Current Expenses .....13000	\$	4,000
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*167 - Division of Natural Resources –*

*License Fund – Wildlife Resources*

(WV Code Chapter 20)

Fund 3200 FY 2019 Org 0310

1	Wildlife Resources.....02300	\$	7,064,884
2	Administration .....15500		1,766,221
3	Capital Improvements and		
4	Land Purchase (R) .....24800		1,766,220
5	Law Enforcement.....80600		<u>7,064,884</u>
6	Total.....	\$	17,662,209

The total amount of these appropriations shall be paid from a special revenue fund out of fees collected by the Division of Natural Resources.

Any unexpended balance remaining in the appropriation for Capital Improvements and Land Purchase (fund 3200, appropriation 24800) at the close of the fiscal year 2018 is hereby reappropriated for expenditure during the fiscal year 2019.

*168 - Division of Natural Resources –*

*Natural Resources Game Fish and Aquatic Life Fund*

(WV Code Chapter 22)

Fund 3202 FY 2019 Org 0310

1	Current Expenses .....	13000	\$	125,000
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*169 - Division of Natural Resources –*

*Nongame Fund*

(WV Code Chapter 20)

Fund 3203 FY 2019 Org 0310

1	Personal Services and Employee Benefits ....00100		\$	678,109
2	Current Expenses .....	13000		201,930
3	Equipment.....	07000		<u>106,615</u>
4	Total.....		\$	986,654

*170 - Division of Natural Resources –*

*Planning and Development Division*

(WV Code Chapter 20)

Fund 3205 FY 2019 Org 0310

1	Personal Services and Employee Benefits ....00100		\$	437,496
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2	Current Expenses .....	13000	157,864
3	Repairs and Alterations.....	06400	15,016
4	Equipment.....	07000	8,300
5	Buildings.....	25800	8,300
6	Other Assets.....	69000	2,000,000
7	Land .....	73000	<u>31,700</u>
8	Total.....		\$ 2,658,676

*171 - Division of Natural Resources –*

*Whitewater Study and Improvement Fund*

(WV Code Chapter 20)

Fund 3253 FY 2019 Org 0310

1	Personal Services and Employee Benefits ....	00100	\$ 62,704
2	Current Expenses .....	13000	64,778
3	Equipment.....	07000	1,297
4	Buildings.....	25800	<u>6,969</u>
5	Total.....		\$ 135,748

*172 - Division of Natural Resources –*

*Whitewater Advertising and Promotion Fund*

(WV Code Chapter 20)

Fund 3256 FY 2019 Org 0310

1	Unclassified.....	09900	\$ 200
2	Current Expenses .....	13000	<u>19,800</u>

3 Total..... \$ 20,000

*173 - Division of Miners' Health, Safety and Training –*

*Special Health, Safety and Training Fund*

(WV Code Chapter 22A)

Fund 3355 FY 2019 Org 0314

1	Personal Services and Employee Benefits ....00100	\$	471,606
2	WV Mining Extension Service .....02600		150,000
3	Unclassified.....09900		40,985
4	Current Expenses .....13000		1,954,557
5	Buildings .....25800		481,358
6	Land .....73000		<u>1,000,000</u>
7	Total.....	\$	4,098,506

*174 - Department of Commerce –*

*Office of the Secretary –*

*Broadband Enhancement Fund*

Fund 3013 FY 2019 Org 0327

1	Current Expenses .....13000	\$	1,431,043
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*175 - Office of Energy –*

*Energy Assistance*

(WV Code Chapter 5B)

Fund 3010 FY 2019 Org 0328

1	Energy Assistance – Total .....	64700	\$	7,211
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**DEPARTMENT OF EDUCATION***176 - State Board of Education –**Strategic Staff Development*

(WV Code Chapter 18)

Fund 3937 FY 2019 Org 0402

1	Personal Services and Employee Benefits ....00100	\$	134,000
2	Unclassified.....09900		1,000
3	Current Expenses .....13000		<u>765,000</u>
4	Total.....	\$	900,000

*177 - State Board of Education –**School Construction Fund*

(WV Code Chapters 18 and 18A)

Fund 3951 FY 2019 Org 0402

1	SBA Construction Grants .....24000	\$	35,845,818
2	Directed Transfer .....70000		<u>1,371,182</u>
3	Total.....	\$	37,217,000

The above appropriation for Directed Transfer (fund 3951, appropriation 70000) shall be transferred to the School Building Authority Fund (3959) for the administrative expenses of the School Building Authority.

*178 - School Building Authority*

(WV Code Chapter 18)

Fund 3959 FY 2019 Org 0402

1	Personal Services and Employee Benefits ....00100	\$	1,085,152
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2	Current Expenses .....	13000	244,100
3	Repairs and Alterations.....	06400	13,150
4	Equipment.....	07000	<u>26,000</u>
5	Total.....		\$ 1,368,402

**DEPARTMENT OF EDUCATION AND THE ARTS**

*179 - Office of the Secretary –*

*Lottery Education Fund Interest Earnings –*

*Control Account*

(WV Code Chapter 29)

Fund 3508 FY 2019 Org 0431

Any unexpended balance remaining in the appropriation for Educational Enhancements (fund 3508, appropriation 69500) at the close of the fiscal year 2018 is hereby reappropriated for expenditure during the fiscal year 2019.

*180 - Division of Culture and History –*

*Public Records and Preservation Revenue Account*

(WV Code Chapter 5A)

Fund 3542 FY 2019 Org 0432

1	Personal Services and Employee Benefits ....	00100	\$ 211,418
2	Current Expenses .....	13000	862,241
3	Equipment.....	07000	75,000
4	Buildings.....	25800	1,000
5	Other Assets.....	69000	52,328
6	Land .....	73000	<u>1,000</u>



7 Total..... \$ 1,202,987

*181 - State Board of Rehabilitation –*

*Division of Rehabilitation Services –*

*West Virginia Rehabilitation Center Special Account*

(WV Code Chapter 18)

Fund 8664 FY 2019 Org 0932

1	Personal Services and Employee Benefits ....00100	\$	119,738
2	Current Expenses .....13000		2,180,122
3	Repairs and Alterations.....06400		85,500
4	Equipment.....07000		220,000
5	Buildings.....25800		150,000
6	Other Assets.....69000		<u>150,000</u>
7	Total.....	\$	2,905,360

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

*182 - Solid Waste Management Board*

(WV Code Chapter 22C)

Fund 3288 FY 2019 Org 0312

1	Personal Services and Employee Benefits ....00100	\$	802,269
2	Current Expenses .....13000		2,060,997
3	Repairs and Alterations.....06400		1,000
4	Equipment.....07000		5,000
5	Other Assets.....69000		<u>4,403</u>

6 Total..... \$ 2,873,669

*183 - Division of Environmental Protection –*

*Hazardous Waste Management Fund*

(WV Code Chapter 22)

Fund 3023 FY 2019 Org 0313

1	Personal Services and Employee Benefits ....00100	\$	692,784
2	Current Expenses .....13000		190,569
3	Repairs and Alterations.....06400		500
4	Equipment.....07000		1,505
5	Unclassified.....09900		8,072
6	Other Assets .....69000		<u>2,000</u>
7	Total.....	\$	895,430

*184 - Division of Environmental Protection –*

*Air Pollution Education and Environment Fund*

(WV Code Chapter 22)

Fund 3024 FY 2019 Org 0313

1	Personal Services and Employee Benefits ....00100	\$	935,324
2	Current Expenses .....13000		1,226,863
3	Repairs and Alterations.....06400		13,000
4	Equipment.....07000		53,105
5	Unclassified.....09900		14,647
6	Other Assets .....69000		<u>20,000</u>

7 Total..... \$ 2,262,939

*185 - Division of Environmental Protection –*

*Special Reclamation Fund*

(WV Code Chapter 22)

Fund 3321 FY 2019 Org 0313

1	Personal Services and Employee Benefits ....00100	\$ 1,350,829
2	Current Expenses .....13000	16,402,506
3	Repairs and Alterations.....06400	79,950
4	Equipment.....07000	130,192
5	Other Assets.....69000	<u>32,000</u>
6	Total.....	\$ 17,995,477

*186 - Division of Environmental Protection –*

*Oil and Gas Reclamation Fund*

(WV Code Chapter 22)

Fund 3322 FY 2019 Org 0313

1	Personal Services and Employee Benefits ....00100	\$ 143,906
2	Current Expenses .....13000	<u>356,094</u>
3	Total.....	\$ 500,000

*187 - Division of Environmental Protection –*

*Oil and Gas Operating Permit and Processing Fund*

(WV Code Chapter 22)

Fund 3323 FY 2019 Org 0313

1	Personal Services and Employee Benefits ....00100	\$ 3,321,164
2	Current Expenses .....13000	1,237,758
3	Repairs and Alterations.....06400	40,600
4	Equipment.....07000	8,000
5	Unclassified.....09900	44,700
6	Other Assets.....69000	<u>15,000</u>
7	Total.....	\$ 4,667,222

*188 - Division of Environmental Protection –*

*Mining and Reclamation Operations Fund*

(WV Code Chapter 22)

Fund 3324 FY 2019 Org 0313

1	Personal Services and Employee Benefits ....00100	\$ 4,035,449
2	Current Expenses .....13000	2,302,231
3	Repairs and Alterations.....06400	60,260
4	Equipment.....07000	83,000
5	Unclassified.....09900	920
6	Other Assets.....69000	<u>57,500</u>
7	Total.....	\$ 6,539,360

*189 - Division of Environmental Protection –*

*Underground Storage Tank*

*Administrative Fund*

(WV Code Chapter 22)

Fund 3325 FY 2019 Org 0313

1	Personal Services and Employee Benefits ....00100	\$	466,543
2	Current Expenses .....	13000	318,420
3	Repairs and Alterations.....	06400	5,350
4	Equipment.....	07000	3,610
5	Unclassified.....	09900	7,520
6	Other Assets.....	69000	<u>3,500</u>
7	Total.....	\$	804,943

*190 - Division of Environmental Protection –*

*Hazardous Waste Emergency Response Fund*

(WV Code Chapter 22)

Fund 3331 FY 2019 Org 0313

1	Personal Services and Employee Benefits ....00100	\$	6,000
2	Current Expenses .....	13000	1,067,905
3	Repairs and Alterations.....	06400	7,014
4	Equipment.....	07000	9,000
5	Unclassified.....	09900	10,616
6	Other Assets.....	69000	<u>3,500</u>
7	Total.....	\$	1,104,035

*191 - Division of Environmental Protection –*

*Solid Waste Reclamation and*

*Environmental Response Fund*

(WV Code Chapter 22)

Fund 3332 FY 2019 Org 0313

1	Personal Services and Employee Benefits ....00100	\$	793,967
2	Current Expenses .....13000		3,604,737
3	Repairs and Alterations .....06400		25,000
4	Equipment .....07000		31,500
5	Unclassified .....09900		22,900
6	Buildings .....25800		500
7	Other Assets .....69000		<u>1,000</u>
8	Total .....	\$	4,479,604

*192 - Division of Environmental Protection –**Solid Waste Enforcement Fund*

(WV Code Chapter 22)

Fund 3333 FY 2019 Org 0313

1	Personal Services and Employee Benefits ....00100	\$	3,041,424
2	Current Expenses .....13000		1,020,229
3	Repairs and Alterations .....06400		30,930
4	Equipment .....07000		23,356
5	Unclassified .....09900		37,145
6	Other Assets .....69000		<u>25,554</u>
7	Total .....	\$	4,178,638

*193 - Division of Environmental Protection –**Air Pollution Control Fund*

## (WV Code Chapter 22)

Fund 3336 FY 2019 Org 0313

1	Personal Services and Employee Benefits ....00100	\$ 5,643,421
2	Current Expenses .....13000	1,489,467
3	Repairs and Alterations.....06400	84,045
4	Equipment.....07000	103,601
5	Unclassified.....09900	70,572
6	Other Assets.....69000	<u>52,951</u>
7	Total.....	\$ 7,444,057

*194 - Division of Environmental Protection –**Environmental Laboratory**Certification Fund*

## (WV Code Chapter 22)

Fund 3340 FY 2019 Org 0313

1	Personal Services and Employee Benefits ....00100	\$ 311,044
2	Current Expenses .....13000	208,188
3	Repairs and Alterations.....06400	1,000
4	Equipment.....07000	1,000
5	Unclassified.....09900	1,120
6	Other Assets.....69000	<u>177,000</u>
7	Total.....	\$ 699,352

*195 - Division of Environmental Protection –**Stream Restoration Fund*

(WV Code Chapter 22)

Fund 3349 FY 2019 Org 0313

1 Current Expenses .....13000 \$ 9,298,205

*196 - Division of Environmental Protection –*

*Litter Control Fund*

(WV Code Chapter 22)

Fund 3486 FY 2019 Org 0313

1 Current Expenses .....13000 \$ 60,000

*197 - Division of Environmental Protection –*

*Recycling Assistance Fund*

(WV Code Chapter 22)

Fund 3487 FY 2019 Org 0313

1 Personal Services and Employee Benefits ....00100 \$ 646,395

2 Current Expenses .....13000 2,735,112

3 Repairs and Alterations .....06400 800

4 Equipment .....07000 500

5 Unclassified .....09900 400

6 Other Assets .....69000 2,500

7 Total ..... \$ 3,385,707

*198 - Division of Environmental Protection –*

*Mountaintop Removal Fund*

(WV Code Chapter 22)



Fund 3490 FY 2019 Org 0313

1	Personal Services and Employee Benefits ....00100	\$	1,228,345
2	Current Expenses .....	13000	642,934
3	Repairs and Alterations.....	06400	30,112
4	Equipment.....	07000	23,500
5	Unclassified.....	09900	1,180
6	Other Assets.....	69000	<u>11,520</u>
7	Total.....	\$	1,937,591

*199 - Oil and Gas Conservation Commission –*

*Special Oil and Gas Conservation Fund*

(WV Code Chapter 22C)

Fund 3371 FY 2019 Org 0315

1	Personal Services and Employee Benefits ....00100	\$	157,224
2	Current Expenses .....	13000	161,225
3	Repairs and Alterations.....	06400	1,000
4	Equipment.....	07000	9,481
5	Other Assets.....	69000	<u>1,500</u>
6	Total.....	\$	330,430

**DEPARTMENT OF HEALTH AND HUMAN RESOURCES**

*200 - Division of Health –*

*Ryan Brown Addiction Prevention and Recovery Fund*

(WV Code Chapter 19)

Fund 5111 FY 2019 Org 0506

1	Current Expenses .....	13000	\$ 13,588,654
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*201 - Division of Health –**The Vital Statistics Account**(WV Code Chapter 16)*Fund 5144 FY 2019 Org 0506

1	Personal Services and Employee Benefits ....	00100	\$ 876,771
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2	Unclassified.....	09900	15,500
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3	Current Expenses .....	13000	<u>1,257,788</u>
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4	Total.....		\$ 2,150,059
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*202 - Division of Health –**Hospital Services Revenue Account**Special Fund**Capital Improvement, Renovation and Operations**(WV Code Chapter 16)*Fund 5156 FY 2019 Org 0506

1	Institutional Facilities Operations .....	33500	\$ 35,555,221
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2	Medical Services Trust Fund – Transfer.....	51200	<u>27,800,000</u>
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3	Total.....		\$ 63,355,221
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The total amount of these appropriations shall be paid from the Hospital Services Revenue Account Special Fund created by W.Va. Code §16-1-13, and shall be used for operating expenses and for improvements in connection with existing facilities.

Additional funds have been appropriated in fund 0525, fiscal year 2019, organization 0506, for the operation of the institutional facilities. The Secretary of the Department of Health and Human Resources is authorized to utilize up to ten percent of the funds from the appropriation for Institutional Facilities Operations to facilitate cost effective and cost saving services at the community level.

Necessary funds from the above appropriation may be used for medical facilities operations, either in connection with this fund or in connection with the appropriation designated Institutional Facilities Operations in the Consolidated Medical Service Fund (fund 0525, organization 0506).

From the above appropriation to Institutional Facilities Operations, together with available funds from the Consolidated Medical Services Fund (fund 0525, appropriation 33500) on July 1, 2018, the sum of \$160,000 shall be transferred to the Department of Agriculture – Land Division – Farm Operating Fund (1412) as advance payment for the purchase of food products; actual payments for such purchases shall not be required until such credits have been completely expended.

*203 - Division of Health –*

*Laboratory Services Fund*

(WV Code Chapter 16)

Fund 5163 FY 2019 Org 0506

1	Personal Services and Employee Benefits ....00100	\$	862,657
2	Unclassified.....09900		18,114
3	Current Expenses .....13000		<u>930,716</u>
4	Total.....	\$	1,811,487

*204 - Division of Health –*

*The Health Facility Licensing Account*

(WV Code Chapter 16)

Fund 5172 FY 2019 Org 0506

1	Personal Services and Employee Benefits ....00100	\$	605,950
2	Unclassified.....09900		7,113
3	Current Expenses .....13000		<u>98,247</u>
4	Total.....	\$	711,310

*205 - Division of Health –**Hepatitis B Vaccine*

(WV Code Chapter 16)

Fund 5183 FY 2019 Org 0506

1	Current Expenses .....13000	\$	9,740
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*206 - Division of Health –**Lead Abatement Account*

(WV Code Chapter 16)

Fund 5204 FY 2019 Org 0506

1	Personal Services and Employee Benefits ....00100	\$	19,100
2	Unclassified.....09900		373
3	Current Expenses .....13000		<u>17,875</u>
4	Total.....	\$	37,348

*207 - Division of Health –**West Virginia Birth-to-Three Fund*

(WV Code Chapter 16)

Fund 5214 FY 2019 Org 0506

1	Personal Services and Employee Benefits ....00100	\$	647,545
2	Unclassified.....09900		223,999
3	Current Expenses .....13000		<u>28,053,549</u>
4	Total.....	\$	28,925,093

*208 - Division of Health –*

*Tobacco Control Special Fund*

(WV Code Chapter 16)

Fund 5218 FY 2019 Org 0506

1	Current Expenses .....13000	\$	7,579
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*209 - Division of Health –*

*Medical Cannabis Program Fund*

(WV Code Chapter 16A)

Fund 5420 FY 2019 Org 0506

1	Personal Services and Employee Benefits ....00100	\$	509,658
2	Current Expenses .....13000		1,151,040
3	Other Assets .....69000		<u>895,000</u>
4	Total.....	\$	2,555,698

*210 - West Virginia Health Care Authority –*

*Health Care Cost Review Fund*

(WV Code Chapter 16)

Fund 5375 FY 2019 Org 0507

1	Personal Services and Employee Benefits ....00100	\$ 1,310,821
2	Hospital Assistance .....02500	50,000
3	Unclassified.....09900	100
4	Current Expenses .....13000	754,645
5	Repairs and Alterations.....06400	500
6	Equipment.....07000	<u>300</u>
7	Total.....	\$ 2,116,366

The above appropriation is to be expended in accordance with and pursuant to the provisions of W.Va. Code §16-29B and from the special revolving fund designated Health Care Cost Review Fund.

*211 - West Virginia Health Care Authority –*

*Certificate of Need Program Fund*

(WV Code Chapter 16)

Fund 5377 FY 2019 Org 0507

1	Personal Services and Employee Benefits ....00100	\$ 805,113
2	Current Expenses .....13000	<u>774,967</u>
3	Total.....	\$ 1,580,080

*212 - Division of Human Services –*

*Health Care Provider Tax –*

*Medicaid State Share Fund*

(WV Code Chapter 11)

Fund 5090 FY 2019 Org 0511

1	Medical Services.....18900	\$198,568,451
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2	Medical Services Administrative Costs .....	78900	<u>231,549</u>
3	Total.....		\$198,800,000

The above appropriation for Medical Services Administrative Costs (fund 5090, appropriation 78900) shall be transferred to a special revenue account in the treasury for use by the Department of Health and Human Resources for administrative purposes. The remainder of all moneys deposited in the fund shall be transferred to the West Virginia Medical Services Fund (fund 5084.)

*213 - Division of Human Services –*

*Child Support Enforcement Fund*

(WV Code Chapter 48A)

Fund 5094 FY 2019 Org 0511

1	Personal Services and Employee Benefits ....00100		\$ 24,809,509
2	Unclassified.....09900		380,000
3	Current Expenses .....	13000	<u>12,810,491</u>
4	Total.....		\$ 38,000,000

*214 - Division of Human Services –*

*Medical Services Trust Fund*

(WV Code Chapter 9)

Fund 5185 FY 2019 Org 0511

1	Medical Services.....18900		\$ 73,477,905
2	Medical Services Administrative Costs .....	78900	<u>548,723</u>
3	Total.....		\$ 74,026,628

The above appropriation to Medical Services shall be used to provide state match of Medicaid expenditures as defined and

authorized in subsection (c) of W.Va. Code §9-4A-2a. Expenditures from the fund are limited to the following: payment of backlogged billings, funding for services to future federally mandated population groups and payment of the required state match for Medicaid disproportionate share payments. The remainder of all moneys deposited in the fund shall be transferred to the Division of Human Services accounts.

*215 - Division of Human Services –*

*James “Tiger” Morton Catastrophic Illness Fund*

(WV Code Chapter 16)

Fund 5454 FY 2019 Org 0511

1	Unclassified.....	09900	\$	7,000
2	Current Expenses .....	13000		<u>693,000</u>
3	Total.....		\$	700,000

*216 - Division of Human Services –*

*Domestic Violence Legal Services Fund*

(WV Code Chapter 48)

Fund 5455 FY 2019 Org 0511

1	Current Expenses .....	13000	\$	900,000
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*217 - Division of Human Services –*

*West Virginia Works Separate State College Program Fund*

(WV Code Chapter 9)

Fund 5467 FY 2019 Org 0511

1	Current Expenses .....	13000	\$	1,000,000
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*218 - Division of Human Services –**West Virginia Works Separate State Two-Parent Program Fund*

(WV Code Chapter 9)

Fund 5468 FY 2019 Org 0511

1 Current Expenses ..... 13000 \$ 2,000,000

*219 - Division of Human Services –**Marriage Education Fund*

(WV Code Chapter 9)

Fund 5490 FY 2019 Org 0511

1 Personal Services and Employee Benefits ....00100 \$ 10,000

2 Current Expenses ..... 13000 25,000

3 Total..... \$ 35,000

**DEPARTMENT OF MILITARY AFFAIRS  
AND PUBLIC SAFETY***220 - 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 2019 Org 0601

1 Current Expenses ..... 13000 32,000

*221 - State Armory Board –**General Armory Fund*

(WV Code Chapter 15)

Fund 6057 FY 2019 Org 0603

1	Personal Services and Employee Benefits ....00100	\$ 1,643,528
2	Current Expenses .....13000	650,000
3	Repairs and Alterations.....06400	385,652
4	Equipment.....07000	250,000
5	Buildings.....25800	770,820
6	Other Assets.....69000	100,000
7	Land .....73000	<u>200,000</u>
8	Total.....	\$ 4,000,000

From the above appropriations, the Adjutant General may receive and expend funds to conduct operations and activities to include functions of the Military Authority. The Adjutant General may transfer funds between appropriations, except no funds may be transferred to Personal Services and Employee Benefits (fund 6057, appropriation 00100).

*222 - Division of Homeland Security**And Emergency Management –**Statewide Interoperable Radio Network Account*

(WV Code Chapter 15)

Fund 6208 FY 2019 Org 0606

1	Current Expenses .....13000	\$ 80,000
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*223 - Division of Homeland Security and**Emergency Management –**West Virginia Interoperable Radio Project*

(WV Code Chapter 24)

Fund 6295 FY 2019 Org 0606

1	Current Expenses .....	13000	\$	2,000,000
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Any unexpended balance remaining in the appropriation for Unclassified – Total (fund 6295, appropriation 09600) at the close of fiscal year 2018 is hereby reappropriated for expenditure during the fiscal year 2019.

*224 - West Virginia Division of Corrections –**Parolee Supervision Fees*

(WV Code Chapter 62)

Fund 6362 FY 2019 Org 0608

1	Personal Services and Employee Benefits ....	00100	\$	1,013,793
2	Unclassified.....	09900		9,804
3	Current Expenses .....	13000		758,480
4	Equipment.....	07000		30,000
5	Other Assets.....	69000		<u>40,129</u>
6	Total.....		\$	1,852,206

*225 - West Virginia State Police –**Motor Vehicle Inspection Fund*

(WV Code Chapter 17C)

Fund 6501 FY 2019 Org 0612

1	Personal Services and Employee Benefits ....	00100	\$	1,786,923
2	Current Expenses .....	13000		1,488,211
3	Repairs and Alterations.....	06400		204,500

4	Equipment.....	07000	3,770,751
5	Buildings.....	25800	534,000
6	Other Assets.....	69000	5,000
7	BRIM Premium.....	91300	<u>302,432</u>
8	Total.....		\$ 8,091,817

The total amount of these appropriations shall be paid from the special revenue fund out of fees collected for inspection stickers as provided by law.

*226 - West Virginia State Police –*

*Forensic Laboratory Fund*

(WV Code Chapter 15)

Fund 6511 FY 2019 Org 0612

1	Personal Services and Employee Benefits....	00100	\$ 100,000
2	Current Expenses .....	13000	90,000
3	Repairs and Alterations.....	06400	5,000
4	Equipment.....	07000	<u>45,000</u>
5	Total.....		\$ 240,000

*227 - West Virginia State Police –*

*Drunk Driving Prevention Fund*

(WV Code Chapter 15)

Fund 6513 FY 2019 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

The total amount of these appropriations shall be paid from the special revenue fund out of receipts collected pursuant to W.Va. Code §11-15-9a and 16 and paid into a revolving fund account in the State Treasury.

*228 - West Virginia State Police –*

*Surplus Real Property Proceeds Fund*

(WV Code Chapter 15)

Fund 6516 FY 2019 Org 0612

1	Buildings.....	25800	\$ 1,022,778
2	Land.....	73000	1,000
3	BRIM Premium.....	91300	<u>77,222</u>
4	Total.....	\$	1,101,000

*229 - West Virginia State Police –*

*Surplus Transfer Account*

(WV Code Chapter 15)

Fund 6519 FY 2019 Org 0612

1	Current Expenses.....	13000	\$ 225,000
2	Repairs and Alterations.....	06400	20,000
3	Equipment.....	07000	250,000
4	Buildings.....	25800	40,000
5	Other Assets.....	69000	45,000
6	BRIM Premium.....	91300	<u>5,000</u>

7 Total..... \$ 585,000

*230 - West Virginia State Police –*

*Central Abuse Registry Fund*

(WV Code Chapter 15)

Fund 6527 FY 2019 Org 0612

1	Personal Services and Employee Benefits ....00100	\$	236,881
2	Current Expenses .....13000		51,443
3	Repairs and Alterations.....06400		500
4	Equipment.....07000		300,500
5	Other Assets.....69000		300,500
6	BRIM Premium.....91300		<u>18,524</u>
7	Total.....	\$	908,348

*231 - West Virginia State Police –*

*Bail Bond Enforcer Account*

(WV Code Chapter 15)

Fund 6532 FY 2019 Org 0612

1 Current Expenses .....13000 \$ 8,300

*232 - West Virginia State Police –*

*State Police Academy Post Exchange*

(WV Code Chapter 15)

Fund 6544 FY 2019 Org 0612

1 Current Expenses .....13000 \$ 160,000

2	Repairs and Alterations.....06400	<u>40,000</u>
3	Total.....	\$ 200,000

*233 - Regional Jail and Correctional Facility Authority*

(WV Code Chapter 31)

Fund 6675 FY 2019 Org 0615

1	Personal Services and Employee Benefits ....00100	\$ 1,971,039
2	Debt Service.....04000	9,000,000
3	Current Expenses .....13000	495,852
4	Repairs and Alterations.....06400	4,000
5	Equipment.....07000	<u>1,743</u>
6	Total.....	\$ 11,472,634

*234 - Fire Commission –*

*Fire Marshal Fees*

(WV Code Chapter 29)

Fund 6152 FY 2019 Org 0619

1	Personal Services and Employee Benefits ....00100	\$ 3,233,683
2	Unclassified.....09900	3,800
3	Current Expenses .....13000	1,249,550
4	Repairs and Alterations.....06400	58,500
5	Equipment.....07000	140,800
6	Other Assets.....69000	2,000
7	BRIM Premium.....91300	<u>60,000</u>

8 Total..... \$ 4,748,333

*235 - Division of Justice and Community Services –*

*WV Community Corrections Fund*

(WV Code Chapter 62)

Fund 6386 FY 2019 Org 0620

1	Personal Services and Employee Benefits ....00100	\$	152,000
2	Unclassified.....09900		750
3	Current Expenses .....13000		1,846,250
4	Repairs and Alterations.....06400		<u>1,000</u>
5	Total.....	\$	2,000,000

*236 - Division of Justice and Community Services –*

*Court Security Fund*

(WV Code Chapter 51)

Fund 6804 FY 2019 Org 0620

1	Personal Services and Employee Benefits ....00100	\$	21,865
2	Current Expenses .....13000		<u>1,478,135</u>
3	Total.....	\$	1,500,000

*237 - Division of Justice and Community Services –*

*Second Chance Driver's License Program Account*

(WV Code Chapter 17B)

Fund 6810 FY 2019 Org 0620

1	Current Expenses .....13000	\$	25,000
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**DEPARTMENT OF REVENUE***238 - Division of Financial Institutions*

(WV Code Chapter 31A)

Fund 3041 FY 2019 Org 0303

1	Personal Services and Employee Benefits ....00100	\$ 2,511,101
2	Current Expenses .....	13000 705,875
3	Repairs and Alterations.....06400	100
4	Equipment.....07000	<u>12,000</u>
5	Total.....	\$ 3,229,076

*239 - Office of the Secretary –**State Debt Reduction Fund*

(WV Code Chapter 29)

Fund 7007 FY 2019 Org 0701

1	Directed Transfer .....	70000 \$ 20,000,000
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The above appropriation for Directed Transfer shall be transferred to the Consolidated Public Retirement Board – West Virginia Public Employees Retirement System Employers Accumulation Fund (fund 2510).

*240 - Tax Division –**Cemetery Company Account*

(WV Code Chapter 35)

Fund 7071 FY 2019 Org 0702

1	Personal Services and Employee Benefits ....00100	\$ 23,459
2	Current Expenses .....	13000 <u>7,717</u>

3 Total..... \$ 31,176

*241 - Tax Division –*

*Special Audit and Investigative Unit*

(WV Code Chapter 11)

Fund 7073 FY 2019 Org 0702

1	Personal Services and Employee Benefits ....00100	\$	655,203
2	Unclassified.....09900		9,500
3	Current Expenses .....13000		273,297
4	Repairs and Alterations.....06400		7,000
5	Equipment.....07000		<u>5,000</u>
6	Total.....	\$	950,000

*242 - Tax Division –*

*Wine Tax Administration Fund*

(WV Code Chapter 60)

Fund 7087 FY 2019 Org 0702

1	Personal Services and Employee Benefits ....00100	\$	254,162
2	Current Expenses .....13000		<u>5,406</u>
3	Total.....	\$	259,568

*243 - Tax Division –*

*Reduced Cigarette Ignition Propensity*

*Standard and Fire Prevention Act Fund*

(WV Code Chapter 47)

Fund 7092 FY 2019 Org 0702

1	Current Expenses .....	13000	\$	35,000
2	Equipment .....	07000		<u>15,000</u>
3	Total .....		\$	50,000

*244 - Tax Division –*

*Local Sales Tax and Excise Tax*

*Administration Fund*

(WV Code Chapter 11)

Fund 7099 FY 2019 Org 0702

1	Personal Services and Employee Benefits ....	00100	\$	1,508,968
2	Unclassified.....	09900		10,000
3	Current Expenses .....	13000		784,563
4	Repairs and Alterations.....	06400		1,000
5	Equipment.....	07000		<u>5,000</u>
6	Total.....		\$	2,309,531

*245 - State Budget Office –*

*Public Employees Insurance Reserve Fund*

(WV Code Chapter 11B)

Fund 7400 FY 2019 Org 0703

1	Public Employees Insurance			
2	Reserve Fund – Transfer.....	90300	\$	6,800,000

The above appropriation for Public Employees Insurance Reserve Fund – Transfer shall be transferred to the Medical Services Trust Fund (fund 5185, org 0511) for expenditure.

*246 - State Budget Office –**Public Employees Insurance Agency Financial Stability Fund*

(WV Code Chapter 11B)

Fund 7401 FY 2019 Org 0703

1	Retiree Premium Offset .....	80101	\$ 5,000,000
2	PEIA Reserve .....	80102	<u>10,000,000</u>
3	Total .....		\$ 15,000,000

The above appropriation shall be transferred to special revenue funds to be utilized by the West Virginia Public Employees Insurance Agency for the purposes of permitting the PEIA Finance Board to offset \$5 million in retiree premium increases. Additionally, \$10 million will be put into a reserve fund to stabilize and preserve the future solvency of PEIA. Such amount shall not be included in the calculation of the plan year aggregate premium cost-sharing percentages between employers and employees.

*247 - Insurance Commissioner –**Examination Revolving Fund*

(WV Code Chapter 33)

Fund 7150 FY 2019 Org 0704

1	Personal Services and Employee Benefits ....	00100	\$ 721,117
2	Current Expenses .....	13000	1,357,201
3	Repairs and Alterations .....	06400	3,000
4	Equipment .....	07000	81,374
5	Buildings .....	25800	8,289
6	Other Assets .....	69000	<u>11,426</u>

7	Total.....	\$ 2,182,407
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*248 - Insurance Commissioner –*

*Consumer Advocate*

(WV Code Chapter 33)

Fund 7151 FY 2019 Org 0704

1	Personal Services and Employee Benefits ....00100	\$ 552,228
2	Current Expenses .....13000	202,152
3	Repairs and Alterations.....06400	5,000
4	Equipment.....07000	34,225
5	Buildings.....25800	4,865
6	Other Assets.....69000	19,460
7	Total.....	\$ 817,930

*249 - Insurance Commissioner –*

*Insurance Commission Fund*

(WV Code Chapter 33)

Fund 7152 FY 2019 Org 0704

1	Personal Services and Employee Benefits ....00100	\$ 23,039,727
2	Current Expenses .....13000	8,797,758
3	Repairs and Alterations.....06400	68,614
4	Equipment.....07000	1,728,240
5	Buildings.....25800	25,000
6	Other Assets.....69000	340,661

7 Total..... \$ 34,000,000

*250 - Insurance Commissioner –*

*Workers' Compensation Old Fund*

(WV Code Chapter 23)

Fund 7162 FY 2019 Org 0704

1 Employee Benefits .....01000 \$ 50,000

2 Current Expenses ..... 13000 250,500,000

3 Total..... \$250,550,000

*251 - Insurance Commissioner –*

*Workers' Compensation Uninsured Employers' Fund*

(WV Code Chapter 23)

Fund 7163 FY 2019 Org 0704

1 Current Expenses ..... 13000 \$ 15,000,000

*252 - Insurance Commissioner –*

*Self-Insured Employer Guaranty Risk Pool*

(WV Code Chapter 23)

Fund 7164 FY 2019 Org 0704

1 Current Expenses ..... 13000 \$ 9,000,000

*253 - Insurance Commissioner –*

*Self-Insured Employer Security Risk Pool*

(WV Code Chapter 23)

Fund 7165 FY 2019 Org 0704

1	Current Expenses .....	13000	\$ 14,000,000
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*254 - Municipal Bond Commission*

(WV Code Chapter 13)

Fund 7253 FY 2019 Org 0706

1	Personal Services and Employee Benefits ....	00100	\$ 247,523
2	Current Expenses .....	13000	144,844
3	Equipment.....	07000	<u>100</u>
4	Total.....		\$ 392,467

*255 - Racing Commission –*

*Relief Fund*

(WV Code Chapter 19)

Fund 7300 FY 2019 Org 0707

1	Medical Expenses – Total.....	24500	\$ 57,000
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The total amount of this appropriation shall be paid from the special revenue fund out of collections of license fees and fines as provided by law.

No expenditures shall be made from this fund except for hospitalization, medical care and/or funeral expenses for persons contributing to this fund.

*256 - Racing Commission –*

*Administration and Promotion Account*

(WV Code Chapter 19)

Fund 7304 FY 2019 Org 0707

1	Personal Services and Employee Benefits ....	00100	\$ 256,665
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2	Current Expenses .....	13000	93,335
3	Other Assets .....	69000	<u>5,000</u>
4	Total .....	\$	355,000

*257 - Racing Commission –*

*General Administration*

(WV Code Chapter 19)

Fund 7305 FY 2019 Org 0707

1	Personal Services and Employee Benefits ....	00100	\$ 2,271,339
2	Current Expenses .....	13000	566,248
3	Repairs and Alterations .....	06400	7,000
4	Other Assets .....	69000	<u>50,000</u>
5	Total .....	\$	2,894,587

*258 - Racing Commission –*

*Administration, Promotion, Education, Capital Improvement  
and Greyhound Adoption Programs*

*to include Spaying and Neutering Account*

(WV Code Chapter 19)

Fund 7307 FY 2019 Org 0707

1	Personal Services and Employee Benefits ....	00100	\$ 864,474
2	Current Expenses .....	13000	214,406
3	Other Assets .....	69000	<u>200,000</u>
4	Total .....	\$	1,278,880



*259 - Alcohol Beverage Control Administration –**Wine License Special Fund*

(WV Code Chapter 60)

Fund 7351 FY 2019 Org 0708

1	Personal Services and Employee Benefits ....00100	\$	122,339
2	Current Expenses .....	13000	69,186
3	Repairs and Alterations .....	06400	7,263
4	Equipment .....	07000	10,000
5	Buildings .....	25800	100,000
6	Other Assets .....	69000	<u>100</u>
7	Total .....	\$	308,888

To the extent permitted by law, four classified exempt positions shall be provided from Personal Services and Employee Benefits appropriation for field auditors.

*260 - Alcohol Beverage Control Administration*

(WV Code Chapter 60)

Fund 7352 FY 2019 Org 0708

1	Personal Services and Employee Benefits ....00100	\$	5,413,237
2	Current Expenses .....	13000	2,890,577
3	Repairs and Alterations .....	06400	91,000
4	Equipment .....	07000	108,000
5	Buildings .....	25800	375,100
6	Purchase of Supplies for Resale .....	41900	72,500,000

7	Transfer Liquor Profits and Taxes .....	42500	20,800,000
8	Other Assets .....	69000	125,100
9	Land .....	73000	100
10	Total .....		\$102,303,114

The total amount of these appropriations shall be paid from a special revenue fund out of liquor revenues and any other revenues available.

The above appropriations include the salary of the commissioner and the salaries, expenses and equipment of administrative offices, warehouses and inspectors.

The above appropriations include funding for the Tobacco/Alcohol Education Program.

There is hereby appropriated from liquor revenues, in addition to the above appropriations as needed, the necessary amount for the purchase of liquor as provided by law and the remittance of profits and taxes to the General Revenue Fund.

*261 - State Athletic Commission Fund*

(WV Code Chapter 29)

Fund 7009 FY 2019 Org 0933

1	Personal Services and Employee Benefits ....	00100	\$ 2,900
2	Current Expenses .....	13000	37,100
3	Total .....		\$ 40,000

**DEPARTMENT OF TRANSPORTATION**

*262 - Division of Motor Vehicles –*

*Dealer Recovery Fund*

(WV Code Chapter 17)

Fund 8220 FY 2019 Org 0802

1	Current Expenses .....	13000	\$	189,000
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*263 - Division of Motor Vehicles –**Motor Vehicle Fees Fund*

(WV Code Chapter 17B)

Fund 8223 FY 2019 Org 0802

1	Personal Services and Employee Benefits ....	00100	\$	3,362,799
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2	Current Expenses .....	13000		4,362,975
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3	Repairs and Alterations.....	06400		16,000
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4	Equipment.....	07000		75,000
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5	Other Assets.....	69000		10,000
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6	BRIM Premium.....	91300		<u>84,737</u>
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7	Total.....		\$	7,911,511
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*264 - Division of Highways –**A. James Manchin Fund*

(WV Code Chapter 22)

Fund 8319 FY 2019 Org 0803

1	Current Expenses .....	13000	\$	1,650,000
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**DEPARTMENT OF VETERANS' ASSISTANCE***265 - Veterans' Facilities Support Fund*

(WV Code Chapter 9A)

Fund 6703 FY 2019 Org 0613

1	Personal Services and Employee Benefits ....00100	\$	94,210
2	Current Expenses .....	13000	2,255,997
3	Repairs and Alterations.....06400		10,000
4	Equipment.....07000		10,000
5	Other Assets.....69000		<u>10,000</u>
6	Total.....	\$	2,380,207

*266 - Department of Veterans' Assistance –*

*WV Veterans' Home –*

*Special Revenue Operating Fund*

(WV Code Chapter 9A)

Fund 6754 FY 2019 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**

*267 - Bureau of Senior Services –*

*Community Based Service Fund*

(WV Code Chapter 22)

Fund 5409 FY 2019 Org 0508

1	Personal Services and Employee Benefits ....00100	\$	151,290
2	Current Expenses .....	13000	<u>10,348,710</u>
3	Total.....	\$	10,500,000

The total amount of these appropriations are funded from annual table game license fees to enable the aged and disabled citizens of West Virginia to stay in their homes through the provision of home and community-based services.

### HIGHER EDUCATION POLICY COMMISSION

*268 - 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 2019 Org 0442

1	Debt Service.....	04000	\$ 27,713,123
2	General Capital Expenditures .....	30600	5,000,000
3	Facilities Planning and Administration.....	38600	<u>421,082</u>
4	Total.....		\$ 33,134,205

The total amount of these appropriations shall be paid from the Special Capital Improvement Fund created in W.Va. Code §18B-10-8. Projects are to be paid on a cash basis and made available on July 1.

The above appropriations, except for Debt Service, may be transferred to special revenue funds for capital improvement projects at the institutions.

*269 - Tuition Fee Revenue Bond Construction Fund*

(WV Code Chapters 18 and 18B)

Fund 4906 FY 2019 Org 0442

Any unexpended balance remaining in the appropriation for Capital Outlay (fund 4906, appropriation 51100) at the close of the fiscal year 2018 is hereby reappropriated for expenditure during the fiscal year 2019.

The appropriation shall be paid from available unexpended cash balances and interest earnings accruing to the fund. The appropriation shall be expended at the discretion of the Higher Education Policy Commission and the funds may be allocated to any institution within the system.

The total amount of this appropriation shall be paid from the unexpended proceeds of revenue bonds previously issued pursuant to W.Va. Code §18-12B-8, which have since been refunded.

*270 - Community and Technical College –*

*Capital Improvement Fund*

(WV Code Chapter 18B)

Fund 4908 FY 2019 Org 0442

Any unexpended balance remaining in the appropriation for Capital Improvements – Total (fund 4908, appropriation 95800) at the close of fiscal year 2018 is hereby reappropriated for expenditure during the fiscal year 2019.

The total amount of this appropriation shall be paid from the sale of the Series 2017 Community and Technical College Capital Improvement Refunding Revenue Bonds and anticipated interest earnings.

*271 - West Virginia University –*

*West Virginia University Health Sciences Center*

(WV Code Chapters 18 and 18B)

Fund 4179 FY 2019 Org 0463

1 Personal Services and Employee Benefits ....00100 \$ 10,274,340

2	Current Expenses .....	13000	4,524,300
3	Repairs and Alterations.....	06400	425,000
4	Equipment.....	07000	512,000
5	Buildings.....	25800	150,000
6	Other Assets.....	69000	<u>50,000</u>
7	Total.....		\$ 15,935,640

**MISCELLANEOUS BOARDS AND COMMISSIONS**

*272 - Board of Barbers and Cosmetologists –*

*Barbers and Beauticians Special Fund*

(WV Code Chapters 16 and 30)

Fund 5425 FY 2019 Org 0505

1	Personal Services and Employee Benefits....	00100	\$ 504,497
2	Current Expenses .....	13000	<u>239,969</u>
3	Total.....		\$ 744,466

The total amount of these appropriations shall be paid from a special revenue fund out of collections made by the Board of Barbers and Cosmetologists as provided by law.

*273 - Hospital Finance Authority –*

*Hospital Finance Authority Fund*

(WV Code Chapter 16)

Fund 5475 FY 2019 Org 0509

1	Personal Services and Employee Benefits....	00100	\$ 85,981
2	Unclassified.....	09900	1,450

3	Current Expenses .....	13000	<u>57,740</u>
4	Total.....	\$	145,171

The total amount of these appropriations shall be paid from the special revenue fund out of fees and collections as provided by Article 29A, Chapter 16 of the Code.

*274 - WV State Board of Examiners for Licensed Practical Nurses –*

*Licensed Practical Nurses*

(WV Code Chapter 30)

Fund 8517 FY 2019 Org 0906

1	Personal Services and Employee Benefits ....00100	\$	455,324
2	Current Expenses .....	13000	<u>128,133</u>
3	Total.....	\$	583,457

*275 - WV Board of Examiners for Registered Professional Nurses –*

*Registered Professional Nurses*

(WV Code Chapter 30)

Fund 8520 FY 2019 Org 0907

1	Personal Services and Employee Benefits ....00100	\$	1,226,557
2	Current Expenses .....	13000	312,655
3	Repairs and Alterations.....06400		3,000
4	Equipment.....07000		25,000
5	Other Assets.....69000		<u>4,500</u>
6	Total.....	\$	1,571,712

*276 - Public Service Commission*

(WV Code Chapter 24)



Fund 8623 FY 2019 Org 0926

1	Personal Services and Employee Benefits ....00100	\$ 11,807,314
2	Unclassified.....09900	147,643
3	Current Expenses .....13000	2,572,222
4	Repairs and Alterations.....06400	55,000
5	Equipment.....07000	160,000
6	PSC Weight Enforcement.....34500	4,370,453
7	Debt Payment/Capital Outlay .....52000	350,000
8	BRIM Premium.....91300	<u>172,216</u>
9	Total.....	\$ 19,634,848

The total amount of these appropriations shall be paid from a special revenue fund out of collections for special license fees from public service corporations as provided by law.

The Public Service Commission is authorized to transfer up to \$500,000 from this fund to meet the expected deficiencies in the Motor Carrier Division (fund 8625, org 0926) due to the amendment and reenactment of W.Va. Code §24A-3-1 by Enrolled House Bill Number 2715, Regular Session, 1997.

*277 - Public Service Commission –*

*Gas Pipeline Division –*

*Public Service Commission Pipeline Safety Fund*

(WV Code Chapter 24B)

Fund 8624 FY 2019 Org 0926

1	Personal Services and Employee Benefits ....00100	\$ 284,198
2	Unclassified.....09900	3,851

3	Current Expenses .....	13000	93,115
4	Repairs and Alterations.....	06400	<u>4,000</u>
5	Total.....	\$	385,164

The total amount of these appropriations shall be paid from a special revenue fund out of receipts collected for or by the Public Service Commission pursuant to and in the exercise of regulatory authority over pipeline companies as provided by law.

*278 - Public Service Commission –*

*Motor Carrier Division*

(WV Code Chapter 24A)

Fund 8625 FY 2019 Org 0926

1	Personal Services and Employee Benefits ....	00100	\$ 2,243,526
2	Unclassified.....	09900	29,233
3	Current Expenses .....	13000	577,557
4	Repairs and Alterations.....	06400	23,000
5	Equipment.....	07000	<u>50,000</u>
6	Total.....	\$	2,923,316

The total amount of these appropriations shall be paid from a special revenue fund out of receipts collected for or by the Public Service Commission pursuant to and in the exercise of regulatory authority over motor carriers as provided by law.

*279 - Public Service Commission –*

*Consumer Advocate Fund*

(WV Code Chapter 24)

Fund 8627 FY 2019 Org 0926

1	Personal Services and Employee Benefits ....00100	\$	743,372
2	Current Expenses .....	13000	276,472
3	Equipment .....	07000	9,872
4	BRIM Premium.....	91300	<u>4,660</u>
5	Total.....	\$	1,034,376

The total amount of these appropriations shall be supported by cash from a special revenue fund out of collections made by the Public Service Commission.

*280 - Real Estate Commission –*

*Real Estate License Fund*

(WV Code Chapter 30)

Fund 8635 FY 2019 Org 0927

1	Personal Services and Employee Benefits ....00100	\$	582,413
2	Current Expenses .....	13000	285,622
3	Repairs and Alterations.....	06400	5,000
4	Equipment .....	07000	<u>10,000</u>
5	Total.....	\$	883,035

The total amount of these appropriations shall be paid out of collections of license fees as provided by law.

*281 - WV Board of Examiners for Speech-Language*

*Pathology and Audiology –*

*Speech-Language Pathology and Audiology Operating Fund*

(WV Code Chapter 30)

Fund 8646 FY 2019 Org 0930

1	Personal Services and Employee Benefits ....00100	\$	73,190
2	Current Expenses .....	13000	<u>65,623</u>
3	Total.....	\$	138,813

*282 - WV Board of Respiratory Care –*

*Board of Respiratory Care Fund*

(WV Code Chapter 30)

Fund 8676 FY 2019 Org 0935

1	Personal Services and Employee Benefits ....00100	\$	82,803
2	Current Expenses .....	13000	50,387
3	Repairs and Alterations.....	06400	<u>400</u>
4	Total.....	\$	133,590

*283 - WV Board of Licensed Dietitians –*

*Dietitians Licensure Board Fund*

(WV Code Chapter 30)

Fund 8680 FY 2019 Org 0936

1	Personal Services and Employee Benefits ....00100	\$	15,950
2	Current Expenses .....	13000	<u>17,050</u>
3	Total.....	\$	33,000

*284 - Massage Therapy Licensure Board –*

*Massage Therapist Board Fund*

(WV Code Chapter 30)

Fund 8671 FY 2019 Org 0938

1	Personal Services and Employee Benefits ....00100	\$	104,418
2	Current Expenses .....	13000	<u>42,648</u>
3	Total.....	\$	147,066

*285 - Board of Medicine –  
Medical Licensing Board Fund*

(WV Code Chapter 30)

Fund 9070 FY 2019 Org 0945

1	Personal Services and Employee Benefits ....00100	\$	1,287,752
2	Current Expenses .....	13000	1,113,789
3	Repairs and Alterations.....	06400	<u>20,000</u>
4	Total.....	\$	2,421,541

*286 - West Virginia Enterprise Resource Planning Board –*

*Enterprise Resource Planning System Fund*

(WV Code Chapter 12)

Fund 9080 FY 2019 Org 0947

1	Personal Services and Employee Benefits ....00100	\$	6,713,066
2	Unclassified.....	09900	232,000
3	Current Expenses .....	13000	17,640,134
4	Repairs and Alterations.....	06400	300
5	Equipment.....	07000	213,000
6	Buildings.....	25800	2,000
7	Other Assets.....	69000	<u>199,500</u>

8 Total..... \$ 25,000,000

*287 - Board of Treasury Investments –*

*Board of Treasury Investments Fee Fund*

(WV Code Chapter 12)

Fund 9152 FY 2019 Org 0950

1	Personal Services and Employee Benefits ....00100	\$	782,889
2	Unclassified.....09900		14,850
3	Current Expenses .....13000		650,714
4	BRIM Premium.....91300		36,547
5	Fees of Custodians, Fund Advisors		
6	and Fund Managers.....93800		<u>3,500,000</u>
7	Total.....	\$	4,985,000

There is hereby appropriated from this fund, in addition to the above appropriation if needed, an amount of funds necessary for the Board of Treasury Investments to pay the fees and expenses of custodians, fund advisors and fund managers for the consolidated fund of the State as provided in Article 6C, Chapter 12 of the Code.

The total amount of these appropriations shall be paid from the special revenue fund out of fees and collections as provided by law.

Total TITLE II, Section 3 – Other Funds

(Including claims against the state)..... \$1,485,773,568

**Sec. 4. Appropriations from lottery net profits.** — Net profits of the lottery are to be deposited by the Director of the Lottery to the following accounts in the amounts indicated. The Director of the Lottery shall prorate each deposit of net profits in the proportion the appropriation for each account bears to the total of the appropriations for all accounts.

After first satisfying the requirements for Fund 2252, Fund 3963, and Fund 4908 pursuant to W.Va. Code §29-22-18, the Director of the Lottery shall make available from the remaining net profits of the lottery any amounts needed to pay debt service for which an appropriation is made for Fund 9065, Fund 4297, Fund 3390, and Fund 3514 and is authorized to transfer any such amounts to Fund 9065, Fund 4297, Fund 3390, and Fund 3514 for that purpose. Upon receipt of reimbursement of amounts so transferred, the Director of the Lottery shall deposit the reimbursement amounts to the following accounts as required by this section.

*288 - Education, Arts, Sciences and Tourism –*

*Debt Service Fund*

(WV Code Chapter 5)

Fund 2252 FY 2019 Org 0211

	<b>Appropriation</b>	<b>Lottery Funds</b>
1 Debt Service – Total .....	31000	\$ 10,000,000

*289 - West Virginia Development Office –*

*West Virginia Tourism Office*

(WV Code Chapter 5B)

Fund 3067 FY 2019 Org 0304

1 Tourism – Telemarketing Center .....	46300	\$ 82,080
2 Tourism – Advertising (R).....	61800	2,422,407
3 Tourism – Operations (R).....	66200	<u>4,045,269</u>
4 Total.....		\$ 6,549,756

Any unexpended balances remaining in the appropriations for Tourism – Advertising (fund 3067, appropriation 61800), and

Tourism – Operations (fund 3067, appropriation 66200) at the close of the fiscal year 2018 are hereby reappropriated for expenditure during the fiscal year 2019.

*290 - Division of Natural Resources*

(WV Code Chapter 20)

Fund 3267 FY 2019 Org 0310

1	Personal Services and Employee Benefits ....00100	\$	2,196,139
2	Current Expenses .....	13000	26,900
3	Pricketts Fort State Park.....	32400	106,560
4	Non-Game Wildlife (R).....	52700	372,124
5	State Parks and Recreation Advertising (R) .	61900	<u>494,578</u>
6	Total.....	\$	3,196,301

Any unexpended balances remaining in the appropriations for Unclassified (fund 3267, appropriation 09900), Capital Outlay – Parks (fund 3267, appropriation 28800), Non-Game Wildlife (fund 3267, appropriation 52700), and State Parks and Recreation Advertising (fund 3267, appropriation 61900) at the close of the fiscal year 2018 are hereby reappropriated for expenditure during the fiscal year 2019.

*291 - State Board of Education*

(WV Code Chapters 18 and 18A)

Fund 3951 FY 2019 Org 0402

1	FBI Checks.....	37200	\$	111,611
2	Vocational Education			
3	Equipment Replacement.....	39300		800,000
4	Assessment Program (R).....	39600		2,969,690



5	21st Century Technology Infrastructure		
6	Network Tools and Support (R) .....	93300	<u>14,295,591</u>
7	Total.....		\$ 18,176,892

Any unexpended balances remaining in the appropriations for Unclassified (fund 3951, appropriation 09900), Current Expenses (fund 3951, appropriation 13000), Assessment Program (fund 3951, appropriation 39600), and 21st Century Technology Infrastructure Network Tools and Support (fund 3951, appropriation 93300) at the close of the fiscal year 2018 are hereby reappropriated for expenditure during the fiscal year 2019.

*292 - State Department of Education –*

*School Building Authority –*

*Debt Service Fund*

(WV Code Chapter 18)

Fund 3963 FY 2019 Org 0402

1	Debt Service – Total .....	31000	\$ 15,320,363
2	Directed Transfer .....	70000	<u>2,679,637</u>
3	Total.....		\$ 18,000,000

The School Building Authority shall have the authority to transfer between the above appropriations in accordance with W.Va. Code §29-22-18.

*293 - Department of Education and the Arts –*

*Office of the Secretary –*

*Control Account –*

*Lottery Education Fund*

(WV Code Chapter 5F)

Fund 3508 FY 2019 Org 0431

1	Unclassified (R) .....	09900	\$	9,483
2	Current Expenses .....	13000		110,617
3	Commission for National and Community Service	19300		
4	357,084			
5	Statewide STEM 21st Century Academy .....	89700		130,000
6	Literacy Project (R).....	89900		<u>350,000</u>
7	Total.....		\$	957,184

Any unexpended balances remaining in the appropriations for Unclassified (fund 3508, appropriation 09900), Governor's Honors Academy (fund 3508, appropriation 47800), Arts Programs (fund 3508, appropriation 50000), and Literacy Project (fund 3508, appropriation 89900) at the close of fiscal year 2018 are hereby reappropriated for expenditure during the fiscal year 2019.

*294 - Division of Culture and History –**Lottery Education Fund*

(WV Code Chapter 29)

Fund 3534 FY 2019 Org 0432

1	Huntington Symphony .....	02700	\$	59,058
2	Preservation WV (R).....	09200		491,921
3	Fairs and Festivals (R) .....	12200		1,346,814
4	Archeological Curation/Capital			
5	Improvements (R).....	24600		32,079
6	Historic Preservation Grants (R).....	31100		368,428
7	West Virginia Public Theater.....	31200		120,019

8	Greenbrier Valley Theater .....	42300	99,543
9	Theater Arts of West Virginia.....	46400	90,000
10	Marshall Artists Series.....	51800	36,005
11	Grants for Competitive Arts Program (R).....	62400	726,000
12	West Virginia State Fair.....	65700	31,241
13	Save the Music.....	68000	24,000
14	Contemporary American Theater Festival....	81100	57,281
15	Independence Hall .....	81200	27,277
16	Mountain State Forest Festival .....	86400	38,187
17	WV Symphony.....	90700	59,058
18	Wheeling Symphony.....	90800	59,058
19	Appalachian Children's Chorus.....	91600	<u>54,554</u>
20	Total.....		\$ 3,720,523

From the above appropriation for Preservation West Virginia (fund 3534, appropriation 09200) funding shall be provided to the African-American Heritage Family Tree Museum (Fayette) \$2,673, Aracoma Story (Logan) \$29,703, Arts Monongahela (Monongalia) \$11,881, Barbour County Arts and Humanities Council \$891, Beckley Main Street (Raleigh) \$2,970, Buffalo Creek Memorial (Logan) \$2,970, Carnegie Hall (Greenbrier) \$46,899, Ceredo Historical Society (Wayne) \$1,188, Ceredo Kenova Railroad Museum (Wayne) \$1,188, Ceredo Museum (Wayne) \$720, Children's Theatre of Charleston (Kanawha) \$3,127, Chuck Mathena Center (Mercer) \$62,532, Collis P. Huntington Railroad Historical Society (Cabell) \$5,941, Country Music Hall of Fame and Museum (Marion) \$4,159, First Stage Children's Theater Company \$1,188, Flannigan Murrell House (Summers) \$3,781, Fort Ashby Fort (Mineral) \$891, Fort New Salem (Harrison) \$2,198, Fort Randolph (Mason) \$2,970, General

Adam Stephen Memorial Foundation (Berkeley) \$11,006, Grafton Mother's Day Shrine Committee (Taylor) \$5,049, Hardy County Tour and Crafts Association \$11,881, Heartwood in the Hills (Calhoun) \$5,040, Heritage Farm Museum & Village (Cabell) \$29,703, Historic Fayette Theater (Fayette) \$3,267, Historic Middleway Conservancy (Jefferson) \$594, Jefferson County Black History Preservation Society \$2,970, Jefferson County Historical Landmark Commission \$4,753, Maddie Carroll House (Cabell) \$4,455, Marshall County Historical Society \$5,049, McCoy Theater (Hardy) \$11,881, Morgantown Theater Company (Monongalia) \$11,881, Mountaineer Boys' State (Lewis) \$5,941, Nicholas Old Main Foundation (Nicholas) \$1,188, Norman Dillon Farm Museum (Berkeley) \$5,941, Old Opera House Theater Company (Jefferson) \$8,911, Parkersburg Arts Center (Wood) \$11,881, Pocahontas Historic Opera House \$3,564, Raleigh County All Wars Museum \$5,941, Rhododendron Girl's State (Ohio) \$2,079, Southern West Virginia Veterans' Museum \$3,393, Summers County Historic Landmark Commission \$2,970, Those Who Served War Museum (Mercer) \$2,376, Three Rivers Avian Center () \$5,941, Roane County 4-H and FFA Youth Livestock Program \$2,970, Scottish Heritage Society/N. Central WV (Harrison) \$2,970, Society for the Preservation of McGrew House (Preston) Summers) \$5,311, Tug Valley Arts Council (Mingo) \$2,970, Tug Valley Chamber of Commerce Coal House (Mingo) \$1,188, Tunnelton Historical Society (Preston) \$1,188, Veterans Committee for Civic Improvement of Huntington (Wayne) \$2,970, West Virginia Museum of Glass (Lewis) \$2,970, West Virginia Music Hall of Fame (Kanawha) \$20,792, YMCA Camp Horseshoe (Tucker) \$59,406, Youth Museum of Southern West Virginia (Raleigh) \$7,129, Z.D. Ramsdell House (Wayne) \$720.

From the above appropriation for Fairs and Festivals (fund 3534, appropriation 12200) funding shall be provided to A Princeton 4th (Mercer) \$1,800, African-American Cultural Heritage Festival (Jefferson) \$2,970, Alderson 4th of July Celebration (Greenbrier) \$2,970, Allegheny Echo (Pocahontas) \$4,456, Alpine Festival/Leaf Peepers Festival (Tucker) \$6,683, American Civil War (Grant) \$3,127, American Legion Post 8 Veterans Day Parade (McDowell) \$1,250, Angus Beef and Cattle

Show (Lewis) \$891, Annual Birch River Days (Nicholas) \$1,296, Annual Don Redman Heritage Concert & Awards (Jefferson) \$938, Annual Ruddle Park Jamboree (Pendleton) \$4,690, Antique Market Fair (Lewis) \$1,188, Apollo Theater-Summer Program (Berkeley) \$1,188, Apple Butter Festival (Morgan) \$3,564, Arkansaw Homemaker's Heritage Weekend (Hardy) \$2,079, Armed Forces Day-South Charleston (Kanawha) \$1,782, Arthurdale Heritage New Deal Festival (Preston) \$2,970, Athens Town Fair (Mercer) \$1,188, Augusta Fair (Randolph) \$2,970, Autumn Harvest Fest (Monroe) \$2,448, Barbour County Fair \$14,851, Barboursville Octoberfest (Cabell) \$2,970, Bass Festival (Pleasants) \$1,099, Battelle District Fair (Monongalia) \$2,970, Battle of Dry Creek (Greenbrier) \$891, Battle of Point Pleasant Memorial Committee (Mason) \$2,970, Belle Town Fair (Kanawha) \$2,673, Belleville Homecoming (Wood) \$11,881, Bergoo Down Home Days (Webster) \$1,485, Berkeley County Youth Fair \$10,990, Black Bear 4K Mountain Bike Race (Kanawha) \$684, Black Heritage Festival (Harrison) \$3,564, Black Walnut Festival (Roane) \$5,940, Blast from the Past (Upshur) \$1,440, Blue-Gray Reunion (Barbour) \$2,079, Boone County Fair \$5,940, Boone County Labor Day Celebration \$2,376, Bradshaw Fall Festival (McDowell) \$1,188, Brandonville Heritage Day (Preston) \$1,048, Braxton County Fair \$6,832, Braxton County Monster Fest / West Virginia Autumn Festival \$1,485, Brooke County Fair \$2,079, Bruceton Mills Good Neighbor Days (Preston) \$1,188, Buckwheat Festival (Preston) \$5,050, Buffalo 4th of July Celebration (Putnam) \$400, Buffalo October Fest (Putnam) \$3,240, Burlington Apple Harvest Festival (Mineral) \$17,821, Burlington Pumpkin Harvest Festival (Raleigh) \$2,970, Burnsville Harvest Festival (Braxton) \$1,407, Cabell County Fair \$5,940, Calhoun County Wood Festival \$1,188, Campbell's Creek Community Fair (Kanawha) \$1,485, Cape Coalwood Festival Association (McDowell) \$1,485, Capon Bridge Founders Day Festival (Hampshire) \$1,188, Capon Springs Ruritan 4th of July (Hampshire) \$684, Cass Homecoming (Pocahontas) \$1,188, Cedarville Town Festival (Gilmer) \$684, Celebration in the Park (Wood) \$2,376, Celebration of America (Monongalia) \$3,564, Ceredo Freedom Festival (Wayne) \$700, Chapmanville Apple Butter Festival (Logan) \$684, Chapmanville Fire Department 4th

of July (Logan) \$1,782, Charles Town Christmas Festival (Jefferson) \$2,970, Charles Town Heritage Festival (Jefferson) \$2,970, Cherry River Festival (Nicholas) \$3,861, Chester Fireworks (Hancock) \$891, Chester 4th of July Festivities (Hancock) \$2,970, Chief Logan State Park-Civil War Celebration (Logan) \$4,752, Chilifest West Virginia State Chili Championship (Cabell) \$1,563, Christmas In Our Town (Marion) \$3,127, Christmas in Shepherdstown (Jefferson) \$2,376, Christmas in the Park (Brooke) \$2,970, Christmas in the Park (Logan) \$14,851, City of Dunbar Critter Dinner (Kanawha) \$5,940, City of Logan Polar Express (Logan) \$4,456, City of New Martinsville Festival of Memories (Wetzel) \$6,534, Clay County Golden Delicious Apple Festival \$4,158, Clay District Fair (Monongalia) \$1,080, Coal Field Jamboree (Logan) \$20,792, Coalton Days Fair (Randolph) \$4,158, Country Roads Festival (Fayette) \$1,188, Cowen Railroad Festival (Webster) \$2,079, Craigsville Fall Festival (Nicholas) \$2,079, Cruise into Princeton (Mercer) \$2,160, Culturefest World Music & Arts Festival (Mercer) \$4,690, Delbarton Homecoming (Mingo) \$2,079, Doddridge County Fair \$4,158, Dorcas Ice Cream Social (Grant) \$3,564, Durbin Days (Pocahontas) \$2,970, Elbert/Filbert Reunion Festival (McDowell) \$891, Elkins Randolph County 4th of July Car Show (Randolph) \$1,188, Fairview 4th of July Celebration (Marion) \$684, Farm Safety Day (Preston) \$1,188, Farmer's Day Festival (Monroe) \$2,330, Farmers' Day Parade (Wyoming) \$720, Fenwick Mountain Old Time Community Festival (Nicholas) \$2,880, FestivALL Charleston (Kanawha) \$11,881, Flatwoods Days (Braxton) \$700, Flemington Day Fair and Festival (Taylor) \$2,079, Follansbee Community Days (Brooke) \$4,900, Fort Gay Mountain Heritage Days (Wayne) \$2,970, Fort Henry Days (Ohio) \$3,148, Fort Henry Living History (Ohio) \$1,563, Fort New Salem Spirit of Christmas Festival (Harrison) \$2,432, Frankford Autumnfest (Greenbrier) \$2,970, Franklin Fishing Derby (Pendleton) \$4,456, Freshwater Folk Festival (Greenbrier) \$2,970, Friends Auxiliary of W.R. Sharpe Hospital (Lewis) \$2,970, Frontier Days (Harrison) \$1,782, Frontier Fest/Canaan Valley (Taylor) \$2,970, Fund for the Arts-Wine & All that Jazz Festival (Kanawha) \$1,485, Gassaway Days Celebration (Braxton) \$2,970, Gilbert Elementary Fall Blast (Mingo) \$2,188, Gilbert Kiwanis Harvest Festival (Mingo) \$2,376,

Gilbert Spring Fling (Mingo) \$3,595, Gilmer County Farm Show \$2,376, Grant County Arts Council \$1,188, Grape Stomping Wine Festival (Nicholas) \$1,188, Great Greenbrier River Race (Pocahontas) \$5,940, Greater Quinwood Days (Greenbrier) \$781, Guyandotte Civil War Days (Cabell) \$5,941, Hamlin 4th of July Celebration (Lincoln) \$2,970, Hampshire Civil War Celebration Days (Hampshire) \$684, Hampshire County 4th of July Celebration \$11,881, Hampshire County Fair \$5,002, Hampshire Heritage Days (Hampshire) \$2,376, Hancock County Oldtime Fair \$2,970, Hardy County Commission - 4th of July \$5,940, Hatfield McCoy Matewan Reunion Festival (Mingo) \$12,330, Hatfield McCoy Trail National ATV and Dirt Bike Weekend (Wyoming) \$2,970, Heat'n the Hills Chilifest (Lincoln) \$2,970, Heritage Craft Festival (Monroe) \$1,044, Heritage Days Festival (Roane) \$891, Hilltop Festival (Cabell) \$684, Hilltop Festival of Lights (McDowell) \$1,188, Hinton Railroad Days (Summers) \$4,347, Holly River Festival (Webster) \$891, Hometown Mountain Heritage Festival (Fayette) \$2,432, Hundred 4th of July (Wetzel) \$4,307, Hundred American Legion Earl Kiger Post Bluegrass Festival (Wetzel) \$1,188, Hurricane 4th of July Celebration (Putnam) \$2,970, Jaeger Town Fair (McDowell) \$891, Irish Heritage Festival of West Virginia (Raleigh) \$2,970, Irish Spring Festival (Lewis) \$684, Italian Heritage Festival-Clarksburg (Harrison) \$17,821, Jackson County Fair \$2,970, Jamboree (Pocahontas) \$2,970, Jane Lew Arts and Crafts Fair (Lewis) \$684, Jefferson County Fair Association \$14,851, Jersey Mountain Ruritan Pioneer Days (Hampshire) \$684, John Henry Days Festival (Monroe) \$4,698, Johnnie Johnson Blues and Jazz Festival (Marion) \$2,970, Johnstown Community Fair (Harrison) \$1,485, Junior Heifer Preview Show (Lewis) \$1,188, Kanawha Coal Riverfest-St. Albans 4th of July Festival (Kanawha) \$2,970, Keeper of the Mountains-Kayford (Kanawha) \$1,485, Kenova Autumn Festival (Wayne) \$4,377, Kermit Fall Festival (Mingo) \$1,782, Keystone Reunion Gala (McDowell) \$1,563, King Coal Festival (Mingo) \$2,970, Kingwood Downtown Street Fair and Heritage Days (Preston) \$1,188, L.Z. Rainelle West Virginia Veterans Reunion (Greenbrier) \$2,970, Lady of Agriculture (Preston) \$684, Larry Joe Harless Center Octoberfest Hatfield McCoy Trail (Mingo) \$5,940, Larry Joe Harless Community

Center Spring Middle School Event (Mingo) \$2,970, Last Blast of Summer (McDowell) \$2,970, Lewis County Fair Association \$2,079, Lewisburg Shanghai (Greenbrier) \$1,188, Lincoln County Fall Festival \$4,752, Lincoln County Winterfest \$2,970, Lindsie Veterans' Day Parade \$720, Little Levels Heritage Festival (Pocahontas) \$1,188, Lost Creek Community Festival (Harrison) \$4,158, Main Street Arts Festival (Upshur) \$3,127, Main Street Martinsburg Chocolate Fest and Book Fair (Berkeley) \$2,813, Mannington District Fair (Marion) \$3,564, Maple Syrup Festival (Randolph) \$684, Marion County FFA Farm Fest \$1,485, Marmet Labor Day Celebration (Kanawha) \$3,078, Marshall County Antique Power Show \$1,485, Marshall County Fair \$4,456, Mason County Fair \$2,970, Mason Dixon Festival (Monongalia) \$4,158, Matewan Massacre Reenactment (Mingo) \$5,004, Matewan-Magnolia Fair (Mingo) \$15,932, McARTS-McDowell County \$11,881, McDowell County Fair \$1,485, McGrew House History Day (Preston) \$1,188, McNeill's Rangers (Mineral) \$4,752, Meadow Bridge Hometown Festival (Fayette) \$743, Meadow River Days Festival (Greenbrier) \$1,782, Mercer Bluestone Valley Fair (Mercer) \$1,188, Mercer County Fair \$1,188, Mercer County Heritage Festival \$3,474, Mid Ohio Valley Antique Engine Festival (Wood) \$1,782, Milton Christmas in the Park (Cabell) \$1,485, Milton 4th of July Celebration (Cabell) \$1,485, Mineral County Fair \$1,040, Mineral County Veterans Day Parade \$891, Molasses Festival (Calhoun) \$1,188, Monongahfest (Marion) \$3,752, Moon Over Mountwood Fishing Festival (Wood) \$1,782, Morgan County Fair-History Wagon \$891, Moundsville Bass Festival (Marshall) \$2,376, Moundsville July 4th Celebration (Marshall) \$2,970, Mount Liberty Fall Festival (Barbour) \$1,485, Mountain Fest (Monongalia) \$11,881, Mountain Festival (Mercer) \$2,747, Mountain Heritage Arts and Crafts Festival (Jefferson) \$2,970, Mountain Music Festival (McDowell) \$1,485, Mountain State Apple Harvest Festival (Berkeley) \$4,456, Mountain State Arts & Crafts Fair Cedar Lakes (Jackson) \$26,732, Mountaineer Hot Air Balloon Festival (Monongalia) \$2,376, Mullens Dogwood Festival (Wyoming) \$4,158, Multi-Cultural Festival of West Virginia (Kanawha) \$11,881, Music and Barbecue - Banks District VFD (Upshur) \$1,278, New Cumberland Christmas Parade (Hancock) \$1,782, New Cumberland 4th of July (Hancock)



\$2,970, New River Bridge Day Festival (Fayette) \$23,762, Newburg Volunteer Fireman's Field Day (Preston) \$684, Nicholas County Fair \$2,970, Nicholas County Potato Festival \$2,079, Oak Leaf Festival (Fayette) \$6,253, Oceana Heritage Festival (Wyoming) \$3,564, Oglebay City Park - Festival of Lights (Ohio) \$47,524, Oglebay Festival (Ohio) \$5,940, Ohio County Country Fair \$5,346, Ohio River Fest (Jackson) \$4,320, Ohio Valley Beef Association (Wood) \$1,485, Ohio Valley Black Heritage Festival (Ohio) \$3,267, Old Central City Fair (Cabell) \$2,970, Old Century City Fair (Barbour) \$1,250, Old Tyme Christmas (Jefferson) \$1,425, Paden City Labor Day Festival (Wetzel) \$3,861, Parkersburg Homecoming (Wood) \$8,754, Patty Fest (Monongalia) \$1,188, Paw Paw District Fair (Marion) \$2,079, Pax Reunion Committee (Fayette) \$2,970, Pendleton County 4-H Weekend \$1,188, Pendleton County Committee for Arts \$8,910, Pendleton County Fair \$6,253, Pennsboro Country Road Festival (Ritchie) \$1,188, Petersburg 4th of July Celebration (Grant) \$11,881, Petersburg HS Celebration (Grant) \$5,940, Piedmont-Annual Back Street Festival (Mineral) \$2,376, Pinch Reunion (Kanawha) \$891, Pine Bluff Fall Festival (Harrison) \$2,376, Pine Grove 4th of July Festival (Wetzel) \$4,158, Pineville Festival (Wyoming) \$3,564, Pleasants County Agriculture Youth Fair \$2,970, Poca Heritage Days (Putnam) \$1,782, Pocahontas County Pioneer Days \$4,159, Point Pleasant Stern Wheel Regatta (Mason) \$2,970, Pratt Fall Festival (Kanawha) \$1,485, Princeton Autumnfest (Mercer) \$1,563, Princeton Street Fair (Mercer) \$2,970, Putnam County Fair \$2,970, Quartets on Parade (Hardy) \$2,376, Rainelle Fall Festival (Greenbrier) \$3,127, Rand Community Center Festival (Kanawha) \$1,485, Randolph County Community Arts Council \$1,782, Randolph County Fair \$4,158, Randolph County Ramp and Rails \$1,188, Ranson Christmas Festival (Jefferson) \$2,970, Ranson Festival (Jefferson) \$2,970, Renick Liberty Festival (Greenbrier) \$684, Ripley 4th of July (Jackson) \$8,910, Ritchie County Fair and Exposition \$2,970, Ritchie County Pioneer Days \$684, River City Festival (Preston) \$684, Roane County Agriculture Field Day \$1,782, Rock the Park (Kanawha) \$3,240, Rocket Boys Festival (Raleigh) \$1,710, Romney Heritage Days (Hampshire) \$1,876, Ronceverte River Festival (Greenbrier) \$2,970, Rowlesburg Labor Day Festival

(Preston) \$684, Rupert Country Fling (Greenbrier) \$1,876, Saint Spyridon Greek Festival (Harrison) \$1,485, Salem Apple Butter Festival (Harrison) \$2,376, Sistersville 4th of July (Tyler) \$3,267, Skirmish on the River (Mingo) \$1,250, Smoke on the Water (Wetzel) \$1,782, South Charleston Summerfest (Kanawha) \$5,940, Southern Wayne County Fall Festival \$684, Spirit of Grafton Celebration (Taylor) \$5,940, Springfield Peach Festival (Hampshire) \$738, St. Albans City of Lights - December (Kanawha) \$2,970, Sternwheel Festival (Wood) \$1,782, Stoco Reunion (Raleigh) \$1,485, Stonewall Jackson Heritage Arts & Crafts Jubilee (Lewis) \$6,534, Stonewall Jackson's Roundhouse Raid (Berkeley) \$7,200, Storytelling Festival (Lewis) \$400, Strawberry Festival (Upshur) \$17,821, Sylvester Big Coal River Festival \$1,944, Tacy Fair (Barbour) \$684, Taste of Parkersburg (Wood) \$2,970, Taylor County Fair \$3,267, Terra Alta VFD 4th of July Celebration (Preston) \$684, The Gathering at Sweet Creek (Wood) \$1,782, Three Rivers Coal Festival (Marion) \$4,604, Thunder on the Tygart - Mothers' Day Celebration (Taylor) \$8,910, Town of Delbarton 4th of July Celebration (Mingo) \$1,782, Town of Fayetteville Heritage Festival (Fayette) \$4,456, Town of Matoaka Hog Roast (Mercer) \$684, Town of Rivesville 4th of July Festival (Marion) \$3,127, Town of Winfield - Putnam County Homecoming \$3,240, St. Albans Train Fest (Kanawha) \$6,120, Treasure Mountain Festival (Pendleton) \$14,851, Tri-County Fair (Grant) \$22,548, Tucker County Arts Festival and Celebration \$10,692, Tucker County Fair \$2,821, Tucker County Health Fair \$1,188, Tunnelton Depot Days (Preston) \$684, Tunnelton Volunteer Fire Department Festival (Preston) \$684, Turkey Festival (Hardy) \$1,782, Tyler County Fair \$3,088, Tyler County 4th of July \$400, Tyler County OctoberFest \$720, Union Community Irish Festival (Barbour) \$648, Uniquely West Virginia Festival (Morgan) \$1,188, Upper Kanawha Valley Oktoberfest (Kanawha) \$1,485, Upper Ohio Valley Italian Festival (Ohio) \$7,128, Upshur County Youth Livestock Show \$1,440, Valley District Fair (Preston) \$2,079, Veterans Welcome Home Celebration (Cabell) \$938, Vietnam Veterans of America # 949 Christmas Party (Cabell) \$684, Volcano Days at Mountwood Park (Wood) \$2,970, War Homecoming Fall Festival (McDowell) \$891, Wardensville Fall Festival (Hardy) \$2,970, Wayne County Fair

\$2,970, Wayne County Fall Festival \$2,970, Webster County Fair \$3,600, Webster County Wood Chopping Festival \$8,910, Webster Wild Water Weekend \$1,188, Weirton July 4th Celebration (Hancock) \$11,881, Welcome Home Family Day (Wayne) \$1,900, Wellsburg 4th of July Celebration (Brooke) \$4,456, Wellsburg Apple Festival of Brooke County \$2,970, West Virginia Blackberry Festival (Harrison) \$2,970, West Virginia Chestnut Festival (Preston) \$684, West Virginia Coal Festival (Boone) \$5,940, West Virginia Coal Show (Mercer) \$1,563, West Virginia Dairy Cattle Show (Lewis) \$5,940, West Virginia Dandelion Festival (Greenbrier) \$2,970, West Virginia Day at the Railroad Museum (Mercer) \$1,800, West Virginia Fair and Exposition (Wood) \$4,812, West Virginia Fireman's Rodeo (Fayette) \$1,485, West Virginia Oil and Gas Festival (Tyler) \$6,534, West Virginia Peach Festival (Hampshire) \$3,240, West Virginia Polled Hereford Association (Braxton) \$891, West Virginia Poultry Festival (Hardy) \$2,970, West Virginia Pumpkin Festival (Cabell) \$5,940, West Virginia State Folk Festival (Gilmer) \$2,970, West Virginia Water Festival - City of Hinton (Summers) \$9,144, Weston VFD 4th of July Firemen Festival (Lewis) \$1,188, Wetzel County Autumnfest \$3,267, Wetzel County Town and Country Days \$10,098, Wheeling Celtic Festival (Ohio) \$1,166, Wheeling City of Lights (Ohio) \$4,752, Wheeling Sternwheel Regatta (Ohio) \$5,940, Wheeling Vintage Raceboat Regatta (Ohio) \$11,881, Whipple Community Action (Fayette) \$1,485, Wileyville Homecoming (Wetzel) \$2,376, Wine Festival and Mountain Music Event (Harrison) \$2,970, Winter Festival of the Waters (Berkeley) \$2,970, Wirt County Fair \$1,485, Wirt County Pioneer Days \$1,188, Wyoming County Civil War Days \$1,296, Youth Stockman Beef Expo (Lewis) \$1,188.

Any unexpended balances remaining in the appropriations for Preservation West Virginia (fund 3534, appropriation 09200), Fairs and Festivals (fund 3534, appropriation 12200), Archeological Curation/Capital Improvements (fund 3534, appropriation 24600), Historic Preservation Grants (fund 3534, appropriation 31100), Grants for Competitive Arts Program (fund 3534, appropriation 62400), and Project ACCESS (fund 3534,

appropriation 86500) at the close of the fiscal year 2018 are hereby reappropriated for expenditure during the fiscal year 2019.

Any Fairs & Festivals awards shall be funded in addition to, and not in lieu of, individual grant allocations derived from the Arts Council and the Cultural Grant Program allocations.

*295 - Library Commission –*

*Lottery Education Fund*

(WV Code Chapter 10)

Fund 3559 FY 2019 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>884,109</u>
6	Total.....		\$	11,454,456

Any unexpended balance remaining in the appropriation for Libraries – Special Projects (fund 3559, appropriation 62500) at the close of fiscal year 2018 is hereby reappropriated for expenditure during the fiscal year 2019.

*296 - Bureau of Senior Services –*

*Lottery Senior Citizens Fund*

(WV Code Chapter 29)

Fund 5405 FY 2019 Org 0508

1	Personal Services and Employee Benefits....	00100	\$	198,745
2	Current Expenses .....	13000		332,284

3	Repairs and Alterations.....	06400	1,000
4	Local Programs Service Delivery Costs .....	20000	2,435,250
5	Silver Haired Legislature .....	20200	18,500
6	Transfer to Division of Human Services		
7	for Health Care		
8	and Title XIX Waiver		
9	for Senior Citizens .....	53900	4,615,503
10	Roger Tompkins Alzheimer's		
11	Respite Care.....	64300	2,298,312
12	WV Alzheimer's Hotline .....	72400	45,000
13	Regional Aged and Disabled		
14	Resource Center.....	76700	425,000
15	Senior Services Medicaid Transfer .....	87100	14,502,312
16	Legislative Initiatives for the Elderly.....	90400	9,671,239
17	Long Term Care Ombudsman.....	90500	297,226
18	BRIM Premium.....	91300	7,718
19	In-Home Services and		
20	Nutrition for Senior Citizens .....	91700	<u>4,320,941</u>
21	Total.....		\$ 39,169,030

Any unexpended balance remaining in the appropriation for Senior Citizen Centers and Programs (fund 5405, appropriation 46200) at the close of the fiscal year 2018 is hereby reappropriated for expenditure during the fiscal year 2019.

Included in the above appropriation for Current Expenses (fund 5405, appropriation 13000), is funding to support an in-home direct care workforce registry.

The above appropriation for Transfer to Division of Human Services for Health Care and Title XIX Waiver for Senior Citizens

(appropriation 53900) along with the federal moneys generated thereby shall be used for reimbursement for services provided under the program.

*297 - Higher Education Policy Commission –*

*Lottery Education –*

*Higher Education Policy Commission –*

*Control Account*

(WV Code Chapters 18B and 18C)

Fund 4925 FY 2019 Org 0441

1	RHI Program and Site Support (R).....03600	\$ 1,912,491
2	RHI Program and Site Support –	
3	RHEP Program Administration .....03700	146,653
4	RHI Program and Site Support – Grad Med	
5	Ed and Fiscal Oversight (R) .....03800	87,777
6	Minority Doctoral Fellowship (R) .....16600	129,604
7	Health Sciences Scholarship (R).....17600	222,417
8	Vice Chancellor for Health Sciences –	
9	Rural Health Residency Program (R).....60100	62,725
10	WV Engineering, Science, and	
11	Technology Scholarship Program.....86800	<u>452,831</u>
12	Total.....	\$ 3,014,498

Any unexpended balances remaining in the appropriations for RHI Program and Site Support (fund 4925, appropriation 03600), RHI Program and Site Support – Grad Med Ed and Fiscal Oversight (fund 4925, appropriation 03800), Minority Doctoral Fellowship (fund 4925, appropriation 16600), Health Sciences Scholarship (fund 4925, appropriation 17600), and Vice Chancellor for Health Sciences – Rural Health Residency Program

(fund 4925, appropriation 60100) at the close of fiscal year 2018 are hereby reappropriated for expenditure during the fiscal year 2019.

The above appropriation for WV Engineering, Science, and Technology Scholarship Program (appropriation 86800) shall be transferred to the West Virginia Engineering, Science and Technology Scholarship Fund (fund 4928, org 0441) established by W.Va. Code §18C-6-1.

*298 - Community and Technical College –*

*Capital Improvement Fund*

(WV Code Chapter 18B)

Fund 4908 FY 2019 Org 0442

1 Debt Service – Total .....31000 \$ 5,000,000

Any unexpended balance remaining in the appropriation for Capital Outlay and Improvements – Total (fund 4908, appropriation 84700) at the close of fiscal year 2018 is hereby reappropriated for expenditure during the fiscal year 2019.

*299 - Higher Education Policy Commission –*

*Lottery Education –*

*West Virginia University – School of Medicine*

(WV Code Chapter 18B)

Fund 4185 FY 2019 Org 0463

1	WVU Health Sciences –		
2	RHI Program and Site Support (R).....	03500	\$ 1,132,812
3	MA Public Health Program and		
4	Health Science Technology (R).....	62300	52,445
5	Health Sciences		
6	Career Opportunities Program (R).....	86900	325,138

7	HSTA Program (R).....	87000	1,680,240
8	Center for Excellence in Disabilities (R).....	96700	<u>303,739</u>
9	Total.....		\$ 3,494,374

Any unexpended balances remaining in the appropriations for WVU Health Sciences – RHI Program and Site Support (fund 4185, appropriation 03500), MA Public Health Program and Health Science Technology (fund 4185, appropriation 62300), Health Sciences Career Opportunities Program (fund 4185, appropriation 86900), HSTA Program (fund 4185, appropriation 87000), and Center for Excellence in Disabilities (fund 4185, appropriation 96700) at the close of fiscal year 2018 are hereby reappropriated for expenditure during the fiscal year 2019.

*300 - Higher Education Policy Commission –*

*Lottery Education –*

*Marshall University – School of Medicine*

(WV Code Chapter 18B)

Fund 4896 FY 2019 Org 0471

1	Marshall Medical School –		
2	RHI Program and Site Support (R).....	03300	\$ 408,216
3	Vice Chancellor for Health Sciences –		
4	Rural Health Residency Program (R).....	60100	<u>166,770</u>
5	Total.....		\$ <u>574,986</u>

Any unexpended balances remaining in the appropriations for Marshall Medical School – RHI Program and Site Support (fund 4896, appropriation 03300) and Vice Chancellor for Health Sciences – Rural Health Residency Program (fund 4896, appropriation 60100) at the close of fiscal year 2018 are hereby reappropriated for expenditure during the fiscal year 2019.

Total TITLE II, Section 4 – Lottery Revenue..... \$ 123,308,000



**Sec. 5. Appropriations from state excess lottery revenue fund.** — In accordance with W.Va. Code §29-22-18a, §29-22A-10d, §29-22A-10e, §29-22C-27a and §29-25-22b, the following appropriations shall be deposited and disbursed by the Director of the Lottery to the following accounts in this section in the amounts indicated.

After first funding the appropriations required by W.Va. Code §29-22-18a, §29-22A-10d, §29-22A-10e, §29-22C-27a and §29-25-22b, the Director of the Lottery shall provide funding from the State Excess Lottery Revenue Fund for the remaining appropriations in this section to the extent that funds are available. In the event that revenues to the State Excess Lottery Revenue Fund are sufficient to meet all the appropriations required made pursuant to this section, then the Director of the Lottery shall then provide the funds available for fund 5365, appropriation 18900.

*301 - Lottery Commission –*

*Refundable Credit*

Fund 7207 FY 2019 Org 0705

	<b>Appro- priation</b>	<b>Excess Lottery Funds</b>
1 Directed Transfer .....	70000	\$ 10,000,000

The above appropriation shall be transferred to the General Revenue Fund to provide reimbursement for the refundable credit allowable under W.Va. Code §11-21-21. The amount of the required transfer shall be determined solely by the State Tax Commissioner and shall be completed by the Director of the Lottery upon the commissioner’s request.

*302 - Lottery Commission –*

*General Purpose Account*

Fund 7206 FY 2019 Org 0705

- 1 General Revenue Fund – Transfer .....70011 \$ 65,000,000

The above appropriation shall be transferred to the General Revenue Fund as determined by the Director of the Lottery in accordance with W.Va. Code §29-22-18a.

*303 - Higher Education Policy Commission –*

*Education Improvement Fund*

Fund 4295 FY 2019 Org 0441

- 1 PROMISE Scholarship – Transfer .....80000 \$ 29,000,000

The above appropriation shall be transferred to the PROMISE Scholarship Fund (fund 4296, org 0441) established by W.Va. Code §18C-7-7.

The Legislature has explicitly set a finite amount of available appropriations and directed the administrators of the Program to provide for the award of scholarships within the limits of available appropriations.

*304 - Economic Development Authority –*

*Economic Development Project Fund*

Fund 9065 FY 2019 Org 0944

- 1 Debt Service – Total .....31000 \$ 19,000,000

Pursuant to W.Va. Code §29-22-18a, subsection (f), excess lottery revenues are authorized to be transferred to the lottery fund as reimbursement of amounts transferred to the economic development project fund pursuant to section four of this title and W.Va. Code §29-22-18, subsection (f).

*305 - Department of Education –*

*School Building Authority*

Fund 3514 FY 2019 Org 0402

1 Debt Service – Total .....31000 \$ 19,000,000

*306 - West Virginia Infrastructure Council –*

*West Virginia Infrastructure Transfer Fund*

Fund 3390 FY 2019 Org 0316

1 Directed Transfer .....70000 \$ 46,000,000

The above appropriation shall be allocated pursuant to W.Va. Code §29-22-18d and §31-15-9.

*307 - Higher Education Policy Commission –*

*Higher Education Improvement Fund*

Fund 4297 FY 2019 Org 0441

1 Directed Transfer .....70000 \$ 15,000,000

The above appropriation shall be transferred to fund 4903, org 0442 as authorized by Senate Concurrent Resolution No. 41.

*308 - Division of Natural Resources –*

*State Park Improvement Fund*

Fund 3277 FY 2019 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

Any unexpended balances remaining in the above appropriations for Repairs and Alterations (fund 3277,

appropriation 06400), Equipment (fund 3277, appropriation 07000), Unclassified – Total (fund 3277, appropriation 09600), Unclassified (fund 3277, appropriation 09900), Current Expenses (fund 3277, appropriation 13000), Buildings (fund 3277, appropriation 25800), and Other Assets (fund 3277, appropriation 69000) at the close of the fiscal year 2018 are hereby reappropriated for expenditure during the fiscal year 2019.

*309 - Economic Development Authority –*

*Cacapon and Beech Fork State Parks –*

*Lottery Revenue Debt Service*

Fund 9067 FY 2019 Org 0944

1	Debt Service.....	04000	\$	2,032,000
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*310 - Racing Commission –*

Fund 7308 FY 2019 Org 0707

1	Special Breeders Compensation			
2	(WVC §29-22-18a, subsection (l)) .....	21800	\$	2,000,000

*311 - Lottery Commission –*

*Distributions to Statutory Funds and Purposes*

Fund 7213 FY 2019 Org 0705

1	Parking Garage Fund – Transfer .....	70001	\$	500,000
2	2004 Capitol Complex			
3	Parking Garage Fund – Transfer.....	70002		216,478
4	Capitol Dome and			
5	Improvements Fund – Transfer .....	70003		1,796,256
6	Capitol Renovation and			
7	Improvement Fund – Transfer .....	70004		2,381,252
8	Development Office			
9	Promotion Fund – Transfer.....	70005		1,298,864

10	Research Challenge Fund – Transfer .....	70006	1,731,820
11	Tourism Promotion Fund – Transfer .....	70007	4,808,142
12	Cultural Facilities and Capitol		
13	Resources Matching		
14	Grant Program Fund – Transfer .....	70008	1,250,535
15	State Debt Reduction Fund – Transfer .....	70010	20,000,000
16	General Revenue Fund – Transfer .....	70011	1,167,799
17	West Virginia Racing Commission Racetrack		
18	Video Lottery Account .....	70012	3,463,637
19	Historic Resort Hotel Fund .....	70013	24,010
20	Licensed Racetrack Regular Purse Fund .....	70014	<u>11,383,247</u>
21	Total .....		\$ 50,022,040

*312 - Governor's Office*

(WV Code Chapter 5)

Fund 1046 FY 2019 Org 0100

Any unexpended balance remaining in the appropriation for Publication of Papers and Transition Expenses – Lottery Surplus (fund 1046, appropriation 06600) at the close of the fiscal year 2018 is hereby reappropriated for expenditure during the fiscal year 2019.

*313 - West Virginia Development Office*

(WV Code Chapter 5B)

Fund 3170 FY 2019 Org 0307

Any unexpended balances remaining in the appropriations for Unclassified – Total (fund 3170, appropriation 09600), Recreational Grants or Economic Development Loans (fund 3170, appropriation 25300), and Connectivity Research and

Development – Lottery Surplus (fund 3170, appropriation 92300) at the close of the fiscal year 2018 are hereby reappropriated for expenditure during the fiscal year 2019.

*314 - Higher Education Policy Commission –*

*Administration –*

*Control Account*

(WV Code Chapter 18B)

Fund 4932 FY 2019 Org 0441

Any unexpended balance remaining in the appropriation for Advanced Technology Centers (fund 4932, appropriation 02800) at the close of the fiscal year 2018 is hereby reappropriated for expenditure during the fiscal year 2019.

*315 - Division of Human Services*

(WV Code Chapters 9, 48 and 49)

Fund 5365 FY 2019 Org 0511

1 Medical Services..... 18900 \$ 28,202,960

*316 - Division of Corrections –*

*Correctional Units*

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

Fund 6283 FY 2019 Org 0608

Any unexpended balance remaining in the appropriation for Capital Outlay and Maintenance (fund 6283, appropriation 75500) at the close of the fiscal year 2018 is hereby reappropriated for expenditure during the fiscal year 2019.

Total TITLE II, Section 5 – Excess Lottery Funds. \$ 290,257,000

**Sec. 6. Appropriations of federal funds.** — In accordance with Article 11, Chapter 4 of the Code from federal funds there are hereby appropriated conditionally upon the fulfillment of the provisions set forth in Article 2, Chapter 11B of the Code the following amounts, as itemized, for expenditure during the fiscal year 2019.

### LEGISLATIVE

#### *317 - Crime Victims Compensation Fund*

(WV Code Chapter 14)

Fund 8738 FY 2019 Org 2300

	<b>Appropriation</b>	<b>Federal Funds</b>
1 Economic Loss Claim Payment Fund.....	33400	\$ 2,360,125

### JUDICIAL

#### *318 - Supreme Court*

Fund 8867 FY 2019 Org 2400

1 Personal Services and Employee Benefits ....	00100	\$ 2,008,000
2 Current Expenses .....	13000	<u>1,992,000</u>
3 Total.....		\$ 4,000,000

### EXECUTIVE

#### *319 - Department of Agriculture*

(WV Code Chapter 19)

Fund 8736 FY 2019 Org 1400

1 Personal Services and Employee Benefits ....	00100	\$ 2,563,760
2 Unclassified.....	09900	50,534

3	Current Expenses .....	13000	3,828,661
4	Repairs and Alterations.....	06400	650,000
5	Equipment.....	07000	910,500
6	Buildings.....	25800	1,000,000
7	Other Assets.....	69000	<u>50,000</u>
8	Total.....		\$ 9,053,455

*320 - Department of Agriculture –*

*Meat Inspection Fund*

(WV Code Chapter 19)

Fund 8737 FY 2019 Org 1400

1	Personal Services and Employee Benefits ....	00100	\$ 610,830
2	Unclassified.....	09900	8,755
3	Current Expenses .....	13000	136,012
4	Repairs and Alterations.....	06400	5,500
5	Equipment.....	07000	<u>114,478</u>
6	Total.....		\$ 875,575

*321 - Department of Agriculture –*

*State Conservation Committee*

(WV Code Chapter 19)

Fund 8783 FY 2019 Org 1400

1	Personal Services and Employee Benefits ....	00100	\$ 97,250
2	Current Expenses .....	13000	<u>15,599,974</u>



3 Total..... \$ 15,697,224

*322 - Department of Agriculture –*

*Land Protection Authority*

Fund 8896 FY 2019 Org 1400

1 Personal Services and Employee Benefits ....00100 \$ 46,526

2 Unclassified.....09900 5,004

3 Current Expenses .....13000 448,920

4 Total..... \$ 500,450

*323 - Secretary of State –*

*State Election Fund*

(WV Code Chapter 3)

Fund 8854 FY 2019 Org 1600

1 Personal Services and Employee Benefits ....00100 \$ 210,240

2 Unclassified.....09900 7,484

3 Current Expenses .....13000 415,727

4 Repairs and Alterations.....06400 15,000

5 Other Assets.....69000 100,000

6 Total..... \$ 748,451

**DEPARTMENT OF COMMERCE**

*324 - Division of Forestry*

(WV Code Chapter 19)

Fund 8703 FY 2019 Org 0305

1	Personal Services and Employee Benefits ....00100	\$ 1,578,347
2	Unclassified.....09900	51,050
3	Current Expenses .....13000	5,232,560
4	Repairs and Alterations.....06400	155,795
5	Equipment.....07000	100,000
6	Other Assets.....69000	<u>1,808,300</u>
7	Total.....	\$ 8,926,052

*325 - Geological and Economic Survey*

(WV Code Chapter 29)

Fund 8704 FY 2019 Org 0306

1	Personal Services and Employee Benefits ....00100	\$ 54,432
2	Unclassified.....09900	2,803
3	Current Expenses .....13000	195,639
4	Repairs and Alterations.....06400	5,000
5	Equipment.....07000	7,500
6	Other Assets.....69000	<u>15,000</u>
7	Total.....	\$ 280,374

*326 - West Virginia Development Office*

(WV Code Chapter 5B)

Fund 8705 FY 2019 Org 0307

1	Personal Services and Employee Benefits ....00100	\$ 745,981
2	Unclassified.....09900	50,000

3	Current Expenses .....	13000	<u>4,504,019</u>
4	Total.....	\$	5,300,000

*327 - West Virginia Development Office –*

*Office of Economic Opportunity*

(WV Code Chapter 5)

Fund 8901 FY 2019 Org 0307

1	Personal Services and Employee Benefits ....	00100	\$ 497,289
2	Repairs and Alterations.....	06400	250
3	Equipment.....	07000	6,000
4	Unclassified.....	09900	106,795
5	Current Expenses .....	13000	<u>10,069,166</u>
6	Total.....	\$	10,679,500

*328 - Division of Labor*

(WV Code Chapters 21 and 47)

Fund 8706 FY 2019 Org 0308

1	Personal Services and Employee Benefits ....	00100	\$ 384,072
2	Unclassified.....	09900	5,572
3	Current Expenses .....	13000	167,098
4	Repairs and Alterations.....	06400	<u>500</u>
5	Total.....	\$	557,242

*329 - Division of Natural Resources*

(WV Code Chapter 20)

Fund 8707 FY 2019 Org 0310

1	Personal Services and Employee Benefits ....00100	\$ 7,912,218
2	Unclassified.....09900	107,693
3	Current Expenses .....13000	5,556,594
4	Repairs and Alterations.....06400	289,400
5	Equipment.....07000	1,815,182
6	Buildings.....25800	951,000
7	Other Assets.....69000	6,951,000
8	Land .....73000	<u>6,001,000</u>
9	Total.....	\$ 29,584,087

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

(WV Code Chapter 22)

Fund 8709 FY 2019 Org 0314

1	Personal Services and Employee Benefits ....00100	\$ 613,177
2	Current Expenses .....13000	<u>150,000</u>
3	Total.....	\$ 763,177

*331 - WorkForce West Virginia*

(WV Code Chapter 23)

Fund 8835 FY 2019 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 – Employment Services .....	63000	<u>1,650,000</u>
6	Total.....		\$ 5,012,657

Pursuant to the requirements of 42 U.S.C. 1103, Section 903 of the Social Security Act, as amended, and the provisions of W.Va. Code §21A-9-9, the above appropriation to Unclassified and Current Expenses shall be used by WorkForce West Virginia for the specific purpose of administration of the state's unemployment insurance program or job service activities, subject to each and every restriction, limitation or obligation imposed on the use of the funds by those federal and state statutes.

*332 - Office of Energy*

(WV Code Chapter 5B)

Fund 8892 FY 2019 Org 0328

1	Personal Services and Employee Benefits ....	00100	\$ 411,574
2	Unclassified.....	09900	7,350
3	Current Expenses .....	13000	<u>2,816,076</u>
4	Total.....		\$ 3,235,000

**DEPARTMENT OF EDUCATION**

*333 - State Board of Education –*

*State Department of Education*

(WV Code Chapters 18 and 18A)

Fund 8712 FY 2019 Org 0402

1	Personal Services and Employee Benefits ....	00100	\$ 5,628,855
2	Unclassified.....	09900	2,000,000

3	Current Expenses .....	13000	212,367,820
4	Repairs and Alterations.....	06400	10,000
5	Equipment.....	07000	10,000
6	Other Assets.....	69000	<u>10,000</u>
7	Total.....		\$220,026,675

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

(WV Code Chapters 18 and 18A)

Fund 8713 FY 2019 Org 0402

1	Personal Services and Employee Benefits ....	00100	\$ 1,812,648
2	Unclassified.....	09900	1,150,500
3	Current Expenses .....	13000	148,281,265
4	Repairs and Alterations.....	06400	20,000
5	Equipment.....	07000	100,000
6	Other Assets.....	69000	<u>25,000</u>
7	Total.....		\$
8	151,389,413		

*335 - State Board of Education –  
Vocational Division*

(WV Code Chapters 18 and 18A)

Fund 8714 FY 2019 Org 0402

1	Personal Services and Employee Benefits ....	00100	\$ 1,819,972
2	Unclassified.....	09900	155,000

3	Current Expenses .....	13000	14,320,081
4	Repairs and Alterations.....	06400	10,000
5	Equipment.....	07000	10,000
6	Other Assets.....	69000	<u>10,000</u>
7	Total.....		\$ 16,325,053

*336 - State Board of Education –*

*Aid for Exceptional Children*

(WV Code Chapters 18 and 18A)

Fund 8715 FY 2019 Org 0402

1	Personal Services and Employee Benefits ....	00100	\$ 3,344,940
2	Unclassified.....	09900	1,000,000
3	Current Expenses .....	13000	108,346,390
4	Repairs and Alterations.....	06400	10,000
5	Equipment.....	07000	10,000
6	Other Assets.....	69000	<u>10,000</u>
7	Total.....		\$112,721,330

**DEPARTMENT OF EDUCATION AND THE ARTS**

*337 - Department of Education and the Arts –*

*Office of the Secretary*

(WV Code Chapter 5F)

Fund 8841 FY 2019 Org 0431

1	Personal Services and Employee Benefits ....	00100	\$ 416,675
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2	Current Expenses .....	13000	5,587,325
3	Repairs and Alterations.....	06400	<u>1,000</u>
4	Total.....		\$ 6,005,000

*338 - Division of Culture and History*

(WV Code Chapter 29)

Fund 8718 FY 2019 Org 0432

1	Personal Services and Employee Benefits ....	00100	\$ 743,046
2	Current Expenses .....	13000	1,947,372
3	Repairs and Alterations.....	06400	1,000
4	Equipment.....	07000	1,000
5	Buildings.....	25800	1,000
6	Other Assets.....	69000	1,000
7	Land .....	73000	<u>360</u>
8	Total.....		\$ 2,694,778

*339 - Library Commission*

(WV Code Chapter 10)

Fund 8720 FY 2019 Org 0433

1	Personal Services and Employee Benefits ....	00100	\$ 333,648
2	Current Expenses .....	13000	1,076,162
3	Equipment.....	07000	<u>543,406</u>
4	Total.....		\$ 1,953,216

*340 - Educational Broadcasting Authority*

(WV Code Chapter 10)



Fund 8721 FY 2019 Org 0439

1	Equipment.....	07000	\$	200,000
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*341 - State Board of Rehabilitation –**Division of Rehabilitation Services*

(WV Code Chapter 18)

Fund 8734 FY 2019 Org 0932

1	Personal Services and Employee Benefits ....	00100	\$	11,248,930
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2	Current Expenses .....	13000		39,440,940
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3	Repairs and Alterations.....	06400		350,400
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4	Equipment.....	07000		<u>1,275,870</u>
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5	Total.....		\$	52,316,140
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*342 - State Board of Rehabilitation –**Division of Rehabilitation Services –**Disability Determination Services*

(WV Code Chapter 18)

Fund 8890 FY 2019 Org 0932

1	Personal Services and Employee Benefits ....	00100	\$	13,730,634
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2	Current Expenses .....	13000		11,383,206
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3	Repairs and Alterations.....	06400		1,100
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4	Equipment.....	07000		<u>83,350</u>
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5	Total.....		\$	25,198,290
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**DEPARTMENT OF ENVIRONMENTAL PROTECTION***343 - Division of Environmental Protection*

(WV Code Chapter 22)

Fund 8708 FY 2019 Org 0313

1	Personal Services and Employee Benefits ....00100	\$ 30,084,598
2	Current Expenses .....13000	169,448,731
3	Repairs and Alterations.....06400	738,283
4	Equipment.....07000	1,712,238
5	Unclassified.....09900	2,062,978
6	Other Assets.....69000	2,151,011
7	Land .....73000	<u>100,000</u>
8	Total.....	\$206,297,839

**DEPARTMENT OF HEALTH AND HUMAN RESOURCES***344 - Consolidated Medical Service Fund*

(WV Code Chapter 16)

Fund 8723 FY 2019 Org 0506

1	Personal Services and Employee Benefits ....00100	\$ 750,876
2	Unclassified.....09900	73,307
3	Current Expenses .....13000	<u>17,330,086</u>
4	Total.....	\$ 18,154,269

*345 - Division of Health –**Central Office*

## (WV Code Chapter 16)

Fund 8802 FY 2019 Org 0506

1	Personal Services and Employee Benefits ....00100	\$ 13,744,404
2	Unclassified.....09900	947,948
3	Current Expenses .....13000	79,110,551
4	Equipment.....07000	456,972
5	Buildings.....25800	155,000
6	Other Assets.....69000	<u>380,000</u>
7	Total.....	\$ 94,794,875

*346 - Division of Health –**West Virginia Safe Drinking Water Treatment*

## (WV Code Chapter 16)

Fund 8824 FY 2019 Org 0506

1	West Virginia Drinking Water Treatment	
2	Revolving Fund – Transfer.....68900	\$ 16,000,000

*347 - Human Rights Commission*

## (WV Code Chapter 5)

Fund 8725 FY 2019 Org 0510

1	Personal Services and Employee Benefits ....00100	\$ 625,349
2	Unclassified.....09900	5,482
3	Current Expenses .....13000	<u>140,389</u>
4	Total.....	\$ 771,220

*348 - Division of Human Services*

(WV Code Chapters 9, 48, and 49)

Fund 8722 FY 2019 Org 0511

1	Personal Services and Employee Benefits ....00100	\$ 69,213,619
2	Unclassified.....09900	22,855,833
3	Current Expenses .....13000	112,085,005
4	Medical Services.....18900	3,404,265,405
5	Medical Services Administrative Costs .....78900	132,045,119
6	CHIP Administrative Costs.....85601	4,500,000
7	CHIP Services.....85602	47,422,974
8	Federal Economic Stimulus .....89100	<u>5,000,000</u>
9	Total.....	\$3,797,387,955

**DEPARTMENT OF MILITARY AFFAIRS AND PUBLIC  
SAFETY**

*349 - Office of the Secretary*

(WV Code Chapter 5F)

Fund 8876 FY 2019 Org 0601

1	Unclassified.....09900	\$ 47,800
2	Current Expenses .....13000	4,727,200
3	Repairs and Alterations.....06400	<u>5,000</u>
4	Total.....	\$ 4,780,000

*350 - Adjutant General –*

*State Militia*

(WV Code Chapter 15)

Fund 8726 FY 2019 Org 0603

1	Unclassified.....	09900	\$	982,705
2	Mountaineer ChalleNGe Academy.....	70900		4,550,000
3	Martinsburg Starbase .....	74200		410,000
4	Charleston Starbase.....	74300		400,000
5	Military Authority.....	74800		<u>91,927,900</u>
6	Total.....		\$	98,270,605

The Adjutant General shall have the authority to transfer between appropriations.

*351 - Adjutant General –**West Virginia National Guard Counterdrug Forfeiture Fund*

(WV Code Chapter 15)

Fund 8785 FY 2019 Org 0603

1	Personal Services and Employee Benefits ....	00100	\$	1,350,000
2	Current Expenses .....	13000		300,000
3	Equipment.....	07000		<u>350,000</u>
4	Total.....		\$	2,000,000

*352 - Division of Homeland Security and**Emergency Management*

(WV Code Chapter 15)

Fund 8727 FY 2019 Org 0606

1	Personal Services and Employee Benefits ....	00100	\$	721,650
2	Current Expenses .....	13000		20,429,281

3	Repairs and Alterations.....06400	5,000
4	Equipment.....07000	<u>100,000</u>
5	Total.....	\$ 21,255,931

*353 - Division of Corrections*

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

Fund 8836 FY 2019 Org 0608

1	Unclassified.....09900	\$ 1,100
2	Current Expenses.....13000	<u>108,900</u>
3	Total.....	\$ 110,000

*354 - West Virginia State Police*

(WV Code Chapter 15)

Fund 8741 FY 2019 Org 0612

1	Personal Services and Employee Benefits....00100	\$ 2,461,129
2	Current Expenses.....13000	2,125,971
3	Repairs and Alterations.....06400	42,000
4	Equipment.....07000	2,502,285
5	Buildings.....25800	750,500
6	Other Assets.....69000	144,500
7	Land.....73000	<u>500</u>
8	Total.....	\$ 8,026,885

*355 - Fire Commission*

(WV Code Chapter 29)

Fund 8819 FY 2019 Org 0619

1	Current Expenses .....	13000	\$	80,000
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*356 - Division of Justice and Community Services*

(WV Code Chapter 15)

Fund 8803 FY 2019 Org 0620

1	Personal Services and Employee Benefits ....	00100	\$	1,058,570
2	Unclassified.....	09900		25,185
3	Current Expenses .....	13000		18,771,973
4	Repairs and Alterations.....	06400		<u>1,750</u>
5	Total.....		\$	19,857,478

**DEPARTMENT OF REVENUE***357 - Insurance Commissioner*

(WV Code Chapter 33)

Fund 8883 FY 2019 Org 0704

1	Current Expenses .....	13000	\$	3,000,000
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**DEPARTMENT OF TRANSPORTATION***358 - Division of Motor Vehicles*

(WV Code Chapter 17B)

Fund 8787 FY 2019 Org 0802

1	Personal Services and Employee Benefits ....	00100	\$	501,394
2	Current Expenses .....	13000		10,498,106
3	Repairs and Alterations.....	06400		<u>500</u>

4 Total..... \$ 11,000,000

*359 - Division of Public Transit*

(WV Code Chapter 17)

Fund 8745 FY 2019 Org 0805

1	Personal Services and Employee Benefits ....00100	\$	702,637
2	Current Expenses .....13000		9,163,149
3	Repairs and Alterations.....06400		2,500
4	Equipment.....07000		2,801,714
5	Buildings.....25800		650,000
6	Other Assets.....69000		<u>200,000</u>
7	Total.....	\$	13,520,000

**DEPARTMENT OF VETERANS' ASSISTANCE**

*360 - Department of Veterans' Assistance*

(WV Code Chapter 9A)

Fund 8858 FY 2019 Org 0613

1	Personal Services and Employee Benefits ....00100	\$	2,751,100
2	Current Expenses .....13000		3,925,900
3	Repairs and Alterations.....06400		50,000
4	Equipment.....07000		200,000
5	Buildings.....25800		600,000
6	Other Assets.....69000		100,000
7	Land.....73000		<u>100,000</u>



8 Total..... \$ 7,727,000

*361 - Department of Veterans' Assistance –*

*Veterans' Home*

(WV Code Chapter 9A)

Fund 8728 FY 2019 Org 0618

1	Personal Services and Employee Benefits ....00100	\$	877,915
2	Current Expenses .....13000		844,092
3	Repairs and Alterations.....06400		220,000
4	Equipment.....07000		198,000
5	Buildings.....25800		296,000
6	Other Assets.....69000		20,000
7	Land.....73000		<u>10,000</u>
8	Total.....	\$	2,466,007

**BUREAU OF SENIOR SERVICES**

*362 - Bureau of Senior Services*

(WV Code Chapter 29)

Fund 8724 FY 2019 Org 0508

1	Personal Services and Employee Benefits ....00100	\$	721,393
2	Current Expenses .....13000		13,811,853
3	Repairs and Alterations.....06400		<u>3,000</u>
4	Total.....	\$	14,536,246

**MISCELLANEOUS BOARDS AND COMMISSIONS***363 - Public Service Commission –**Motor Carrier Division*

(WV Code Chapter 24A)

Fund 8743 FY 2019 Org 0926

1	Personal Services and Employee Benefits ....00100	\$	1,286,913
2	Current Expenses .....	13000	368,953
3	Repairs and Alterations.....06400		<u>40,000</u>
4	Total.....	\$	1,695,866

*364 - Public Service Commission –**Gas Pipeline Division*

(WV Code Chapter 24B)

Fund 8744 FY 2019 Org 0926

1	Personal Services and Employee Benefits ....00100	\$	596,600
2	Current Expenses .....	13000	124,628
3	Equipment.....07000		3,000
4	Unclassified.....09900		<u>4,072</u>
5	Total.....	\$	728,300

*365 - National Coal Heritage Area Authority*

(WV Code Chapter 29)

Fund 8869 FY 2019 Org 0941

1	Personal Services and Employee Benefits ....00100	\$	159,235
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2	Current Expenses .....	13000	631,365
3	Repairs and Alterations.....	06400	5,000
4	Equipment.....	07000	3,000
5	Other Assets.....	69000	<u>2,000</u>
6	Total.....		<u>\$ 800,600</u>
7	Total TITLE II, Section 6 –		
8	Federal Funds.....		<u>\$5,029,664,340</u>

**Sec. 7. Appropriations from federal block grants.** — The following items are hereby appropriated from federal block grants to be available for expenditure during the fiscal year 2019.

*366 - West Virginia Development Office –*

*Community Development*

Fund 8746 FY 2019 Org 0307

1	Personal Services and Employee Benefits ....	00100	\$ 10,648,117
2	Unclassified.....	09900	2,375,000
3	Current Expenses .....	13000	<u>224,476,883</u>
4	Total.....		\$237,500,000

*367 - Department of Commerce*

*West Virginia Development Office –*

*Office of Economic Opportunity –*

*Community Services*

Fund 8902 FY 2019 Org 0307

1	Personal Services and Employee Benefits ....	00100	\$ 362,389
2	Unclassified.....	09900	125,000

3	Current Expenses .....	13000	12,002,111
4	Repairs and Alterations.....	06400	1,500
5	Equipment.....	07000	<u>9,000</u>
6	Total.....		\$ 12,500,000

*368 - WorkForce West Virginia –*

*Workforce Investment Act*

Fund 8749 FY 2019 Org 0323

1	Personal Services and Employee Benefits ....	00100	\$ 2,912,606
2	Unclassified.....	09900	23,023
3	Current Expenses .....	13000	39,263,511
4	Repairs and Alterations.....	06400	1,600
5	Equipment.....	07000	500
6	Buildings.....	25800	<u>1,100</u>
7	Total.....		\$ 42,202,340

*369 - Division of Health –*

*Maternal and Child Health*

Fund 8750 FY 2019 Org 0506

1	Personal Services and Employee Benefits ....	00100	\$ 2,124,294
2	Unclassified.....	09900	110,017
3	Current Expenses .....	13000	<u>8,767,420</u>
4	Total.....		\$ 11,001,731

*370 - Division of Health –*

*Preventive Health*

Fund 8753 FY 2019 Org 0506

1	Personal Services and Employee Benefits ....00100	\$	265,868
2	Unclassified.....09900		22,457
3	Current Expenses .....13000		1,895,366
4	Equipment.....07000		<u>165,642</u>
5	Total.....	\$	2,349,333

*371 - Division of Health –**Substance Abuse Prevention and Treatment*Fund 8793 FY 2019 Org 0506

1	Personal Services and Employee Benefits ....00100	\$	822,766
2	Unclassified.....09900		115,924
3	Current Expenses .....13000		<u>10,653,740</u>
4	Total.....	\$	11,592,430

*372 - Division of Health –**Community Mental Health Services*Fund 8794 FY 2019 Org 0506

1	Personal Services and Employee Benefits ....00100	\$	936,557
2	Unclassified.....09900		33,533
3	Current Expenses .....13000		<u>3,083,307</u>
4	Total.....	\$	4,053,397

*373 - Division of Human Services –**Energy Assistance*

Fund 8755 FY 2019 Org 0511

1	Personal Services and Employee Benefits ....00100	\$ 1,514,312
2	Unclassified.....09900	350,000
3	Current Expenses .....13000	<u>33,181,300</u>
4	Total.....	\$ 35,045,612

*374 - Division of Human Services –  
Social Services*

Fund 8757 FY 2019 Org 0511

1	Personal Services and Employee Benefits ....00100	\$ 14,231,684
2	Unclassified.....09900	171,982
3	Current Expenses .....13000	<u>2,870,508</u>
4	Total.....	\$ 17,274,174

*375 - Division of Human Services –  
Temporary Assistance for Needy Families*

Fund 8816 FY 2019 Org 0511

1	Personal Services and Employee Benefits ....00100	\$ 18,371,875
2	Unclassified.....09900	1,250,000
3	Current Expenses .....13000	<u>105,847,136</u>
4	Total.....	\$125,469,011

*376 - Division of Human Services –  
Child Care and Development*

Fund 8817 FY 2019 Org 0511

1	Personal Services and Employee Benefits ....00100	\$ 4,682,166
2	Unclassified.....09900	350,000
3	Current Expenses .....13000	<u>31,999,456</u>
4	Total.....	<u>\$ 37,031,622</u>
5	Total TITLE II, Section 7 –	
6	Federal Block Grants .....	<u>\$ 536,019,650</u>

**Sec. 8. Awards for claims against the state.** — There are hereby appropriated for fiscal year 2018, from the fund as designated, in the amounts as specified, general revenue funds in the amount of \$1,753,740 special revenue funds in the amount of \$226,619 and state road funds in the amount of \$408,830 for payment of claims against the state.

**Sec. 9. Appropriations from general revenue surplus accrued.** — The following item is hereby appropriated from the state fund, general revenue, and is to be available for expenditure during the fiscal year 2019 out of surplus funds only, accrued from the fiscal year ending June 30, 2018, subject to the terms and conditions set forth in this section.

It is the intent and mandate of the Legislature that the following appropriation be payable only from surplus as of July 31, 2018 from the fiscal year ending June 30, 2018, only after first meeting requirements of W.Va. Code §11B-2-20(b).

In the event that surplus revenues available on July 31, 2018, are not sufficient to meet the appropriation made pursuant to this section, then the appropriation shall be made to the extent that surplus funds are available as of the date mandated to meet the appropriation in this section and shall be allocated first to provide the necessary funds to meet the first appropriation of this section and each subsequent appropriation in the order listed in this section.

*377 - Division of Health –*

*Central Office*

(WV Code Chapter 16)

Fund 0407 FY 2019 Org 0506

1 Office of Drug Control Policy - Surplus .....##### \$ 5,000,000

*378 - Division of Homeland Security and  
Emergency Management*

(WV Code Chapter 15)

Fund 0443 FY 2019 Org 0606

1 West Virginia Water

2 Gaging Council - Surplus .....##### \$ 765,000

*379 - West Virginia Tourism Office  
(WV Code Chapter 5B)*

Fund 0246 FY 2019 Org 0304

1 Tourism – Marketing – Surplus .....##### \$ 2,500,000

*380 - West Virginia Development Office  
(WV Code Chapter 5B)*

Fund 0256 FY 2019 Org 0307

1 Sales and Marketing Enhancement - Surplus##### \$ 2,500,000

*381 - Auditor’s Office  
General Administration  
(WV Code Chapter 12)*

Fund 0116 FY 2019 Org 1200

1 VFD Workers’ Compensation

2 Subsidy – Surplus .....##### \$ 2,000,000



*382 - Public Port Authority*

(WV Code Chapter 17)

Fund 0581 FY 2019 Org 0806

1 Port Authority – Surplus .....44399 \$ 1,000,000

The above appropriation to Port Authority - Surplus (fund 0581, appropriation 44399) shall serve as reimbursement for expenses incurred by the State Road Fund related construction and operation of the Heartland Intermodal Gateway in Wayne County.

Total TITLE II, Section 9 –

General Revenue Surplus Accrued ..... \$ 13,765,000

**Sec. 10. Appropriations from lottery net profits surplus accrued.** — The following item is hereby appropriated from the lottery net profits, and is to be available for expenditure during the fiscal year 2019 out of surplus funds only, as determined by the director of lottery, accrued from the fiscal year ending June 30, 2018, subject to the terms and conditions set forth in this section.

It is the intent and mandate of the Legislature that the following appropriation be payable only from surplus accrued from the fiscal year ending June 30, 2018.

In the event that surplus revenues available from the fiscal year ending June 30, 2018, are not sufficient to meet the appropriation made pursuant to this section, then the appropriation shall be made to the extent that surplus funds are available.

*383 - Bureau of Senior Services –*

*Lottery Senior Citizens Fund*

(WV Code Chapter 29)

Fund 5405 FY 2019 Org 0508

1 Senior Services Medicaid Transfer –

2 Lottery Surplus .....68199 \$ 6,000,000

3	Total TITLE II, Section 10 –	
4	Surplus Accrued.....	<u>\$ 6,000,000</u>

**Sec. 11. Appropriations from state excess lottery revenue surplus accrued.** — The following item is hereby appropriated from the state excess lottery revenue fund, and is to be available for expenditure during the fiscal year 2019 out of surplus funds only, as determined by the director of lottery, accrued from the fiscal year ending June 30, 2018, subject to the terms and conditions set forth in this section.

It is the intent and mandate of the Legislature that the following appropriation be payable only from surplus accrued from the fiscal year ending June 30, 2018.

In the event that surplus revenues available from the fiscal year ending June 30, 2018, are not sufficient to meet the appropriation made pursuant to this section, then the appropriation shall be made to the extent that surplus funds are available.

*384 - Division of Human Services*

(WV Code Chapters 9, 48 and 49)

Fund 5365 FY 2019 Org 0511

Medical Services – Lottery Surplus .....	68100	\$	8,000,000
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Total TITLE II, Section 11 – Surplus Accrued		\$	<u>8,000,000</u>
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**Sec. 12. Special revenue appropriations.** — There are hereby appropriated for expenditure during the fiscal year 2019 appropriations made by general law from special revenues which are not paid into the state fund as general revenue under the provisions of W.Va. Code §12-2-2: *Provided*, That none of the money so appropriated by this section shall be available for expenditure except in compliance with the provisions of W.Va. Code §12-2 and 3, and W.Va. Code §11B-2, unless the spending unit has filed with the director of the budget and the legislative auditor prior to the beginning of each fiscal year:

(a) An estimate of the amount and sources of all revenues accruing to such fund; and

(b) A detailed expenditure schedule showing for what purposes the fund is to be expended.

**Sec. 13. State improvement fund appropriations.** — Bequests or donations of nonpublic funds, received by the Governor on behalf of the state during the fiscal year 2019, for the purpose of making studies and recommendations relative to improvements of the administration and management of spending units in the executive branch of state government, shall be deposited in the state treasury in a separate account therein designated state improvement fund.

There are hereby appropriated all moneys so deposited during the fiscal year 2019 to be expended as authorized by the Governor, for such studies and recommendations which may encompass any problems of organization, procedures, systems, functions, powers or duties of a state spending unit in the executive branch, or the betterment of the economic, social, educational, health and general welfare of the state or its citizens.

**Sec. 14. Specific funds and collection accounts.** — A fund or collection account which by law is dedicated to a specific use is hereby appropriated in sufficient amount to meet all lawful demands upon the fund or collection account and shall be expended according to the provisions of Article 3, Chapter 12 of the Code.

**Sec. 15. Appropriations for refunding erroneous payment.** — Money that has been erroneously paid into the state treasury is hereby appropriated out of the fund into which it was paid, for refund to the proper person.

When the officer authorized by law to collect money for the state finds that a sum has been erroneously paid, he or she shall issue his or her requisition upon the Auditor for the refunding of the proper amount. The Auditor shall issue his or her warrant to the Treasurer and the Treasurer shall pay the warrant out of the fund into which the amount was originally paid.

**Sec. 16. Sinking fund deficiencies.** — There is hereby appropriated to the Governor a sufficient amount to meet any deficiencies that may arise in the mortgage finance bond insurance fund of the West Virginia housing development fund which is under the supervision and control of the municipal bond commission as provided by W.Va. Code §31-18-20b, or in the funds of the municipal bond commission because of the failure of any state agency for either general obligation or revenue bonds or any local taxing district for general obligation bonds to remit funds necessary for the payment of interest and sinking fund requirements. The Governor is authorized to transfer from time to time such amounts to the municipal bond commission as may be necessary for these purposes.

The municipal bond commission shall reimburse the state of West Virginia through the Governor from the first remittance collected from the West Virginia housing development fund or from any state agency or local taxing district for which the Governor advanced funds, with interest at the rate carried by the bonds for security or payment of which the advance was made.

**Sec. 17. Appropriations for local governments.** — There are hereby appropriated for payment to counties, districts and municipal corporations such amounts as will be necessary to pay taxes due counties, districts and municipal corporations and which have been paid into the treasury:

- (a) For redemption of lands;
- (b) By public service corporations;
- (c) For tax forfeitures.

**Sec. 18. Total appropriations.** — Where only a total sum is appropriated to a spending unit, the total sum shall include personal services and employee benefits, annual increment, current expenses, repairs and alterations, buildings, equipment, other assets, land, and capital outlay, where not otherwise specifically provided and except as otherwise provided in TITLE I – GENERAL PROVISIONS, Sec. 3.

**Sec. 19. General school fund.** — The balance of the proceeds of the general school fund remaining after the payment of the appropriations made by this act is appropriated for expenditure in accordance with W.Va. Code §18-9A-16.

### TITLE III – ADMINISTRATION

**Sec. 1. Appropriations conditional.** — The expenditure of the appropriations made by this act, except those appropriations made to the legislative and judicial branches of the state government, are conditioned upon the compliance by the spending unit with the requirements of Article 2, Chapter 11B of the Code.

Where spending units or parts of spending units have been absorbed by or combined with other spending units, it is the intent of this act that appropriations and reappropriations shall be to the succeeding or later spending unit created, unless otherwise indicated.

**Sec. 2. Constitutionality.** — If any part of this act is declared unconstitutional by a court of competent jurisdiction, its decision shall not affect any portion of this act which remains, but the remaining portion shall be in full force and effect as if the portion declared unconstitutional had never been a part of the act.

Senator Ferns moved that the Senate concur in the House of Delegates amendment to the bill.

Following discussion,

The question being on the adoption of Senator Ferns' aforestated motion, the same was put and prevailed.

Engrossed Committee Substitute for Senate Bill 152, as amended by the House of Delegates, was then put upon its passage.

Pending extended discussion,

The question being "Shall Engrossed Committee Substitute for Senate Bill 152 pass?"

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 152) passed with its title.

Senator Ferns moved that the bill take effect from passage.

On this question, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 152) takes effect from passage.

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

Thereafter, at the request of Senator Beach, and by unanimous consent, the remarks by Senator Stollings regarding the passage of Engrossed Committee Substitute for Senate Bill 152 were ordered printed in the Appendix to the Journal.

At the request of Senator Weld, unanimous consent being granted, the remarks by Senators Azinger and Boso regarding the

passage of Engrossed Committee Substitute for Senate Bill 152 were ordered printed in the Appendix to the Journal.

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

**Eng. Com. Sub. for Senate Bill 10**, Relating generally to PSC jurisdiction.

On motion of Senator Ferns, the bill was taken up for immediate consideration.

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

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

## **CHAPTER 8. MUNICIPAL CORPORATIONS.**

### **ARTICLE 19. MUNICIPAL AND COUNTY WATERWORKS AND ELECTRIC POWER SYSTEMS.**

#### **PART II. LIMITATIONS ON SALE OR LEASE OF CERTAIN MUNICIPAL WATERWORKS.**

#### **§8-19-2. Contracts for purchase of electric power or energy by a municipality; definitions; requirements; payments; rates and charges.**

(a) For the purposes of this section:

(1) “Contract” means an agreement entered into by a municipality with any other party for the purchase of electric output, capacity, or energy from a project as defined herein;

(2) “Any other party” means any other legal entity, including, but not limited to, another municipality, political subdivision, public authority, agency, or instrumentality of any state or the United States, a partnership, a limited partnership, a limited

liability company, a corporation, an electric cooperative or an investor-owned utility existing under the laws of any state; and

(3) “Project” or “projects” means systems or facilities owned by another party and used for the generation, transmission, transformation, or supply of electric power, or any interest in them, whether an undivided interest as a tenant in common or otherwise, or any right to the output, capacity, or services thereof.

(b) In addition to the general authority to purchase electricity on a wholesale basis for resale to its customers, any municipality that owns and operates an electric power system under the provisions of this article may enter into a contract with any other party for the purchase of electricity from one or more projects located in the United States that provides that the contracting municipality is obligated to make payments required by the contract whether or not a project is completed, operable, or operating and notwithstanding the suspension, interruption, interference, reduction, or curtailment of the output of a project or the power and energy contracted for, and that the payments shall not be subject to any reduction, whether by offset or otherwise, and shall not be conditioned upon performance or nonperformance by any other party. The contract may provide that, in the event of a default by the municipality or any other party to the contract in the performance of each entity’s obligations under the contract, any nondefaulting municipality or any other party to the contract shall on a pro rata basis succeed to the rights and interests of, and assume the obligations of, the defaulting party.

(c) Notwithstanding any other provisions of law, ordinance or charter provision to the contrary, a contract under §8-19-2(b) of this code may extend for more than 50 years or 50 years from the date a project is estimated to be placed into normal continuous operation and the execution and effectiveness of the contract is not subject to any authorizations or approvals by the state or any agency, commission, instrumentality, or political subdivision thereof except as otherwise specifically required by law.

(d) A contract §8-19-2(b) of this code may provide that payments by the municipality are made solely from and may be



secured by a pledge of and lien upon revenues derived by the municipality from ownership and operation and that payments shall constitute an operating expense of the electric power system. No obligation under the contract shall constitute a legal or equitable pledge, charge, lien, or encumbrance upon any property of the municipality or upon any of its income, receipts, or revenues, except the revenues of the municipality's electric power system. Neither the faith and credit nor the taxing power of the municipality shall be pledged for the payment of any obligation under the contract.

(e) A municipality contracting under the provisions of §8-19-2(b) of this code is obligated to fix, charge, and collect rents, rates, fees, and charges for electric power and energy and other services it sells, furnishes, or supplies through its electric power system in an amount sufficient to provide revenues adequate to meet its obligations under the contract and to pay any and all other amounts payable from or constituting a charge and lien upon the revenues, including the amounts necessary to pay the principal and interest on any municipal bonds issued related to its electric power system: *Provided*, That any change in the rates and charges of the municipality to the customers of the electric power system under the provisions of this section are subject to the provisions and requirements of ~~section four b, article two, chapter twenty four~~ §8-19-2a of this code and the obligations of the municipality under the contract are costs of providing electric service within the meaning of that section.

**§8-19-2a. Procedure for changing rates of municipal electric power systems; legislative findings.**

All rates, fees, and charges set by municipal electric power systems shall be just, reasonable, applied without unjust discrimination between or preference for any customer or class of customer, and based primarily on the costs of providing these services. All rates and charges shall be based upon the measured or reasonably estimated cost of service and the equitable sharing of those costs between customers based upon the cost of providing the service received by the customer, including a reasonable slant-in-service depreciation expense. The rates and charges shall be

adopted by the power system's governing board by municipal ordinance to be effective not sooner than 45 days after adoption. The 45-day waiting period may be waived by public vote of the governing body if that body finds and declares the public utility that is a political subdivision of the state to be in financial distress, such that the 45-day waiting period would be detrimental to the ability of the utility to deliver continued and compliant public services: *Provided*, That notice of intent to effect a rate change shall be specified on the monthly billing statement of the customers of the utility for the month next preceding the month in which the rate change is to become effective, and the governing body shall give its customers other reasonable notices as will allow filing of timely objections to the proposed rate change and full participation in municipal rate legislation through the provision of a public forum in which customers may comment upon the proposed rate change prior to an enactment vote. Notwithstanding the exclusion of municipal power systems' rates, fees, charges, and rate-making process from the jurisdiction of the Public Service Commission, municipal power systems shall submit information regarding their rates, fees, and charges to the commission as set forth in §24-2-9 of this code.

**§8-19-2b. Right of appeal by customers.**

Customers may appeal a rate increase to the circuit court of the county in which the municipality is located on the grounds that the rate ordinance or its passage does not comply with the provisions of this article by filing a petition, signed by at least 750 customers or 25 percent of the customers served by the municipal electric utility, whichever is fewer. Any petition challenging the ordinance must be filed within 30 days following the adoption of the rate ordinance.

**CHAPTER 16. PUBLIC HEALTH.**

**ARTICLE 13A. PUBLIC SERVICE DISTRICTS.**

**§16-13A-9. Rules; service rates and charges; discontinuance of service; required water and sewer connections; lien for delinquent fees**

(a) (1) The board may make, enact and enforce all needful rules in connection with the acquisition, construction, improvement, extension, management, maintenance, operation, care, protection, and the use of any public service properties owned or controlled by the district. The board shall establish, in accordance with this article, rates, fees and charges for the services and facilities it furnishes, which shall be sufficient at all times, notwithstanding the provisions of any other law or laws, to pay the cost of maintenance, operation and depreciation of the public service properties and principal of and interest on all bonds issued, other obligations incurred under the provisions of this article and all reserve or other payments provided for in the proceedings which authorized the issuance of any bonds under this article. The schedule of the rates, fees and charges may be based upon:

(A) The consumption of water or gas on premises connected with the facilities, taking into consideration domestic, commercial, industrial and public use of water and gas;

(B) The number and kind of fixtures connected with the facilities located on the various premises;

(C) The number of persons served by the facilities;

(D) Any combination of paragraphs (A), (B) and (C) of this subdivision; or

(E) Any other basis or classification which the board may determine to be fair and reasonable, taking into consideration the location of the premises served and the nature and extent of the services and facilities furnished. However, no rates, fees or charges for stormwater services may be assessed against highways, road and drainage easements or stormwater facilities constructed, owned or operated by the West Virginia Division of Highways.

(2) The board of a public service district with at least ~~four thousand five hundred~~ 4,500 customers and annual combined gross revenue of \$3 million dollars or more from its separate or combined water and sewer services may make, enact and enforce all needful rules in connection with the enactment or amendment of rates, fees and charges of the district. At a minimum, these rules shall provide for:

(A) Adequate prior public notice of the contemplated rates, fees and charges by causing a notice of intent to effect such a change to be provided to the customers of the district for the month immediately preceding the month in which the contemplated change is to be considered at a hearing by the board. Such notice shall include a statement that a change in rates, fees and charges is being considered, the time, date and location of the hearing of the board at which the change will be considered and that the proposed rates, fees and charges are on file at the office of the district for review during regular business hours. Such notice shall be printed on, or mailed with, the monthly billing statement, or provided in a separate mailing.

(B) Adequate prior public notice of the contemplated rates, fees and charges by causing to be published, after the first reading and approval of a resolution of the board considering such revised rates, fees and charges but not less than one week prior to the public hearing of the board on such resolution, as a Class I legal advertisement, of the proposed action, in compliance with the provisions of §59-3-1 *et seq.* of this code. The publication area for publication shall be all territory served by the district. If the district provides service in more than one county, publication shall be made in a newspaper of general circulation in each county that the district provides service.

(C) The public notice of the proposed action shall summarize the current rates, fees and charges and the proposed changes to said rates, fees and charges; the date, time and place of; the public hearing on the resolution approving such revised rates, fees and charges and the place or places within the district where the proposed resolution approving the revised rates, fees and charges may be inspected by the public. A reasonable number of copies of the proposed resolution shall be kept at the place or places and be made available for public inspection. The notice shall also advise that interested parties may appear at the public hearing before the board and be heard with respect to the proposed revised rates, fees and charges.

(D) The resolution proposing the revised rates, fees and charges shall be read at two meetings of the board with at least two

weeks intervening between each meeting. The public hearing may be conducted by the board prior to, or at, the meeting at which the resolution is considered for adoption on the second reading.

(E) Rates, fees and charges approved by resolution of the board shall be forwarded in writing to the county commission with the authority to appoint the members of the board. The county commission shall publish notice of the proposed revised rates, fees and charges by a Class I legal advertisement in compliance with the provisions of §59-3-1 *et seq.* of this code. Within 45 days of receipt of the proposed rates, fees and charges, the county commission shall take action to approve, modify, or reject the proposed rates, fees and charges, in its sole discretion. If, after 45 days, the county commission has not taken final action to approve, modify or reject the proposed rates, fees and charges, as presented to the county commission, shall be effective with no further action by the board or county commission. In any event, this 45-day period shall be mandatory unless extended by the official action of both the board proposing the rates, fees and charges, and the appointing county commission.

(F) Enactment of the proposed or modified rates, fees and charges shall follow an affirmative vote by the county commission and shall be effective no sooner than 45 days following action. The 45-day waiting period may be waived by public vote of the county commission only if the commission finds and declares the district to be in financial distress such that the 45-day waiting period would be detrimental to the ability of the district to deliver continued and compliant public services.

(G) The public service district, or a customer aggrieved by the changed rates or charges who presents to the circuit court a petition signed by at least 750 customers or 25 percent of the customers served by the public service district, whichever is fewer, when dissatisfied by the approval, modification, or rejection by the county commission of the proposed rates, fees and charges under the provisions of this subdivision (2) may file a complaint regarding the rates, fees and charges resulting from the action of, or failure to act by, the county commission in the circuit court of the county in which the county commission sits: *Provided*, That

any complaint or petition filed hereunder shall be filed within 30 days of the county commission's final action approving, modifying or rejecting such rates, fees and charges, or the expiration of the 45 day period from the receipt by the county commission, in writing, of the rates, fees and charges approved by resolution of the board, without final action by the county commission to approve, modify or reject such rates, fees and charges, and the circuit court shall resolve said complaint: *Provided, however,* That the rates, fees and charges so fixed by the county commission, or those adopted by the district upon which the county commission failed to act, shall remain in full force and effect, until set aside, altered or amended by the circuit court in an order to be followed in the future.

(3) Where water, sewer, stormwater or gas services, or any combination thereof, are all furnished to any premises, the schedule of charges may be billed as a single amount for the aggregate of the charges. The board shall require all users of services and facilities furnished by the district to designate on every application for service whether the applicant is a tenant or an owner of the premises to be served. If the applicant is a tenant, he or she shall state the name and address of the owner or owners of the premises to be served by the district. Notwithstanding the provisions of §24-3-8 of this code to the contrary, all new applicants for service shall deposit the greater of a sum equal to two twelfths of the average annual usage of the applicant's specific customer class or \$50, with the district to secure the payment of service rates, fees and charges in the event they become delinquent as provided in this section. If a district provides both water and sewer service, all new applicants for service shall deposit the greater of a sum equal to two twelfths of the average annual usage for water service or \$50 and the greater of a sum equal to two twelfths of the average annual usage for wastewater service of the applicant's specific customer class or \$50. In any case where a deposit is forfeited to pay service rates, fees and charges which were delinquent at the time of disconnection or termination of service, no reconnection or reinstatement of service may be made by the district until another deposit equal to the greater of a sum equal to two twelfths of the average usage for the applicant's specific customer class or \$50 has been remitted to the district. After 12 months of prompt payment

history, the district shall return the deposit to the customer or credit the customer's account at a rate as the Public Service Commission may prescribe: *Provided*, That where the customer is a tenant, the district is not required to return the deposit until the time the tenant discontinues service with the district. Whenever any rates, fees, rentals or charges for services or facilities furnished remain unpaid for a period of 20 days after the same become due and payable, the user of the services and facilities provided is delinquent and the user is liable at law until all rates, fees and charges are fully paid. The board may, under reasonable rules promulgated by the Public Service Commission, shut off and discontinue water or gas services to all delinquent users of either water or gas facilities, or both, 10 days after the water or gas services become delinquent: *Provided, however*, That nothing contained within the rules of the Public Service Commission shall be deemed to require any agents or employees of the board to accept payment at the customer's premises in lieu of discontinuing service for a delinquent bill.

(b) In the event that any publicly or privately owned utility, city, incorporated town, other municipal corporation or other public service district included within the district owns and operates separately water facilities, sewer facilities or storm water facilities and the district owns and operates another kind of facility, either water or sewer, or both, as the case may be, then the district and the publicly or privately owned utility, city, incorporated town or other municipal corporation or other public service district shall covenant and contract with each other to shut off and discontinue the supplying of water service for the nonpayment of sewer or storm water service fees and charges: *Provided*, That any contracts entered into by a public service district pursuant to this section shall be submitted to the Public Service Commission for approval. Any public service district which provides water and sewer service, water and storm water service or water, sewer and storm water service has the right to terminate water service for delinquency in payment of water, sewer or storm water bills. Where one public service district is providing sewer service and another public service district or a municipality included within the boundaries of the sewer or storm water district is providing water service and the district providing sewer or storm water service experiences a

delinquency in payment, the district or the municipality included within the boundaries of the sewer or storm water district that is providing water service, upon the request of the district providing sewer or storm water service to the delinquent account, shall terminate its water service to the customer having the delinquent sewer or storm water account: *Provided, however,* That any termination of water service must comply with all rules and orders of the Public Service Commission: *Provided further,* That nothing contained within the rules of the Public Service Commission shall be deemed to require any agents or employees of the public service districts to accept payment at the customer's premises in lieu of discontinuing service for a delinquent bill.

(c) Any district furnishing sewer facilities within the district may require or may, by petition to the circuit court of the county in which the property is located, compel or may require the ~~Division of Health~~ Bureau for Public Health to compel all owners, tenants or occupants of any houses, dwellings and buildings located near any sewer facilities where sewage will flow by gravity or be transported by other methods approved by the ~~Division of Health~~ Bureau for Public Health, including, but not limited to, vacuum and pressure systems, approved under the provisions of §16-1-9 of this code, from the houses, dwellings or buildings into the sewer facilities, to connect with and use the sewer facilities and to cease the use of all other means for the collection, treatment and disposal of sewage and waste matters from the houses, dwellings and buildings where there is gravity flow or transportation by any other methods approved by the ~~Division of Health~~ Bureau for Public Health, including, but not limited to, vacuum and pressure systems, approved under the provisions of §16-1-9 of this code and the houses, dwellings and buildings can be adequately served by the sewer facilities of the district and it is declared that the mandatory use of the sewer facilities provided for in this subsection is necessary and essential for the health and welfare of the inhabitants and residents of the districts and of the state. If the public service district requires the property owner to connect with the sewer facilities even when sewage from dwellings may not flow to the main line by gravity and the property owner incurs costs for any changes in the existing dwellings' exterior plumbing in order to



connect to the main sewer line, the public service district board shall authorize the district to pay all reasonable costs for the changes in the exterior plumbing, including, but not limited to, installation, operation, maintenance and purchase of a pump or any other method approved by the ~~Division of Health~~ Bureau for Public Health. Maintenance and operation costs for the extra installation should be reflected in the users charge for approval of the Public Service Commission. The circuit court shall adjudicate the merits of the petition by summary hearing to be held not later than 30 days after service of petition to the appropriate owners, tenants or occupants.

(d) Whenever any district has made available sewer facilities to any owner, tenant or occupant of any house, dwelling or building located near the sewer facility and the engineer for the district has certified that the sewer facilities are available to and are adequate to serve the owner, tenant or occupant and sewage will flow by gravity or be transported by other methods approved by the ~~Division of Health~~ Bureau for Public Health from the house, dwelling or building into the sewer facilities, the district may charge, and the owner, tenant or occupant shall pay, the rates and charges for services established under this article only after 30 days' notice of the availability of the facilities has been received by the owner, tenant or occupant. Rates and charges for sewage services shall be based upon actual water consumption or the average monthly water consumption based upon the owner's, tenant's or occupant's specific customer class.

(e) The owner, tenant or occupant of any real property may be determined and declared to be served by a storm water system only after each of the following conditions is met: (1) The district has been designated by the Environmental Protection Agency as an entity to serve a West Virginia Separate Storm Sewer System community, as defined in 40 C. F. R. §122.26; (2) the district's authority has been properly expanded to operate and maintain a storm water system; (3) the district has made available a storm water system where storm water from the real property affects or drains into the storm water system; and (4) the real property is located in the Municipal Separate Storm Sewer System's

designated service area. It is further hereby found, determined and declared that the mandatory use of the storm water system is necessary and essential for the health and welfare of the inhabitants and residents of the district and of the state. The district may charge and the owner, tenant or occupant shall pay the rates, fees and charges for storm water services established under this article only after 30 days' notice of the availability of the storm water system has been received by the owner. An entity providing storm water service shall provide a tenant a report of the storm water fee charged for the entire property and, if appropriate, that portion of the fee to be assessed to the tenant.

(f) All delinquent fees, rates and charges of the district for either water facilities, sewer facilities, gas facilities or storm water systems or storm water management programs are liens on the premises served of equal dignity, rank and priority with the lien on the premises of state, county, school and municipal taxes. Nothing contained within the rules of the Public Service Commission shall be deemed to require any agents or employees of the public service districts to accept payment at the customer's premises in lieu of discontinuing service for a delinquent bill. In addition to the other remedies provided in this section, public service districts are granted a deferral of filing fees or other fees and costs incidental to the bringing and maintenance of an action in magistrate court for the collection of delinquent water, sewer, storm water or gas bills. If the district collects the delinquent account, plus reasonable costs, from its customer or other responsible party, the district shall pay to the magistrate the normal filing fee and reasonable costs which were previously deferred. In addition, each public service district may exchange with other public service districts a list of delinquent accounts: *Provided*, That an owner of real property may not be held liable for the delinquent rates or charges for services or facilities of a tenant, nor may any lien attach to real property for the reason of delinquent rates or charges for services or facilities of a tenant of the real property unless the owner has contracted directly with the public service district to purchase the services or facilities.

(g) Anything in this section to the contrary notwithstanding, any establishment, as defined in §22-11-3 of this code, now or

hereafter operating its own sewage disposal system pursuant to a permit issued by the Department of Environmental Protection, as prescribed by §22-11-11 of this code, is exempt from the provisions of this section.

(h) A public service district which has been designated by the Environmental Protection Agency as an entity to serve a West Virginia Separate Storm Sewer System community shall prepare an annual report detailing the collection and expenditure of rates, fees or charges and make it available for public review at the place of business of the governing body and the storm water utility main office.

(i) Notwithstanding any code provision to the contrary, a public service district may accept payment for all fees and charges due, in the form of a payment by a credit or check card transaction or a direct withdrawal from a bank account. The public service district may set a fee to be added to each transaction equal to the charge paid by the public service district for use of the credit or check card or direct withdrawal by the payor. The amount of such fee shall be disclosed to the payor prior to the transaction and no other fees for the use of a credit or check card or direct withdrawal may be imposed upon the payor and the whole of such charge or convenience fee shall be borne by the payor: Provided, That, to the extent a public service district desires to accept payments in the forms described in this subsection and does not have access to the equipment or receive the services necessary to do so, the public service district shall first obtain three bids for services and equipment necessary to affect the forms of transactions described in this subsection and use the lowest qualified bid received. Acceptance of a credit or check card or direct withdrawal as a form of payment shall comport with the rules and requirements set forth by the credit or check card provider or banking institution.

## **CHAPTER 24. PUBLIC SERVICE COMMISSION.**

### **ARTICLE 2. POWERS AND DUTIES OF PUBLIC SERVICE COMMISSION.**

#### **§24-2-1. Jurisdiction of commission; waiver of jurisdiction.**

(a) The jurisdiction of the commission shall extend to all public utilities in this state and shall include any utility engaged in any of the following public services:

Common carriage of passengers or goods, whether by air, railroad, street railroad, motor or otherwise, by express or otherwise, by land, water or air, whether wholly or partly by land, water or air; transportation of oil, gas or water by pipeline; transportation of coal and its derivatives and all mixtures and combinations thereof with other substances by pipeline; sleeping car or parlor car services; transmission of messages by telephone, telegraph or radio; generation and transmission of electrical energy by hydroelectric or other utilities for service to the public, whether directly or through a distributing utility; supplying water, gas or electricity by municipalities or others; sewer systems servicing ~~twenty five~~ 25 or more persons or firms other than the owner of the sewer systems: *Provided*, That if a public utility other than a political subdivision intends to provide sewer service by an innovative, alternative method, as defined by the federal Environmental Protection Agency, the innovative, alternative method is a public utility function and subject to the jurisdiction of the Public Service Commission regardless of the number of customers served by the innovative, alternative method; any public service district created under the provisions of ~~article thirteen a, chapter sixteen~~ §16-13A-1, et seq. of this code, except that the Public Service Commission will have no jurisdiction over the provision of stormwater services by a public service district; toll bridges, wharves, ferries; solid waste facilities; and any other public service: *Provided, however*, That natural gas producers who provide natural gas service to not more than ~~twenty five~~ 25 residential customers are exempt from the jurisdiction of the commission with regard to the provisions of such residential service: *Provided further*, That upon request of any of the customers of such natural gas producers, the commission may, upon good cause being shown, exercise such authority as the commission may deem appropriate over the operation, rates and charges of such producer and for such length of time as the commission may consider to be proper.

(b) The jurisdiction of the commission over political subdivisions of this state providing separate or combined water and/or sewer services and having at least ~~four thousand five hundred~~ 4,500 customers and annual combined gross revenues of \$3 million dollars or more that are political subdivisions of the state is limited to:

(1) General supervision of public utilities, as granted and described in ~~section five~~ §24-2-5 of this ~~article~~ Code;

(2) Regulation of measurements, practices, acts or services, as granted and described in ~~section seven~~ §24-2-7 of this ~~article~~ Code;

(3) Regulation of a system of accounts to be kept by a public utility that is a political subdivision of the state, as granted and described in ~~section eight~~ §24-2-8 of this ~~article~~ Code;

(4) Submission of information to the commission regarding rates, tolls, charges or practices, as granted and described in ~~section nine~~ §24-2-9 of this ~~article~~ Code;

(5) Authority to subpoena witnesses, take testimony and administer oaths to any witness in any proceeding before or conducted by the commission, as granted and described in ~~section ten~~ §24-2-10 of this ~~article~~ Code; and

(6) Investigation and resolution of disputes between a political subdivision of the state providing wholesale water and/or wastewater treatment or other services, whether by contract or through a tariff, and its customer or customers, including, but not limited to, rates, fees and charges, service areas and contested utility combinations. Provided, that any request for an investigation related to such a dispute that is based on the act or omission of the political subdivision shall be filed within 30 days of the act or omission of the political subdivision and the commission shall resolve said dispute within 120 days of filing. The ~~one hundred-twenty~~ 120-day period for resolution of the dispute may be tolled by the Commission until the necessary information showing the basis of the rates, fees and charges or other information as the commission considers necessary is filed. Provided ~~further~~

however, That the disputed rates, fees and charges so fixed by the political subdivision providing separate or combined water and/or sewer services shall remain in full force and effect until set aside, altered or amended by the commission in an order to be followed in the future.

(7) Customers of water and sewer utilities operated by a political subdivision of the state may bring formal or informal complaints regarding the commission's exercise of the powers enumerated in this section and the commission shall resolve these complaints.

(8) In the event that a political subdivision has a deficiency in either its bond revenue or bond reserve accounts, or is otherwise in breach of a bond covenant, any bond holder may petition the Public Service Commission for such redress as will bring the accounts to current status or otherwise resolve the breached covenant, and the commission shall have jurisdiction to fully resolve the alleged deficiency or breach.

(c) The commission may, upon application, waive its jurisdiction and allow a utility operating in an adjoining state to provide service in West Virginia when:

(1) An area of West Virginia cannot be practicably and economically served by a utility licensed to operate within the State of West Virginia;

(2) Said area can be provided with utility service by a utility which operates in a state adjoining West Virginia;

(3) The utility operating in the adjoining state is regulated by a regulatory agency or commission of the adjoining state; and

(4) The number of customers to be served is not substantial. The rates the out-of-state utility charges West Virginia customers shall be the same as the rate the utility is duly authorized to charge in the adjoining jurisdiction. The commission, in the case of any such utility, may revoke its waiver of jurisdiction for good cause.

(d) Any other provisions of this chapter to the contrary notwithstanding:

(1) An owner or operator of an electric generating facility located or to be located in this state that has been designated as an exempt wholesale generator under applicable federal law, or will be so designated prior to commercial operation of the facility, and for which such facility the owner or operator holds a certificate of public convenience and necessity issued by the commission on or before July 1, 2003, shall be subject to ~~subsections (e), (f), (g), (h), (i) and (j), section eleven-e~~ §24-2-11c(e) through §24-2-11c(j) of this ~~article~~ Code as if the certificate of public convenience and necessity for such facility were a siting certificate issued under ~~said section §24-2-11c of this Code~~ and shall not otherwise be subject to the jurisdiction of the commission or to the provisions of this chapter with respect to such facility except for the making or constructing of a material modification thereof as provided in ~~subdivision (5) §24-2-1(d)(5) of this subsection~~ Code.

(2) Any person, corporation or other entity that intends to construct or construct and operate an electric generating facility to be located in this state that has been designated as an exempt wholesale generator under applicable federal law, or will be so designated prior to commercial operation of the facility, and for which facility the owner or operator does not hold a certificate of public convenience and necessity issued by the commission on or before July 1, 2003, shall, prior to commencement of construction of the facility, obtain a siting certificate from the commission pursuant to the provisions of ~~section eleven-e §24-2-11c~~ of this ~~article~~ Code in lieu of a certificate of public convenience and necessity pursuant to the provisions of ~~section eleven-e §24-2-11~~ of this ~~article~~ Code. An owner or operator of an electric generating facility as is described in this subdivision for which a siting certificate has been issued by the commission shall be subject to ~~subsections (e), (f), (g), (h), (i) and (j), section eleven-e §24-2-11c(e) through §24-2-11c(j)~~ of this ~~article~~ Code and shall not otherwise be subject to the jurisdiction of the commission or to the provisions of this chapter with respect to such facility except for

the making or constructing of a material modification thereof as provided in ~~subdivision (5)~~ §24-2-1(d)(5) of this ~~subsection~~ Code.

(3) An owner or operator of an electric generating facility located in this state that had not been designated as an exempt wholesale generator under applicable federal law prior to commercial operation of the facility that generates electric energy solely for sale at retail outside this state or solely for sale at wholesale in accordance with any applicable federal law that preempts state law or solely for both such sales at retail and such sales at wholesale and that had been constructed and had engaged in commercial operation on or before July 1, 2003, shall not be subject to the jurisdiction of the commission or to the provisions of this chapter with respect to such facility, regardless of whether such facility subsequent to its construction has been or will be designated as an exempt wholesale generator under applicable federal law: *Provided*, That such owner or operator shall be subject to in ~~subdivision (5)~~ §24-2-1(d)(5) of this ~~subsection~~ Code if a material modification of such facility is made or constructed.

(4) Any person, corporation or other entity that intends to construct or construct and operate an electric generating facility to be located in this state that has not been or will not be designated as an exempt wholesale generator under applicable federal law prior to commercial operation of the facility that will generate electric energy solely for sale at retail outside this state or solely for sale at wholesale in accordance with any applicable federal law that preempts state law or solely for both such sales at retail and such sales at wholesale and that had not been constructed and had not been engaged in commercial operation on or before July 1, 2003, shall, prior to commencement of construction of the facility, obtain a siting certificate from the commission pursuant to the provisions of ~~section eleven-e~~ §24-2-11c of this ~~article~~ Code in lieu of a certificate of public convenience and necessity pursuant to the provisions of section eleven of this article. An owner or operator of an electric generating facility as is described in this subdivision for which a siting certificate has been issued by the commission shall be subject to ~~subsections (e), (f), (g), (h), (i) and (j), section eleven-e~~ §24-2-11c(e) through §24-2-11c(j) of this ~~article~~ Code



and shall not otherwise be subject to the jurisdiction of the commission or to the provisions of this chapter with respect to such facility except for the making or constructing of a material modification thereof as provided in ~~subdivision (5) §24-2-1(d)(5)~~ of this ~~subsection~~ Code.

(5) An owner or operator of an electric generating facility described in this subsection shall, before making or constructing a material modification of the facility that is not within the terms of any certificate of public convenience and necessity or siting certificate previously issued for the facility or an earlier material modification thereof, obtain a siting certificate for the modification from the commission pursuant to the provisions of ~~section eleven-e §24-2-11c~~ of this ~~article~~ Code in lieu of a certificate of public convenience and necessity for the modification pursuant to the provisions of ~~section eleven §24-2-11~~ of this ~~article~~ Code and, except for the provisions of ~~section eleven-e §24-2-11c~~ of this ~~article~~ Code, shall not otherwise be subject to the jurisdiction of the commission or to the provisions of this chapter with respect to such modification.

(6) The commission shall consider an application for a certificate of public convenience and necessity filed pursuant to ~~section eleven §24-2-11~~ of this ~~article~~ Code to construct an electric generating facility described in this subsection or to make or construct a material modification of such electric generating facility as an application for a siting certificate pursuant to ~~section eleven-e §24-2-11c~~ of this ~~article~~ Code if the application for the certificate of public convenience and necessity was filed with the commission prior to July 1, 2003, and if the commission has not issued a final order thereon as of that date.

(7) The limitations on the jurisdiction of the commission over, and on the applicability of the provisions of this chapter to, the owner or operator of an electric generating facility as imposed by and described in this subsection shall not be deemed to affect or limit the commission's jurisdiction over contracts or arrangements between the owner or operator of such facility and any affiliated public utility subject to the provisions of this chapter.

(e) The commission shall not have jurisdiction of Internet protocol-enabled service or voice-over Internet protocol-enabled service. As used in this subsection:

(1) “Internet protocol-enabled service” means any service, capability, functionality or application provided using Internet protocol, or any successor protocol, that enables an end user to send or receive a communication in Internet protocol format, or any successor format, regardless of whether the communication is voice, data or video.

(2) “Voice-over Internet protocol service” means any service that:

(i) Enables real-time two-way voice communications that originate or terminate from the user’s location using Internet protocol or a successor protocol; and

(ii) Uses a broadband connection from the user’s location.

(3) The term “voice-over Internet protocol service” includes any service that permits users to receive calls that originate on the public-switched telephone network and to terminate calls on the public-switched telephone network.

(f) Notwithstanding any other provisions of this article, the commission shall not have jurisdiction to review or approve any transaction involving a telephone company otherwise subject to ~~sections twelve §24-2-12 and twelve a, article two, chapter twenty-four §24-2-12a~~ of this code if all entities involved in the transaction are under common ownership.

(g) The Legislature finds that the rates, fees, charges, and ratemaking of municipal power systems are most fairly and effectively regulated by the local governing body. Therefore, notwithstanding any other provisions of this article, the commission shall not have jurisdiction over the setting or adjustment of rates, fees, and charges of municipal power systems. Further, the jurisdiction of the Public Service Commission over municipal power systems is limited to that granted specifically in this code.

**§24-2-2. General power of commission to regulate public utilities.**

(a) The commission is hereby given power to may investigate all rates, methods, and practices of public utilities subject to the provisions of this chapter; to require them to conform to the laws of this state and to all rules, regulations and orders of the commission not contrary to law; and to require copies of all reports, rates, classifications, schedules, and timetables in effect and used by the public utility or other person to be filed with the commission, and all other information desired by the commission relating to the investigation and requirements, including inventories of all property in ~~such~~ the form and detail as the commission ~~may prescribe~~ prescribes. The commission may compel obedience to its lawful orders by mandamus or injunction or other proper proceedings in the name of the state in any circuit court having jurisdiction of the parties or of the subject matter, or the Supreme Court of Appeals directly, and the proceedings shall have priority over all pending cases. The commission may change any intrastate rate, charge, or toll which is unjust or unreasonable or any interstate charge with respect to matters of a purely local nature which have not been regulated, by or pursuant to, an act of Congress and may prescribe a rate, charge, or toll that is just and reasonable, and change or prohibit any practice, device, or method of service in order to prevent undue discrimination or favoritism between persons and between localities and between commodities for a like and contemporaneous service. But in no case ~~shall~~ may the rate, toll, or charge be more than the service is reasonably worth, considering the cost of the service. Every order entered by the commission shall continue in force until the expiration of the time, if any, named by the commission in the order, or until revoked or modified by the commission, unless the order is suspended, modified, or revoked by order or decree of a court of competent jurisdiction: *Provided*, That in the case of utilities used by emergency shelter providers, the commission shall prescribe ~~such~~ rates, charges or tolls that are the lowest available. "Emergency shelter provider" means any nonprofit entity which provides temporary emergency housing and services to the homeless or to victims of domestic violence or other abuse.

(b) Notwithstanding any other provision of this code to the contrary, rates are not discriminatory if, when considering the debt costs associated with a future water or sewer project which would not benefit existing customers, the commission establishes rates which ensure that the future customers to be served by the new project are solely responsible for the debt costs associated with the project.

(c) Notwithstanding any other provision of this code to the contrary, the jurisdiction of the commission over water and/or sewer utilities that are political subdivisions of the state providing a separate or combined services and having at least ~~four thousand five hundred~~ 4,500 customers and annual combined gross revenues of \$3 million dollars or more ~~shall be~~ is limited to those powers enumerated in §24-2-1(b) of this code.

(d) Notwithstanding any other provision of this code to the contrary, the jurisdiction of the commission does not extend over the setting or adjustment of rates, fees, and charges of municipal power systems. The rates, fees, charges and rate-making process of municipal power systems is governed by the provisions of §8-19-2a of this code.

### **§24-2-3. General power of commission with respect to rates.**

(a) The commission ~~shall have power to~~ may enforce, originate, establish, change, and promulgate tariffs, rates, joint rates, tolls, and schedules for all public utilities except for municipal power systems and water and/or sewer utilities that are political subdivisions of this state providing a separate or combined services and having at least ~~four thousand five hundred~~ 4,500 customers and annual combined gross revenues of \$3 million dollars or more Provided, That the commission may exercise such rate authority over municipally owned ~~electric or~~ natural gas utilities or a municipally owned water and/or sewer utility having less than ~~four thousand five hundred~~ 4,500 customers or annual combined gross revenues of less than \$3 million dollars only under the circumstances and limitations set forth in §24-2-4b of this code, and subject to the provisions set forth in §24-2-3(b) of this code. And whenever the commission ~~shall~~, after hearing, ~~find~~ finds any

existing rates, tolls, tariffs, joint rates or schedules enacted or maintained by a utility regulated under the provisions of this section to be unjust, unreasonable, insufficient, or unjustly discriminatory or otherwise in violation of any of the provisions of this chapter, the commission shall by an order fix reasonable rates, joint rates, tariffs, tolls, or schedules to be followed in the future in lieu of those found to be unjust, unreasonable, insufficient, or unjustly discriminatory or otherwise in violation of any provisions of law, and the ~~said~~ commission, in fixing the rate of any railroad company, may fix a fair, reasonable and just rate to be charged on any branch line thereof, independent of the rate charged on the main line of ~~such~~ that railroad.

(b) Any complaint filed with the commission by a resale or wholesale customer of a municipally owned water and/or sewer utility having less than ~~four thousand five hundred~~ 4,500 customers or annual combined gross revenue of less than \$3 million dollars concerning rates, fees, or charges applicable to such resale or wholesale customer shall be filed within 30 days of the enactment by the governing body of the political subdivision of an ordinance changing rates, fees, or charges for such service. The commission shall resolve said complaint within 120 days of filing. The 120-day period for resolution of the complaint may be tolled by the commission until the necessary information showing the basis of the rates, fees, charges, and other information as the commission considers necessary is filed: *Provided*, That rates, fees, and charges so fixed by the political subdivision providing separate or combined water and/or sewer services shall remain in full force and effect until set aside, altered, or amended by the commission in an order to be followed in the future: *Provided, however*, That the commission shall have no authority to order refunds for amounts collected during the pendency of the complaint proceeding unless the rates, fees, or charges so enacted by the governing body were enacted subject to refund under the provisions of §24-2-4b(d)(2) or §24-2-4b(g) of this code.

(c) In determining just and reasonable rates, the commission may audit and investigate management practices and policies, or have performed an audit and investigation of such practices and

policies, in order to determine whether the utility is operating with efficiency and is utilizing sound management practices. The commission shall adopt rules and regulations setting forth the scope, frequency, and application of such audits and investigations to the various utilities subject to its jurisdiction. The commission may include the cost of conducting the management audit in the cost of service of the utility.

(d) In determining just and reasonable rates, the commission shall investigate and review transactions between utilities and affiliates. The commission shall limit the total return of the utility to a level which, when considered with the level of profit or return the affiliate earns on transactions with the utility, is just and reasonable.

**§24-2-4b. Procedures for changing rates of electric and natural gas cooperatives, local exchange services of telephone cooperatives, and municipally operated public utilities.**

(a) The rates and charges of electric cooperatives, natural gas cooperatives and municipal water and/or sewer utilities that are political subdivisions of the state having less than ~~four thousand five hundred~~ 4,500 customers or annual combined gross revenues of less than \$3 million dollars, except for municipally operated commercial solid waste facilities as defined in §22-15-2 of this code, and the rates and charges for local exchange services provided by telephone cooperatives are not subject to the rate approval provisions of 24-2-4 or §24-2-4a of this code, but are subject to the limited rate provisions of this section.

(b) All rates and charges set by electric cooperatives, natural gas cooperatives, and municipally operated public utilities that are political subdivisions of the state providing water, sewer, ~~electric~~ and/or natural gas services that are subject to the provisions of this section and all rates and charges for local exchange services set by telephone cooperatives shall be just, reasonable, applied without unjust discrimination between or preference for any customer or class of customer and based primarily on the costs of providing these services. All rates and charges shall be based upon the measured or reasonably estimated cost of service and the equitable

sharing of those costs between customers based upon the cost of providing the service received by the customer, including a reasonable plant-in-service depreciation expense. The rates and charges shall be adopted by the electric, natural gas, telephone cooperative, or political subdivision's governing board or body and, in the case of the municipally operated public utility, by municipal ordinance to be effective not sooner than 45 days after adoption. The 45-day waiting period may be waived by public vote of the governing body if that body finds and declares the public utility that is a political subdivision of the state to be in financial distress such that the 45-day waiting period would be detrimental to the ability of the utility to deliver continued and compliant public services: Provided, That notice of intent to effect a rate change shall be specified on the monthly billing statement of the customers of the utility for the month next preceding the month in which the rate change is to become effective and the utility governing body shall give its customers and, in the case of a cooperative, its customers, members, and stockholders, other reasonable notices as will allow filing of timely objections to the proposed rate change and full participation in municipal rate legislation through the provision of a public forum in which customers may comment upon the proposed rate change prior to an enactment vote. The rates and charges or ordinance shall be filed with the commission, together with any information showing the basis of the rates and charges and other information as the commission considers necessary. Any change in the rates and charges with updated information shall be filed with the commission. If a petition, as set out in §24-2-4b(c)(1), §24-2-4b(c)(2), or §24-2-4b(c)(3) of this code, is received and the electric cooperative, natural gas cooperative or telephone cooperative or municipality has failed to file with the commission the rates and charges with information showing the basis of rates and charges and other information as the commission considers necessary, the suspension period limitation of 120 days and the 100-day period limitation for issuance of an order by a hearing examiner, as contained in §24-2-4b(d) and §24-2-4b(e) of this code, is tolled until the necessary information is filed. The electric cooperative, natural gas cooperative, telephone cooperative or municipality shall set the date when any new rate or charge is to go into effect.

(c) The commission shall review and approve or modify the rates and charges of electric cooperatives, natural gas cooperatives, telephone cooperatives, or municipal ~~electric or~~ natural gas utilities and municipally owned water and/or sewer utilities that are political subdivisions of the state and having less than ~~four thousand five hundred~~ 4,500 customers or annual combined revenues of less than \$3 million dollars upon the filing of a petition within 30 days of the adoption of the ordinance or resolution changing the rates or charges by:

(1) Any customer aggrieved by the changed rates or charges who presents to the commission a petition signed by not less than 25 percent of the customers served by the municipally operated ~~electric or~~ natural gas public utility or municipally owned water and/or sewer utility or 25 percent of the membership of the electric, natural gas or telephone cooperative residing within the state;

(2) Any customer who is served by a municipally owned ~~electric or~~ natural gas public utility and who resides outside the corporate limits and who is affected by the change in the rates or charges and who presents to the commission a petition alleging discrimination between customers within and without the municipal boundaries. The petition shall be accompanied by evidence of discrimination; or

(3) Any customer or group of customers of the municipally owned ~~electric or~~ natural gas public utility who is affected by the change in rates who reside within the municipal boundaries and who present a petition to the commission alleging discrimination between a customer or group of customers and other customers of the municipal utility. The petition shall be accompanied by evidence of discrimination.

(d) (1) The filing of a petition with the commission signed by not less than 25 percent of the customers served by the municipally owned ~~electric or~~ natural gas public utility or a municipally owned water and/or sewer utility having less than ~~four thousand five hundred~~ 4,500 customers or annual combined gross revenues of less than \$3 million dollars or 25 percent of the membership of the electric, natural gas, or telephone cooperative residing within the



state under §24-2-4b(c) of this code shall suspend the adoption of the rate change contained in the ordinance or resolution for a period of 120 days from the date the rates or charges would otherwise go into effect or until an order is issued as provided herein.

(2) Upon sufficient showing of discrimination by customers outside the municipal boundaries or a customer or a group of customers within the municipal boundaries under a petition filed under §24-2-4b(c)(2) or §24-2-4b(c)(3) of this code, the commission shall suspend the adoption of the rate change contained in the ordinance for a period of 120 days from the date the rates or charges would otherwise go into effect or until an order is issued as provided herein. A municipal rate ordinance enacted pursuant to the provisions of this section and municipal charter or state code that establishes or proposes a rate increase that results in an increase of less than 25 percent of the gross revenue of the utility shall be presumed valid and rates shall be allowed to go into effect, subject to refund, upon the date stated in that ordinance. Any refund determined to be due and owing as a result of any difference between any final rates approved by the commission and the rates placed into effect subject to refund shall be refunded as a credit against each customer's account for a period of up to six months after entry of the commission's final order. Any remaining balance which is not fully credited by credit within six months after entry of the commission's final order shall be directly refunded to the customer by check. In the case of rates established or proposed that increase by more than 25 percent of the gross revenue of the municipally operated public utility, the utility may apply for, and the commission may grant, a waiver of the suspension period and allow rates to be effective upon enactment.

(e) The commission shall forthwith appoint a hearing examiner from its staff to review the grievances raised by the petitioners. The hearing examiner shall conduct a public hearing and shall, within 100 days from the date the rates or charges would otherwise go into effect, unless otherwise tolled as provided in §24-2-4b(b) of this code, issue an order approving, disapproving, or modifying, in whole or in part, the rates or charges imposed by the electric,

natural gas or telephone cooperative or by the municipally operated public utility pursuant to this section.

(f) Upon receipt of a petition for review of the rates under the provisions of §24-2-4b(c) of this code, the commission may exercise the power granted to it under the provisions of §24-2-3 of this code, consistent with the applicable rate provisions of §8-19-4 of this code, and §16-13-16 of this code. The commission may determine the method by which the rates are reviewed and may grant and conduct a de novo hearing on the matter if the customer, electric, natural gas, or telephone cooperative or municipality requests a hearing.

(g) The commission may, upon petition by an electric, natural gas or telephone cooperative or municipal ~~electric or natural gas~~ public utility or a municipally owned water and/or sewer utility, having less than ~~four thousand five hundred~~ 4,500 customers or annual combined gross revenues of less than \$3 million dollars allow an interim or emergency rate to take effect, subject to refund or future modification, if it is determined that the interim or emergency rate is necessary to protect the municipality from financial hardship attributable to the purchase of the utility commodity sold, or the commission determines that a temporary or interim rate increase is necessary for the utility to avoid financial distress. In such cases, the commission shall waive the 45-day waiting period provided for in §24-2-4b(b) of this code and the 120-day suspension period provided for in §24-2-4b(d) of this code.

(h) The commission shall, upon written request of the governing body of a political subdivision, provide technical assistance to the governing body in its deliberations regarding a proposed rate increase.

(i) Notwithstanding any other provision, the commission has no authority or responsibility with regard to the regulation of rates, income, services or contracts by municipally operated public utilities for services which are transmitted and sold outside of the State of West Virginia.

(j) Notwithstanding any other provision of this code to the contrary, the jurisdiction of the commission over water and/or sewer utilities that are political subdivisions of the state and ~~having~~ at least ~~four thousand five hundred~~ 4,500 customers and annual gross combined revenues of \$3 million dollars or more shall be limited to those powers enumerated in §24-2-1(b) of this code.

(k) Notwithstanding any other provision of this code to the contrary, the jurisdiction of the commission does not extend over the setting and adjustment of the rates, fees, and charges of municipal power systems. The rates, fees, charges and ratemaking process of municipal power systems shall be governed by the provisions of §8-19-2a of this code.

On motion of Senator Ferns, the following amendment to the House of Delegates amendment to the bill (Eng. Com. Sub. for S. B. 10) was reported by the Clerk and adopted:

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

**Eng. Com. Sub. for Senate Bill 10**—A Bill to amend and reenact §8-19-2 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto two new sections, designated §8-19-2a and §8-19-2b; and to amend and reenact §16-13A-9 of said code; and to amend and reenact §24-2-1, §24-2-2, §24-2-3, and §24-2-4b of said code, all relating generally to the jurisdiction of the Public Service Commission; excluding the setting and adjustment of rates, fees, and charges of municipal power systems from the jurisdiction of the Public Service Commission; providing for a right of appeal by customers; providing public service districts may accept payments for all fees and charges due by credit or check card; providing procedures and guidance for utilization of this method of payment; and clarifying the commission's jurisdiction as modified by chapters 161 and 209, Acts of the Legislature, regular session, 2017, over Internet protocol-enabled service, voice-over Internet protocol-enabled service, storm water services by a public service district, political subdivisions providing separate or combined water and/or sewer services, and certain telephone company transactions.

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

Engrossed Committee Substitute for Senate Bill 10, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 10) passed with its Senate amended title.

Senator Ferns moved that the bill take effect from passage.

On this question, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 10) takes effect from passage.

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

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

**Eng. Com. Sub. for Senate Bill 82**, Including rebuttable presumptions in certain cases for firefighters with regard to workers' compensation.

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

**Eng. Com. Sub. for Com. Sub. for Senate Bill 141**, Expanding county assessment and collection of head tax on breeding cows.

On motion of Senator Ferns, the bill was taken up for immediate consideration.

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

On page one, section six-e, line ten, after the words "percent of" by inserting the word "the";

And,

On page two, section six-e, lines twenty-three through twenty-seven, by striking out all of subsection (e) and inserting in lieu thereof a new subsection, designated subsection (e), to read as follows:

(e) If a cow owner elects to participate in the Coyote Control Program, within 30 days of such election, the cow owner shall provide written notice of his or her participation in the Program to any landowner from whom the cow owner leases property to graze cattle and whose property may be affected by the cow owner's participation in the Program.

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

Engrossed Committee Substitute for Committee Substitute for Senate Bill 141, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 141) passed with its title.

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

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

**Eng. Com. Sub. for Senate Bill 230**, Authorizing Department of Commerce promulgate legislative rules.

On motion of Senator Ferns, the bill was taken up for immediate consideration.

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

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

**ARTICLE 10. AUTHORIZATION FOR DEPARTMENT OF COMMERCE TO PROMULGATE LEGISLATIVE RULES.**

**§64-10-1. Division of Natural Resources.**

(a) The legislative rule filed in the State Register on July 28, 2017, authorized under the authority of §20-1A-1 of this code, relating to the Division of Natural Resources (controlling the public land corporation's sale, lease, exchange, or transfer of land or minerals, 58 CSR 2), is authorized.

(b) The legislative rule filed in the State Register on July 28, 2017, authorized under the authority of §20-1-7 of this code, modified by the Division of Natural Resources to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 18, 2017, relating to the Division of Natural Resources (hunting, fishing, and other outfitters and guides, 58 CSR 11), is authorized.

(c) The legislative rule filed in the State Register on July 28, 2017, authorized under the authority of §20-1-7 of this code, relating to the Division of Natural Resources (general hunting, 58 CSR 49), is authorized.

(d) The legislative rule filed in the State Register on July 28, 2017, authorized under the authority of §20-1-7 of this code, relating to the Division of Natural Resources (special migratory game bird hunting, 58 CSR 56), is authorized.

(e) The legislative rule filed in the State Register on July 28, 2017, authorized under the authority of §20-1-7 of this code, relating to the Division of Natural Resources (miscellaneous permits and licenses, 58 CSR 64), is authorized.

**§64-10-2. Division of Labor.**

(a) The legislative rule filed in the State Register on July 27, 2017, authorized under the authority of §21-15-6 of this code, relating to the Division of Labor (Zipline and Canopy Tour Responsibility Act, 42 CSR 10), is authorized.

(b) The legislative rule filed in the State Register on July 27, 2017, authorized under the authority of §47-1A-15 of this code,

relating to the Division of Labor (bedding and upholstered furniture, 42 CSR 12), is authorized.

(c) The legislative rule filed in the State Register on July 27, 2017, authorized under the authority of §21-10-3 of this code, relating to the Division of Labor (Amusement Rides and Amusement Attractions Safety Act, 42 CSR 17), is authorized.

(d) The legislative rule filed in the State Register on July 27, 2017, authorized under the authority of §21-3C-11 of this code, relating to the Division of Labor (Elevator Safety Act, 42 CSR 21), is authorized, with the amendments set forth below:

On page 5, subsection 8 to read as follows:

~~7.3.a.~~ 8.1. The fee for ~~the~~ an inspection of ~~each~~ an elevator by ~~the~~ a Division inspector ~~is~~ shall be \$100.00.

~~7.3.b.~~ 8.2. The Division's fee for the inspection of more than one elevator in a building is \$100.00 for the first elevator inspected and \$25.00 for each additional elevator inspected.

~~7.3.c.~~ 8.3. If changes or repairs are required prior to the issuance of a certificate of operation, the Division shall not charge an inspection fee ~~will not be charged by the Division~~ for the first follow-up inspection.

~~7.3.d.~~ 8.4. If subsequent follow-up inspections are required because of the owner's or operator's failure to make the required repairs or changes, the Division's inspection fees shall be ~~charged~~ at the same rates as set forth in ~~subdivisions~~ subsections ~~7.3.a.~~ 8.1 and ~~7.3.b.~~ 8.2 of this rule for each subsequent follow-up inspection.

~~7.3.3.~~ 8.5. If an owner or operator fails ~~The failure~~ to pay the required inspection fee, ~~is sufficient grounds for~~ the Division Commissioner shall ~~to~~ withhold the issuance of a certificate of operation until the fee is paid.

(e) The legislative rule filed in the State Register on July 27, 2017, authorized under the authority of §21-5-13 of this code,



relating to the Division of Labor (employer wage bonds, 42 CSR 33), is authorized.

(f) The legislative rule filed in the State Register on July 27, 2017, authorized under the authority of §47-1-3 of this code, relating to the Division of Labor (registration of service persons and service agencies, 42 CSR 35), is authorized, with the amendments set forth below:

On page one, subsection 1.1 to read as follows:

1.1. Scope. – This rule governs the voluntary registration of service persons and service agencies, and the issuance of certificates of registration.;

On page one, subsection 3.2 to read as follows:

3.2. “Certificate of registration” means the document issued by the Division of Labor upon receipt of a complete application from a service person or service agency.;

On page four, subsection 6.1. to read as follows:

6.1. A service person desiring to register with the Division shall submit a written application requesting that he or she be registered, and shall provide all information as the Commissioner may require on a form supplied by the Division, and shall include the documentation required in section 7 of this rule.;

On page four, subsection 6.2. to read as follows:

6.2. A service agency desiring to register with the Division shall submit a written application requesting that the agency be registered, and shall provide all information as the Commissioner may require on a form supplied by the Division, including the documentation required in section 7 of this rule, and a sample security seal required in section 8 of this rule.;

On page four, striking subsection 6.3. in its entirety, and renumbering the remaining subsections.;

And,

On page five, striking section 7 in its entirety, and renumbering the remaining sections.

(g) The legislative rule filed in the State Register on July 27, 2017, authorized under the authority of §47-1-3 of this code, modified by the Division of Labor to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 8, 2017, relating to the Division of Labor (registration of weighing and measuring devices used by businesses in commercial transactions, 42 CSR 36), is authorized, with the amendments set forth below:

On page 1, subsection 1.1. to read as follows:

1.1. Scope. — This rule governs the registration of weighing and measuring devices used by businesses in commercial transactions, and the issuance of certificates of device registration.;

On page 1, subsection 3.1., striking the words “and payment of the required fee for each weighing or measuring device used in commercial transactions”;

On page 2, subsection 5.1., striking the words “and shall pay the applicable registration fee as prescribed in section 6 of this rule”;

On page 2, striking subsection 5.3. in its entirety, and renumbering the remaining subsections.;

On page 2, striking section 6 in its entirety, and renumbering the remaining section.;

On page 3, striking Appendix A in its entirety.;

And,

On page on page 4, striking Appendix B in its entirety.

### **§64-10-3. Office of Miners’ Health, Safety and Training.**

The legislative rule filed in the State Register on July 27, 2017, authorized under the authority of §22A-2A-308 of this code,

relating to the Office of Miners' Health, Safety and Training (operating diesel equipment in underground mines in West Virginia, 56 CSR 23), is authorized.

**§64-10-4. Division of Energy.**

The legislative rule effective on July 1, 2010, authorized under the authority of §5B-2A-12 of this code, relating to the Division of Energy (community development assessment and real property valuation procedures for office of coalfield community development, 207 CSR 1), is repealed.

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

Engrossed Committee Substitute for Senate Bill 230, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 230) passed with its title.

Senator Ferns moved that the bill take effect from passage.

On this question, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 230) takes effect from passage.

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

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

**Eng. Com. Sub. for Senate Bill 244**, Specifying conditions for unlawful possession of firearm at school-sponsored activities.

On motion of Senator Ferns, the bill was taken up for immediate consideration.

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

On page three, section eleven-a, line forty-eight, after the word “person” by inserting a comma and the words “other than a student of a primary or secondary facility,”;

And,

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

**Eng. Com. Sub. for Senate Bill 244**—A Bill to amend and reenact §61-7-11a of the Code of West Virginia, 1931, as amended, relating to specifying the conditions under which it is unlawful to possess a firearm or other deadly weapon on a school bus, in a public primary or secondary education building, structure, facility or grounds, or at certain school-sponsored functions; revising the conditions under which a retired law-enforcement officer may

possess a firearm or other deadly weapon on a school bus, in a public primary or secondary education building, structure, facility or grounds, or at certain school-sponsored functions; clarifying when a person, other than a student of a primary or secondary facility, may possess a firearm or other deadly weapon on a school bus, in a public primary or secondary education building, structure, facility or grounds, or at certain school-sponsored functions if specifically authorized by the board of education or principal of the school where the property is located to conduct programs with valid educational purposes; and revising conditions for which certain persons holding a valid concealed handgun permit can possess a concealed handgun in a motor vehicle in in a parking lot, traffic circle, or other areas of vehicular ingress or egress to a public school.

On motion of Senator Trump, the following amendment to the House of Delegates amendments to the bill (Eng. Com. Sub. for S. B. 244) was reported by the Clerk and adopted:

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

**Eng. Com. Sub. for Senate Bill 244**—A Bill to amend and reenact §61-7-11a of the Code of West Virginia, 1931, as amended, relating to providing that it is unlawful to possess a firearm or other deadly weapon on a school bus, in or on the grounds of any primary or secondary educational facility of any type, or at certain school-sponsored functions; providing exception for in or on the grounds of any private primary or secondary school if the institution has adopted a written policy allowing for possession of firearms or other deadly weapons in the facility or on the grounds thereof; setting forth the conditions under which a retired law-enforcement officer may possess a firearm or other deadly weapon on a school bus, in or on the grounds of any primary or secondary educational facility of any type, or at certain school-sponsored functions; excluding certain students from the exception that applies to a person specifically authorized by the board of education of the county or principal of the school where the property is located to conduct programs with valid educational purposes; and revising conditions for which certain persons holding a valid concealed

handgun permit can possess a concealed handgun in a motor vehicle in a parking lot, traffic circle, or other areas of vehicular ingress or egress to a public school.

Senator Ferns moved that the Senate concur in the House of Delegates amendments, as amended.

Following discussion,

The question being on the adoption of Senator Ferns' aforestated motion, the same was put and prevailed.

Engrossed Committee Substitute for Senate Bill 244, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: Palumbo—1.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 244) passed with its Senate amended title.

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

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

**Eng. Com. Sub. for Senate Bill 271**, Creating centralized Shared Services Section of Department of Administration.

On motion of Senator Ferns, the bill was taken up for immediate consideration.

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

On page five, section three, lines thirty-one and thirty-two, by striking out the words “§5A-2B-3(a) of this code” and inserting in lieu thereof the words “subsection (a) of this section”.

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

Engrossed Committee Substitute for Senate Bill 271, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 271) passed with its title.

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

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

**Eng. Com. Sub. for Senate Bill 283**, Relating generally to procurement by state agencies.

On motion of Senator Ferns, the bill was taken up for immediate consideration.

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

On page three, section one, line twenty-four, by striking out the word “is” and inserting in lieu thereof the word “are”;

On page three, section one, line twenty-five, by striking out the word “is” and inserting in lieu thereof the word “are”;

On page three, section one, line twenty-nine, by striking out “\$1 million” and inserting in lieu thereof “\$500,000”;

On page three, section one, line thirty-four, by striking out the word “though” and inserting in lieu thereof the word “through”;

On page nine, section ten-c, line forty-three, by striking out the word “who” and inserting in lieu thereof the word “that”;

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

**~~§5A-3-37. Preference for resident vendors; preference for vendors employing state residents; preference for veteran residents; exceptions~~ Reciprocal preference; preference for resident vendors for motor vehicle contracts.;**

On pages fifteen through nineteen, by striking out all of section thirty-seven and inserting in lieu thereof the following:

(a) For purposes of this section, a vendor shall be deemed to be a resident of this state if such vendor:

(1) Is registered in accordance with §11-12-1 et seq. of this code to transact business within the State of West Virginia;

(2) Maintains its headquarters or principal place of business in the state;



(3) Has actually paid, and not just applied to pay, personal property taxes imposed by chapter 11 of this code on equipment used in the regular course of supplying services or commodities of the general type offered; and

(4) Has actually paid, and not just applied to pay, all required business taxes imposed by chapter 11 of this code.

(b) Except as provided in subsection (c) of this section, in any instance that a purchase of commodities or printing by the director or by a state spending unit is required under the provisions of this article to be made upon competitive bids, preference shall be given to resident vendors of West Virginia against a nonresident vendor from any state that gives or requires a preference to bidders from that state. The amount of the preference shall be equal to the amount of the preference given or required by the state of the nonresident vendor for that particular supply.

(c)(1) In any instance that a purchase of motor vehicles by the director or by a state department is required under the provisions of this article to be made upon competitive bids, the successful bid shall be determined as provided in this subsection. The Purchasing Division shall promulgate any rules necessary to: (A) Determine that vendors have met the residence requirements described in this section; (B) establish the procedure for vendors to certify the residency requirements at the time of submitting their bids; (C) establish a procedure to audit bids which make a claim for preference permitted by this section and to reject noncomplying bids; and (D) otherwise accomplish the objectives of this subsection.

(2) For purposes of this subsection, a successful bid shall be determined and accepted as follows:

(A) From an individual resident vendor who has resided in West Virginia continuously for the four years immediately preceding the date on which the bid is submitted or from a partnership, association, corporation resident vendor, or from a corporation nonresident vendor which has an affiliate or subsidiary which employs a minimum of one hundred state residents and

which has maintained its headquarters or principal place of business within West Virginia continuously for four years immediately preceding the date on which the bid is submitted, if the vendor's bid does not exceed the lowest qualified bid from a nonresident vendor by more than two and one-half percent of the latter bid, and if the vendor has made written claim for the preference at the time the bid was submitted: *Provided*, That for purposes of this paragraph, any partnership, association or corporation resident vendor of this state, which does not meet the requirements of this paragraph solely because of the continuous four-year residence requirement, shall be considered to meet the requirement if at least eighty percent of the ownership interest of the resident vendor is held by another individual, partnership, association or corporation resident vendor who otherwise meets the requirements of this paragraph, including the continuous four-year residency requirement: *Provided, however*, That the Purchasing Division shall promulgate rules relating to attribution of ownership among several resident vendors for purposes of determining the eighty percent ownership requirement; or

(B) From a resident vendor, if, for purposes of producing or distributing the motor vehicles which are the subject of the vendor's bid and continuously over the entire term of the contract, on average at least seventy-five percent of the vendor's employees are residents of West Virginia who have resided in the state continuously for the two immediately preceding years, and the vendor's bid does not exceed the lowest qualified bid from a nonresident vendor by more than two and one-half percent of the latter bid, and if the vendor has certified the residency requirements of this paragraph and made written claim for the preference, at the time the bid was submitted; or

(C) From a nonresident vendor, which employs a minimum of one hundred state residents or a nonresident vendor which has an affiliate or subsidiary which maintains its headquarters or principal place of business within West Virginia and which employs a minimum of one hundred state residents, if, for purposes of producing or distributing the motor vehicles which are the subject of the vendor's bid and continuously over the entire term of the

contract, on average at least seventy-five percent of the vendor's employees or the vendor's affiliate's or subsidiary's employees are residents of West Virginia who have resided in the state continuously for the two immediately preceding years and the vendor's bid does not exceed the lowest qualified bid from a nonresident vendor by more than two and one-half percent of the latter bid, and if the vendor has certified the residency requirements of this paragraph and made written claim for the preference, at the time the bid was submitted; or

(D) From a vendor who meets either the requirements of both paragraphs (A) and (B) of this subdivision or paragraphs (A) and (C) of this subdivision, if the bid does not exceed the lowest qualified bid from a nonresident vendor by more than five percent of the latter bid, and if the vendor has certified the residency requirements above and made written claim for the preference at the time the bid was submitted; or

(E) From an individual resident vendor who is a veteran of the United States Armed Forces, the Reserves or the National Guard and has resided in West Virginia continuously for the four years immediately preceding the date on which the bid is submitted, if the vendor's bid does not exceed the lowest qualified bid from a nonresident vendor by more than three and one-half percent of the latter bid, and if the vendor has made written claim for the preference at the time the bid was submitted; or

(F) From a resident vendor who is a veteran of the United States Armed Forces, the Reserves or the National Guard, if, for purposes of producing or distributing motor vehicles which are the subject of the vendor's bid and continuously over the entire term of the contract, on average at least seventy-five percent of the vendor's employees are residents of West Virginia who have resided in the state continuously for the two immediately preceding years and the vendor's bid does not exceed the lowest qualified bid from a nonresident vendor by more than three and one-half percent of the latter bid, and if the vendor has certified the residency requirements of this paragraph and made written claim for the preference, at the time the bid was submitted; or

(G) Notwithstanding any provisions of paragraphs (A), (B), (C), (D), (E) or (F) of this subdivision to the contrary, if any nonresident vendor that is bidding on the purchase of motor vehicles by the director or by a state department is also certified as a small, women or minority-owned business pursuant to §5A-3-59, the nonresident vendor shall be provided the same preference made available to any resident vendor under the provisions of this subdivision.

(2) If any of the requirements or provisions set forth in this section jeopardize the receipt of federal funds, then the requirement or provisions are void and of no force and effect for that specific project.

(d) If the Purchasing Division determines under any audit procedure that a vendor who received a preference under this section fails to continue to meet the requirements for the preference at any time during the term of the contract for which the preference was received the Purchasing Division may: (1) Reject the vendor's bid; or (2) assess a penalty against the vendor of not more than five percent of the vendor's bid on the contract.

(e) Political subdivisions of the state including county boards of education may grant the same preferences to any vendor of this state who has made a written claim for the preference at the time a bid is submitted, but for the purposes of this subsection, in determining the lowest bid, any political subdivision shall exclude from the bid the amount of business occupation taxes which must be paid by a resident vendor to any municipality within the county comprising or located within the political subdivision as a result of being awarded the contract which is the object of the bid; in the case of a bid received by a municipality, the municipality shall exclude only the business and occupation taxes as will be paid to the municipality: *Provided*, That prior to soliciting any competitive bids, any political subdivision may, by majority vote of all its members in a public meeting where all the votes are recorded, elect not to exclude from the bid the amount of business and occupation taxes as provided in this subsection.;

On page twenty-nine, after section one, by inserting the following:

**§5G-1-4. Contracts for architectural and engineering services; selection process where total project costs are estimated to cost less than \$250,000; division of highways procurements.**

(a) In the procurement of architectural and engineering services for projects estimated to cost less than \$250,000, competition shall be sought by the agency. The agency shall conduct discussions with three or more professional firms solicited on the basis of known or submitted qualifications for the assignment prior to the awarding of any contract: *Provided*, That if a judgment is made that special circumstances exist and that seeking competition is not practical, the agency may, with the prior approval of the director of purchasing, select a firm on the basis of previous satisfactory performance and knowledge of the agency's facilities and needs. After selection, the agency and firm shall develop the scope of services required and negotiate a contract.

(b) The Division of Highways may procure the services of architectural and engineering firms under the provisions of this section in an amount not to exceed \$750,000 for the services per project.

And,

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

**Eng. Com. Sub. for Senate Bill 283**—A Bill to amend and reenact §5-22-1 of the Code of West Virginia, 1931, as amended; to amend and reenact §5A-3-10b, §5A-3-10c, §5A-3-10e, §5A-3-33d, §5A-3-33f, §5A-3-37, and §5A-3-45 of said code; to amend said code by adding thereto a new section, designated §5A-3-61; to amend and reenact §5G-1-3 and §5G-1-4 of said code; to amend and reenact §6D-1-1 of said code; and to amend and reenact §18B-5-4 of said code, all relating generally to procurement by state agencies; defining terms; authorizing competitive bidding of certain open-ended repair and maintenance contracts; modifying

use and consideration of alternates in solicitations; prohibiting alternates from being accepted out of order; modifying criteria to be considered in best value procurement awards; eliminating sole source procurement; establishing direct award procurement requirements; establishing prequalification agreements and their requirements and procedures; authorizing agency-delegated bidding and its procedure; increasing certain cost limits from \$50,000 to \$1 million; authorizing awarding contracts without competitive bidding if certain requirements are met; eliminating master contracts and direct ordering process; expanding the scope of those who may be debarred; eliminating preferences for resident vendors, vendors employing state residents, and veteran residents; establishing the concept of “reciprocal preference” for an in-state vendor over an out-of-state vendor from any state that gives or requires a preference to bidders from that state and setting forth its requirements; providing certain preferences for purchases of motor vehicles; modifying the value determination of certain motor vehicles that are to be sold; permitting funds from sale of surplus property be deposited in alternate fund if original fund no longer exists; permitting spending units to use a standardization process to purchase commodities and setting forth its requirements; permitting an architectural or engineering firm to be selected without bidding if certain conditions exist; increasing the cost of projects under which division of highways is permitted to procure services of architectural and engineering firms under certain provisions; increasing certain contract limits from \$100,000 to \$1 million; modifying provisions requiring disclosure of interested parties; requiring certain reporting; removing preference requirements for higher education; and authorizing rulemaking.

On motion of Senator Ferns, the following amendments to the House of Delegates amendments to the bill (Eng. Com. Sub. for S. B. 283) were reported by the Clerk, considered simultaneously, and adopted:

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

**~~§5A-3-37. Preference for resident vendors; preference for vendors employing state residents; preference for veteran~~**

**residents; exceptions Reciprocal preference; preference for resident vendors for certain contracts.;**

On page nineteen, by striking out all of section thirty-seven and inserting in lieu thereof the following:

(a) For purposes of this section, a vendor shall be deemed to be a resident of this state if such vendor:

(1) Is registered in accordance with §11-12-1 et seq. of this code to transact business within the State of West Virginia;

(2) Maintains its headquarters or principal place of business in the state;

(3) Has actually paid, and not just applied to pay, personal property taxes imposed by chapter 11 of this code on equipment used in the regular course of supplying services or commodities of the general type offered; and

(4) Has actually paid, and not just applied to pay, all required business taxes imposed by chapter 11 of this code.

(b) Except as provided in subsection (c) of this section, in any instance that a purchase of commodities or printing by the director or by a state spending unit is required under the provisions of this article to be made upon competitive bids, preference shall only be given to resident vendors of West Virginia against a nonresident vendor from any state that gives or requires a preference to bidders from that state. The amount of the preference shall be equal to the amount of the preference given or required by the state of the nonresident vendor for that particular supply.

(c)(1) In any instance that a purchase of motor vehicles or construction and maintenance equipment and machinery used in highway and other infrastructure projects by the director or by a state department is required under the provisions of this article to be made upon competitive bids, the successful bid shall be determined as provided in this subsection.

(2) For purposes of this subsection, a successful bid shall be determined and accepted as follows:

(A) From an individual resident vendor who has resided in West Virginia continuously for the four years immediately preceding the date on which the bid is submitted or from a partnership, association, corporation resident vendor, or from a corporation nonresident vendor which has an affiliate or subsidiary which employs a minimum of one hundred state residents and which has maintained its headquarters or principal place of business within West Virginia continuously for four years immediately preceding the date on which the bid is submitted, if the vendor's bid does not exceed the lowest qualified bid from a nonresident vendor by more than two and one-half percent of the latter bid, and if the vendor has made written claim for the preference at the time the bid was submitted: *Provided*, That for purposes of this paragraph, any partnership, association or corporation resident vendor of this state, which does not meet the requirements of this paragraph solely because of the continuous four-year residence requirement, shall be considered to meet the requirement if at least eighty percent of the ownership interest of the resident vendor is held by another individual, partnership, association or corporation resident vendor who otherwise meets the requirements of this paragraph, including the continuous four-year residency requirement: *Provided, however*, That the Purchasing Division shall promulgate rules relating to attribution of ownership among several resident vendors for purposes of determining the eighty percent ownership requirement; or

(B) From a resident vendor, if, for purposes of producing or distributing the motor vehicles or the construction and maintenance equipment and machinery used in highway and other infrastructure projects which are the subject of the vendor's bid and continuously over the entire term of the contract, on average at least seventy-five percent of the vendor's employees are residents of West Virginia who have resided in the state continuously for the two immediately preceding years, and the vendor's bid does not exceed the lowest qualified bid from a nonresident vendor by more than two and one-half percent of the latter bid, and if the vendor has certified the



residency requirements of this paragraph and made written claim for the preference, at the time the bid was submitted; or

(C) From a nonresident vendor, which employs a minimum of one hundred state residents or a nonresident vendor which has an affiliate or subsidiary which maintains its headquarters or principal place of business within West Virginia and which employs a minimum of one hundred state residents, if, for purposes of producing or distributing the motor vehicles or the construction and maintenance equipment and machinery used in highway and other infrastructure projects which are the subject of the vendor's bid and continuously over the entire term of the contract, on average at least seventy-five percent of the vendor's employees or the vendor's affiliate's or subsidiary's employees are residents of West Virginia who have resided in the state continuously for the two immediately preceding years and the vendor's bid does not exceed the lowest qualified bid from a nonresident vendor by more than two and one-half percent of the latter bid, and if the vendor has certified the residency requirements of this paragraph and made written claim for the preference, at the time the bid was submitted; or

(D) From a vendor who meets either the requirements of both paragraphs (A) and (B) of this subdivision or paragraphs (A) and (C) of this subdivision, if the bid does not exceed the lowest qualified bid from a nonresident vendor by more than five percent of the latter bid, and if the vendor has certified the residency requirements above and made written claim for the preference at the time the bid was submitted; or

(E) From an individual resident vendor who is a veteran of the United States Armed Forces, the Reserves or the National Guard and has resided in West Virginia continuously for the four years immediately preceding the date on which the bid is submitted, if the vendor's bid does not exceed the lowest qualified bid from a nonresident vendor by more than three and one-half percent of the latter bid, and if the vendor has made written claim for the preference at the time the bid was submitted; or

(F) From a resident vendor who is a veteran of the United States Armed Forces, the Reserves or the National Guard, if, for purposes

of producing or distributing motor vehicles or construction and maintenance equipment and machinery used in highway and other infrastructure projects which are the subject of the vendor's bid and continuously over the entire term of the contract, on average at least seventy-five percent of the vendor's employees are residents of West Virginia who have resided in the state continuously for the two immediately preceding years and the vendor's bid does not exceed the lowest qualified bid from a nonresident vendor by more than three and one-half percent of the latter bid, and if the vendor has certified the residency requirements of this paragraph and made written claim for the preference, at the time the bid was submitted;  
or

(G) Notwithstanding any provisions of paragraphs (A), (B), (C), (D), (E) or (F) of this subdivision to the contrary, if any nonresident vendor that is bidding on the purchase of motor vehicles or construction and maintenance equipment and machinery used in highway and other infrastructure projects by the director or by a state department is also certified as a small, women or minority-owned business pursuant to §5A-3-59, the nonresident vendor shall be provided the same preference made available to any resident vendor under the provisions of this subdivision.

(3) If any of the requirements or provisions set forth in this section jeopardize the receipt of federal funds, then the requirement or provisions are void and of no force and effect for that specific project.

(4) The Purchasing Division shall promulgate any rules necessary to: (A) determine that vendors have met the residence requirements described in this section; (B) establish the procedure for vendors to certify the residency requirements at the time of submitting their bids; (C) establish a procedure to audit bids which make a claim for preference permitted by this section and to reject noncomplying bids; and (D) otherwise accomplish the objectives of this subsection.

(d) If the Purchasing Division determines under any audit procedure that a vendor who received a preference under this section fails to continue to meet the requirements for the preference

at any time during the term of the contract for which the preference was received the Purchasing Division may: (1) reject the vendor's bid; or (2) assess a penalty against the vendor of not more than five percent of the vendor's bid on the contract.

(e) Political subdivisions of the state including county boards of education may grant the same preferences to any vendor of this state who has made a written claim for the preference at the time a bid is submitted, but for the purposes of this subsection, in determining the lowest bid, any political subdivision shall exclude from the bid the amount of business occupation taxes which must be paid by a resident vendor to any municipality within the county comprising or located within the political subdivision as a result of being awarded the contract which is the object of the bid; in the case of a bid received by a municipality, the municipality shall exclude only the business and occupation taxes as will be paid to the municipality: *Provided*, That prior to soliciting any competitive bids, any political subdivision may, by majority vote of all its members in a public meeting where all the votes are recorded, elect not to exclude from the bid the amount of business and occupation taxes as provided in this subsection.;

On page twenty-nine, by striking out all of section four and inserting in lieu thereof a new section, designated section four, to read as follows:

**§5G-1-4. Contracts for architectural and engineering services; selection process where total project costs are estimated to cost less than \$250,000; division of highways procurements.**

(a) In the procurement of architectural and engineering services for projects estimated to cost less than \$250,000, competition shall be sought by the agency. The agency shall conduct discussions with three or more professional firms solicited on the basis of known or submitted qualifications for the assignment prior to the awarding of any contract: *Provided*, That if a judgment is made that special circumstances exist and that seeking competition is not practical, the agency may, with the prior approval of the director of purchasing, select a firm on the basis of previous satisfactory performance and knowledge of the agency's facilities and needs.

After selection, the agency and firm shall develop the scope of services required and negotiate a contract.

(b) The Division of Highways may procure the services of architectural and engineering firms under the provisions of this section in an amount not to exceed \$750,000 for the services per project.;

And,

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

**Eng. Com. Sub. for Senate Bill 283**—A Bill to amend and reenact §5-22-1 of the Code of West Virginia, 1931, as amended; to amend and reenact §5A-3-10b, §5A-3-10c, §5A-3-10e, §5A-3-33d, §5A-3-33f, §5A-3-37, and §5A-3-45 of said code; to amend said code by adding thereto a new section, designated §5A-3-61; to amend and reenact §5G-1-3 and §5G-1-4 of said code; to amend and reenact §6D-1-1 of said code; and to amend and reenact §18B-5-4 of said code, all relating generally to procurement by state agencies; defining terms; authorizing competitive bidding of certain open-ended repair and maintenance contracts; modifying use and consideration of alternates in solicitations; prohibiting alternates from being accepted out of order; modifying criteria to be considered in best value procurement awards; eliminating sole source procurement; establishing direct award procurement requirements; establishing prequalification agreements and their requirements and procedures; authorizing agency-delegated prequalification bidding and its procedure; increasing certain cost limits from \$50,000 to \$1 million; authorizing awarding contracts without competitive bidding if certain requirements are met; eliminating master contracts and direct ordering process; expanding the scope of those who may be debarred; eliminating preferences for resident vendors, vendors employing state residents, and veteran residents; establishing the concept of “reciprocal preference” for an in-state vendor over an out-of-state vendor from any state that gives or requires a preference to bidders from that state and setting forth its requirements; providing certain preferences for purchases of motor vehicles or construction and

maintenance equipment and machinery used in highway and other infrastructure projects; modifying the value determination of certain motor vehicles that are to be sold; permitting funds from sale of surplus property be deposited in alternate fund if original fund no longer exists; permitting spending units to use a standardization process to purchase commodities and setting forth its requirements; permitting an architectural or engineering firm to be selected without bidding if certain conditions exist; increasing the cost of projects under which Division of Highways is permitted to procure services of architectural and engineering firms under certain provisions; increasing certain contract limits from \$100,000 to \$1 million for purposes of disclosure; modifying provisions requiring disclosure of interested parties; requiring certain reporting; removing preference requirements for higher education; and authorizing rulemaking.

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

Engrossed Committee Substitute for Senate Bill 283, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 283) passed with its Senate amended title.

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

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

**Eng. Com. Sub. for Senate Bill 336**, Providing certain DMV applicants ability to contribute to WV Department of Veterans Assistance.

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

**Eng. Senate Bill 339**, Relating to WV Retirement Health Benefit Trust Fund within PEIA.

On motion of Senator Ferns, the bill was taken up for immediate consideration.

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

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

## **ARTICLE 16D. WEST VIRGINIA RETIREMENT HEALTH BENEFIT TRUST FUND.**

### **§5-16D-1. Definitions.**

As used in this article, the term:

~~(a) “Actuarial accrued liability” means that portion, as determined by a particular actuarial cost method, of the actuarial present value of fund obligations and administrative expenses which is not provided by future normal costs~~

~~(b)~~ (a) “Actuarial cost method” means a method for determining the actuarial present value of the obligations and administrative expenses of the fund and for developing an actuarially equivalent allocation of the value to time periods, usually in the form of a normal cost and ~~an actuarial accrued liability~~ a total other post-employment benefits liability.

Acceptable actuarial methods are the aggregate, attained age, entry age, frozen attained age, frozen entry age and projected unit credit methods.

~~(e)~~ (b) “Actuarially sound” means that calculated contributions to the fund are sufficient to pay the full actuarial cost of the fund. The full actuarial cost includes both the normal cost of providing for fund obligations as they accrue in the future and the cost of amortizing the unfunded ~~actuarial accrued liability~~ total other post-employment benefits liability over a period of no more than 30 years.

~~(d)~~ (c) “Actuarial present value of total projected benefits” means the present value, at the valuation date, of the cost to finance benefits payable in the future, discounted to reflect the expected effects of the time value of money and the probability of payment.

~~(e)~~ (d) “Actuarial assumptions” means assumptions regarding the occurrence of future events affecting the fund such as mortality, withdrawal, disability and retirement; changes in compensation and offered post-employment benefits; rates of investment earnings and other asset appreciation or depreciation; procedures used to determine the actuarial value of assets; and other relevant items.

~~(f)~~ (e) “Actuarial valuation” means the determination, as of a valuation date, of the normal cost, ~~actuarial accrued liability~~ total other post-employment benefits liability, actuarial value of assets and related actuarial present values for the fund.

~~(g)~~ (f) “Administrative expenses” means all expenses incurred in the operation of the fund, including all investment expenses.

~~(h)~~ “Annual required contribution” means the amount employers must contribute in a given year to fully fund the trust, as determined by the actuarial valuation in accordance with requirements of generally accepted accounting principles. This amount shall represent a level of funding that if paid on an ongoing basis is projected to cover the normal cost each year and amortize

~~any unfunded actuarial liabilities of the plan over a period not to exceed thirty years~~

(i) ~~(g)~~ “Board” means the Public Employees Insurance Agency Finance Board created in §5-16-4 of this code.

(h) “Collective net other post-employment benefits liability” means for any actuarial valuation, the excess of the plan’s total other post-employment benefits liability over the actuarial value of the assets of the fund under an actuarial cost method used by the fund for funding purposes.

(j) ~~(i)~~ “Cost-sharing multiple employer plan” means a single plan with pooling (cost-sharing) arrangements for the participating employers. All risk, rewards, and costs, including benefit costs, are shared and not attributed individually to the employers. A single actuarial valuation covers all plan members and the same contribution rate applies for each employer.

~~(k)~~ (j) “Covered health care expenses” means all actual health care expenses paid by the health plan on behalf of fund beneficiaries. Actual health care expenses include claims payments to providers and premiums paid to intermediary entities and health care providers by the health plan.

(l) ~~(k)~~ “Employer” means any employer as defined by §5-16-2 of this code which has or will have retired employees in any Public Employees Insurance Agency health plan.

~~(m) “Employer annual required contribution” means the portion of the annual required contribution which is the responsibility of that particular employer~~

~~(n)~~ (l) “Fund” means the West Virginia Retiree Health Benefit Trust Fund established under this article.

~~(o)~~ (m) “Fund beneficiaries” means all persons receiving post-employment health care benefits through the health plan.

~~(p)~~ (n) “Health plan” means the health insurance plan or plans established under §5-16-1 *et seq.* of this code.



~~(e)~~ (o) “Minimum annual employer payment” means the annual amount paid by employers which, when combined with the retirees’ contributions on their premiums that year, provide sufficient funds such that the annual finance plan of the finance board will cover all projected retiree covered health care expenses and related administrative costs for that year. The finance board shall develop the minimum annual employer payment as part of its financial plan each year as addressed in §5-16-5 of this code.

~~(f)~~ (p) “Normal cost” means that portion of the actuarial present value of the fund obligations and expenses which is allocated to a valuation year by the actuarial cost method used for the fund.

~~(s)~~ (q) “Obligations” means the administrative expenses of the fund and the cost of covered health care expenses incurred on behalf of fund beneficiaries.

~~(t)~~ (r) “Other post-employment benefits” or “retiree post-employment health care benefits” means those benefits as addressed by governmental accounting standards board statement no. 43 or any subsequent governmental standards board statement that may be applicable to the fund.

~~(u)~~ (s) “Plan for other post-employment benefits” means the fiscal funding plan for retiree post-employment health care benefits as it relates to governmental accounting standards board statement no. 43 or any subsequent governmental accounting standards board statements that may be applicable to the fund.

(t) “Proportionate share” means the portion of the collective net other post-employment benefits liability that is attributed to, and the responsibility of, a particular employer.

~~(v)~~ (u) “Retiree” means retired employee as defined by §5-16-2 of this code.

~~(w)~~ (v) “Retirement system” or “system” means the West Virginia Consolidated Public Retirement Board created and established by §5-10-1 *et seq.* of this code and includes any retirement systems or funds administered or overseen by the Consolidated Public Retirement Board.

(w) “Total other post-employment benefits liability” means that portion, as determined by a particular actuarial cost method, of the actuarial present value of fund obligations and administrative expenses which is not provided by future normal costs.

~~(x) “Unfunded actuarial accrued liability” means for any actuarial valuation the excess of the actuarial accrued liability over the actuarial value of the assets of the fund under an actuarial cost method used by the fund for funding purposes~~

### **§5-16D-3. Operation of trust fund.**

(a) Responsibility for the rules and policies for the proper operation of the fund is vested in the board.

(b) The board shall adopt actuarial assumptions as it deems necessary and prudent.

(c) The board shall determine the ~~annual required~~ contribution rates in an actuarially sound manner and each employer’s proportionate share sufficient to maintain the fund in accordance with the state plan for other post-employment benefits.

(d) The board may promulgate, in accordance with §29A-1-1 *et seq.* of this code, any rules it finds necessary to properly administer the fund. The board may promulgate emergency rules pursuant to the provisions of §29A-3-15 of this code.

(e) The Public Employees Insurance Agency shall furnish reports to the board at each of the board’s regularly scheduled meetings. The reports shall contain the most recent information reasonably available to the Public Employees Insurance Agency reflecting the obligations of the fund, earnings on investments, and such other information as the board deems necessary and appropriate.

(f) The Secretary of the Department of Administration, as ~~chairman~~ chair of the board, shall cause to be employed within the Public Employees Insurance Agency such personnel as may be needed to carry out the provisions of this article. The pro rata share of the costs to the Public Employees Insurance Agency of operating

the fund shall be part of the administrative costs of the fund and shall be reimbursed to the Public Employees Insurance Agency.

(g) The Public Employees Insurance Agency, on the board's behalf, shall be responsible for the day-to-day operation of the fund and may employ or contract for the services of actuaries and other professionals as required to carry out the duties established by this article.

(h) The board shall contract with the West Virginia Investment Management Board for any necessary services with respect to fund investments.

(i) The Public Employees Insurance Agency, on the board's behalf, shall maintain all necessary records regarding the fund in accordance with generally accepted accounting principles.

(j) The Public Employees Insurance Agency, on the board's behalf, shall collect all moneys due to the fund and shall pay current post-employment healthcare costs and any administrative expenses necessary and appropriate for the operation of the fund from the fund. The fund's assets shall be maintained and accounted for in state funds. The state funds shall be: (1) The Other Post-Employment Benefit Contribution Accumulation Fund; (2) the Other Post-Employment Benefit Investment Fund; and (3) the Other Post-Employment Benefit Expense Fund. These funds will be maintained by the Public Employees Insurance Agency on the board's behalf.

(k) The Public Employees Insurance Agency, on the board's behalf, shall prepare an annual report of fund activities. ~~Such~~ The report shall include, but not be limited to, independently audited financial statements in accordance with generally accepted accounting principles. The financial statements must be independently audited in accordance with auditing standards generally accepted in the United States and the standards applicable to financial audits contained in government auditing standards as issued by the Comptroller General of the United States.

(l) Notwithstanding any other provision of law to the contrary, the Public Employees Insurance Agency shall be entitled to request and receive any information that it deems necessary and appropriate from any relevant retirement system in order that the provisions of this article may be carried out.

#### **§5-16D-4. Actuary.**

(a) The actuary employed or retained by the Public Employees Insurance Agency shall provide technical advice to the Public Employees Insurance Agency and to the board regarding the operation of the fund.

(b) Using the actuarial assumptions most recently adopted by the board, the actuary shall, on a biannual basis, or as frequently as the board or generally accepted accounting principles deems ~~determines~~ necessary, set actuarial valuations of normal cost, actuarial liability, actuarial value of assets, and related actuarial present values for the state plan for other post-employment benefits.

#### **§5-16D-6. Mandatory employer contributions.**

(a) The board shall annually set the ~~total annual required contribution~~ minimum annual employer payment sufficient to maintain the fund in an actuarially sound manner in accordance with generally accepted accounting principles and the annual finance plan.

(b) The board shall annually allocate to the respective employers the employer's ~~portion of the annual required contribution, which allocated amount is the "employer annual required contribution"~~ proportionate share of the collective net other post-employment liability as determined by the actuarial valuation in accordance with generally accepted accounting principles.

(c) ~~The board may apportion the annual required contribution into various components. These components may include the amortized unfunded actuarial accrued liability, the total normal cost, the employer annual required contribution and the lesser~~

~~included minimum annual employer payment. In the board's annual apportionment of the annual required contribution, any amounts of the minimum annual employer payment apportioned to reduce the amortized unfunded actuarial accrued liability shall not be treated as premium by the board in the finance plan but, rather, shall be treated as contributions to prefund other post-employment benefits~~

(~~d~~) (c) Employers shall make annual contributions to the fund in, at least, the amount of the minimum annual employer payment rates established by the board.

(~~e~~) (d) The Public Employees Insurance Agency shall bill each employer for the ~~employer annual required contribution and the included~~ minimum annual employer payment. The Public Employees Insurance Agency shall annually collect the minimum annual employer payment. ~~The Public Employees Insurance Agency shall, in addition to the minimum annual employer payment, collect any amounts the employer elects to pay toward the employer annual required contribution.~~ Any ~~employer annual required contribution~~ employer's proportionate share of the collective net other post-employment amount not satisfied by the respective employer shall remain the liability of that employer until fully paid or otherwise amortized.

Senator Ferns moved that the Senate amend the House of Delegates amendment to the bill.

At the request of Senator Ferns, and by unanimous consent, his foregoing motion was withdrawn.

Thereafter, on motion of Senator Ferns, the Senate concurred in the House of Delegates amendment to the bill.

Engrossed Senate Bill 339, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker,

Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 339) passed with its title.

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

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

**Eng. Com. Sub. for Senate Bill 375**, Relating to farmers markets.

On motion of Senator Ferns, the bill was taken up for immediate consideration.

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

On page six, section five, after line twenty-seven, by adding a new subsection, designated subsection (f), to read as follows:

(f) The Department of Agriculture shall consult with the Department of Health and Human Resources to promulgate any rules deemed necessary by the Commissioner of Agriculture to ensure the health, sanitation, and safety of the products produced and sold pursuant to this section.

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

Engrossed Committee Substitute for Senate Bill 375, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 375) passed with its title.

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

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

**Eng. Com. Sub. for Senate Bill 401**, Requiring specified coverage in health benefit plans for treatment of substance abuse disorders.

On motion of Senator Ferns, the bill was taken up for immediate consideration.

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

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

**ARTICLE 15. ACCIDENT AND SICKNESS INSURANCE.**

**§33-15-4p. Substance use disorder.**

(a) As used in this section, the following words have the following meaning:

(1) “Concurrent review” means inpatient care is reviewed as it is provided. Medically qualified reviewers monitor appropriateness of the care, the setting, and patient progress, and, as appropriate, the discharge plans.

(2) “Covered person” means an individual, other than a Medicaid recipient, for whom coverage has been provided pursuant to the provisions of this article.

(3) “Insurance Commissioner” means the person appointed pursuant to the provisions §33-2-1 *et seq.* of this code.

(4) “Insurer” means the same as that term is defined in §33-15-2 of this code.

(5) “Physician” or “psychiatrist” means a person licensed pursuant to the provisions of either §30-3-1 *et seq.* or §30-14-1 *et seq.* of this code.

(6) “Psychologist” means a person licensed pursuant to the provisions of §30-21-1 *et seq.* of this code.

(7) “Substance use disorder” means the same as that term is defined by the American Psychiatric Association in the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, and shall include substance use withdrawal.

(b) An accident and sickness policy that provides hospital or medical expense benefits and is delivered, issued, executed, or renewed in this state, or approved for issuance or renewal by the Insurance Commissioner, on or after January 1, 2019, shall provide benefits for inpatient and outpatient treatment of substance use disorder at in-network facilities at the same level as other medical services offered by the accident and sickness policy.

(c) The services for the treatment of substance use disorder shall be:

(1) Prescribed by a physician or psychiatrist licensed pursuant to the provisions of §30-3-1 *et seq.* or §30-14-1 *et seq.*



of this code or recommended by a psychologist licensed pursuant to the provisions of §30-21-1 et seq. of this code; and

(2) Provided by licensed health care professionals or licensed or certified substance use disorder providers in licensed or otherwise state-approved facilities, as required by this code.

(d) The inpatient and outpatient treatment of substance use disorders shall be provided when determined medically necessary by the covered person's physician, psychologist, or psychiatrist. The facility shall notify the insurer of both the admission and the initial treatment plan within 48 hours of the admission or initiation of treatment. If there is no in-network facility immediately available for a covered person, an accident and sickness policy shall provide necessary exceptions to its network to ensure admission in a treatment facility within 72 hours. If a covered person is being treated at an out-of-network facility and an in-network facility becomes available during the course of the treatment plan, an insurer may transfer the covered person to the in-network facility.

(e) Providers of treatment for substance use disorders to persons covered under a covered contract shall not require prepayment of medical expenses during this 180 days in excess of applicable copayment, deductible, or coinsurance as provided in the contract.

(f) The benefits for outpatient visits may be subject to concurrent or retrospective review of medical necessity or any other utilization management review.

(g) (1) If an insurer determines that continued inpatient care in a facility is no longer medically necessary, the insurer shall, within 72 hours, provide written notice to the covered person and the covered person's physician of its decision and the right to file for an expedited review of an adverse decision.

(2) The insurer shall review and make a determination with respect to the internal appeal within 72 hours and communicate

that determination to the covered person and the covered person's physician.

(3) If the determination is to uphold the denial, the covered person and the covered person's physician have the right to file an expedited external appeal with an independent review organization. An independent utilization review organization shall make a determination within 72 hours.

(4) If the insurer's determination is upheld and it is determined continued inpatient care is not medically necessary, the insurer remains responsible to provide benefits for the inpatient care through the day following the date the determination is made and the covered person is only responsible for any applicable copayment, deductible, and coinsurance for the stay through that date as applicable under the contract.

(5) The covered person shall not be discharged or released from the inpatient facility until all internal appeals and independent utilization review organization appeals are exhausted. For any costs incurred after the day following the date of determination until the day of discharge, the covered person is only responsible for any applicable cost-sharing, and any additional charges shall be paid by the facility or provider.

(h) The Insurance Commissioner shall propose rules in accordance with the provisions of §29A-3-1 *et seq.* of this code to develop a procedure for an expedited review of an adverse decision as set forth in this section. The Legislature finds that for the purposes of §20A-3-15 of this code, an emergency exists requiring the promulgation of an emergency rule to respond to the growing need in our state for substance abuse treatment.

(i)(1) The benefits for the first five days of intensive outpatient or partial hospitalization services shall be provided without any retrospective review of medical necessity, and medical necessity shall be determined by the covered person's physician.

(2) The benefits beginning day six and every six days thereafter of intensive outpatient or partial hospitalization services is subject to a concurrent review of the medical necessity of the services.

(j) Medical necessity review shall use an evidence-based and peer-reviewed clinical review tool. This tool shall be developed by the Insurance Commissioner. Rules shall ensure that the tool is based on appropriate evidence-based criteria that has been peer reviewed. The Insurance Commissioner shall propose rules for legislative approval in accordance with the provisions of §29A-3-1 et seq. of this code to develop the tool.

(k) The benefits for outpatient prescription drugs to treat substance use disorder shall be provided when determined medically necessary by the covered person's physician or psychiatrist without the imposition of any prior authorization or other prospective utilization management requirements.

(l) The days per plan year of benefits shall be computed based on inpatient days. One or more unused inpatient days may be exchanged for two outpatient visits. All extended outpatient services such as partial hospitalization and intensive outpatient, shall be considered inpatient days for the purpose of the visit-to-day exchange provided in this subsection.

(m) Except as provided in this section, the benefits and cost-sharing shall be provided to the same extent as for any other medical condition covered under the contract.

(n) The benefits required by this section are to be provided to all covered persons with a diagnosis of substance use disorder. The presence of additional related or unrelated diagnoses shall not be a basis to reduce or deny the benefits required by this section.

(o) The provisions of this section apply to all insurance contracts in which the insurer has reserved the right to change the premium.

**ARTICLE 16. GROUP ACCIDENT AND SICKNESS INSURANCE.****§33-16-3bb. Substance use disorder.**

(a) As used in this section, the following words have the following meaning:

(1) “Concurrent review” means inpatient care is reviewed as it is provided. Medically qualified reviewers monitor appropriateness of the care, the setting, and patient progress, and, as appropriate, the discharge plans.

(2) “Covered person” means an individual, other than a Medicaid recipient, for whom coverage has been provided pursuant to the provisions of this article.

(3) “Health insurer” means the same as that term is defined in §33-16-1a of this code.

(4) “Insurance Commissioner” means the person appointed pursuant to the provisions of §33-2-1 *et seq.* of this code.

(5) “Physician” or “psychiatrist” means a person licensed pursuant to the provisions of either §30-3-1 *et seq.* or §30-14-1 *et seq.* of this code.

(6) “Psychologist” means a person licensed pursuant to the provisions of §30-21-1 *et seq.* of this code.

(7) “Substance use disorder” means the same as that term is defined by the American Psychiatric Association in the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, and shall include substance use withdrawal.

(b) A group accident and sickness policy that provides hospital or medical expense benefits and is delivered, issued, executed, or renewed in this state, or approved for issuance or renewal by the Insurance Commissioner, on or after January 1, 2019, shall provide benefits for inpatient and outpatient treatment of substance use disorder at in-network facilities at the

same level as other medical services offered by the group accident and sickness policy.

(c) The services for the treatment of substance use disorder shall be:

(1) Prescribed by a physician or psychiatrist licensed pursuant to the provisions of §30-3-1 *et seq.* or §30-14-1 *et seq.* of this code or recommended by a psychologist licensed pursuant to the provisions of §30-21-1 *et seq.* of this code; and

(2) Provided by licensed health care professionals or licensed or certified substance use disorder providers in licensed or otherwise state-approved facilities, as required by this code.

(d) The inpatient and outpatient treatment of substance use disorders shall be provided when determined medically necessary by the covered person's physician, psychologist, or psychiatrist. The facility shall notify the health insurer of both the admission and the initial treatment plan within 48 hours of the admission or initiation of treatment. If there is no in-network facility immediately available for a covered person, a group accident and sickness policy shall provide necessary exceptions to its network to ensure admission in a treatment facility within 72 hours. If a covered person is being treated at an out-of-network facility and an in-network facility becomes available during the course of the treatment plan, an insurer may transfer the covered person to the in-network facility.

(e) Providers of treatment for substance use disorders to persons covered under a covered contract shall not require prepayment of medical expenses during this 180 days in excess of applicable copayment, deductible, or coinsurance as provided in the contract.

(f) The benefits for outpatient visits may be subject to concurrent or retrospective review of medical necessity or any other utilization management review.

(g)(1) If a health insurer determines that continued inpatient care in a facility is no longer medically necessary, the health

insurer shall within 72 hours provide written notice to the covered person and the covered person's physician of its decision and the right to file for an expedited review of an adverse decision.

(2) The health insurer shall review and make a determination with respect to the internal appeal within 72 hours and communicate the determination to the covered person and the covered person's physician.

(3) If the determination is to uphold the denial, the covered person and the covered person's physician have the right to file an expedited external appeal with an independent review organization. An independent utilization review organization shall make a determination within 72 hours.

(4) If the health insurer's determination is upheld and it is determined continued inpatient care is not medically necessary, the health insurer remains responsible to provide benefits for the inpatient care through the day following the date the determination is made and the covered person is only responsible for any applicable copayment, deductible, and coinsurance for the stay through that date as applicable under the contract.

(5) The covered person shall not be discharged or released from the inpatient facility until all internal appeals and independent utilization review organization appeals are exhausted. For any costs incurred after the day following the date of determination until the day of discharge, the covered person is only responsible for any applicable cost-sharing, and any additional charges shall be paid by the facility or provider.

(h) The Insurance Commissioner shall propose rules in accordance with the provisions of §29A-3-1 *et seq.* of this code to develop a procedure for an expedited review of an adverse decision as set forth in this section. The Legislature finds that for the purposes of §29A-3-15 of this code, an emergency exists requiring the promulgation of an emergency rule to respond to the growing need in our state for substance abuse treatment.

(i)(1) The benefits for the first five days of intensive outpatient or partial hospitalization services shall be provided without any retrospective review of medical necessity, and medical necessity shall be determined by the covered person's physician.

(2) The benefits beginning day six and every six days thereafter of intensive outpatient or partial hospitalization services are subject to a concurrent review of the medical necessity of the services.

(j) Medical necessity review shall use an evidence-based and peer-reviewed clinical review tool. This tool shall be developed by the Insurance Commissioner. The Insurance Commissioner shall propose rules for legislative approval in accordance with the provisions of §29A-3-1 *et seq.* of this code to develop the tool.

(k) The benefits for outpatient prescription drugs to treat substance use disorder shall be provided when determined medically necessary by the covered person's physician or psychiatrist without the imposition of any prior authorization or other prospective utilization management requirements.

(l) The days per plan year of benefits shall be computed based on inpatient days. One or more unused inpatient days may be exchanged for two outpatient visits. All extended outpatient services such as partial hospitalization and intensive outpatient, shall be considered inpatient days for the purpose of the visit-to-day exchange provided in this subsection.

(m) Except as provided in this section, the benefits and cost-sharing shall be provided to the same extent as for any other medical condition covered under the contract.

(n) The benefits required by this section are to be provided to all covered persons with a diagnosis of substance use disorder. The presence of additional related or unrelated diagnoses shall not be a basis to reduce or deny the benefits required by this section.

(o) The provisions of this section apply to all insurance contracts in which the health insurer has reserved the right to change the premium.

**ARTICLE 24. HOSPITAL SERVICE CORPORATIONS,  
MEDICAL SERVICE CORPORATIONS, DENTAL  
SERVICE CORPORATIONS, AND HEALTH SERVICE  
CORPORATIONS.**

**§33-24-7q. Substance use disorder.**

(a) As used in this section, the following words have the following meaning:

(1) “Concurrent review” means inpatient care is reviewed as it is provided. Medically qualified reviewers monitor appropriateness of the care, the setting, and patient progress, and, as appropriate, the discharge plans.

(2) “Covered person” means an individual, other than a Medicaid recipient, for whom coverage has been provided pursuant to the provisions of this article.

(3) “Insurance Commissioner” means the person appointed pursuant to the provisions of §33-2-1 of this code.

(4) “Health benefit plan” means the same as that term is defined in §33-24-7p of this code.

(5) “Health plan issuer” means the same as that term is defined in §33-24-7p of this code.

(6) “Physician” or “psychiatrist” means a person licensed pursuant to the provisions of either §30-3-1 *et seq.* or §30-14-1 *et seq.* of this code.

(7) “Psychologist” means a person licensed pursuant to the provisions of §30-21-1 *et seq.* of this code.

(8) “Substance use disorder” means the same as that term is defined by the American Psychiatric Association in the



Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, and shall include substance use withdrawal.

(b) A health benefit plan offered by a health plan issuer that provides hospital or medical expense benefits and is delivered, issued, executed, or renewed in this state, or approved for issuance or renewal by the Insurance Commissioner, on or after January 1, 2019, shall provide benefits for inpatient and outpatient treatment of substance use disorder at in-network facilities at the same level as other medical services offered by the health benefit plan.

(c) The services for the treatment of substance use disorder shall be:

(1) Prescribed by a physician or psychiatrist licensed pursuant to the provisions of §30-3-1 *et seq.* or §30-14-1 *et seq.* of this code or recommended by a psychologist licensed pursuant to the provisions of §30-21-1 *et seq.* of this code; and

(2) Provided by licensed health care professionals or licensed or certified substance use disorder providers in licensed or otherwise state-approved facilities, as required by this code.

(d) The inpatient and outpatient treatment of substance use disorders shall be provided when determined medically necessary by the covered person's physician, psychologist, or psychiatrist. The facility shall notify the insurer of both the admission and the initial treatment plan within 48 hours of the admission or initiation of treatment. If there is no in-network facility immediately available for a covered person, a health benefit plan offered by a health plan issuer shall provide necessary exceptions to its network to ensure admission in a treatment facility within 72 hours. A health benefit plan may transfer a covered person to an in-network facility if one becomes available during the course of the treatment plan. If a covered person is being treated at an out-of-network facility and an in-network facility becomes available during the course of the treatment plan, an insurer may transfer the covered person to the in-network facility.

(e) Providers of treatment for substance use disorders to persons covered under a covered contract shall not require prepayment of medical expenses during this 180 days in excess of applicable copayment, deductible, or coinsurance as provided in the contract.

(f) The benefits for outpatient visits may be subject to concurrent or retrospective review of medical necessity or any other utilization management review.

(g)(1) If an insurer determines that continued inpatient care in a facility is no longer medically necessary, the insurer shall within 72 hours provide written notice to the covered person and the covered person's physician of its decision and the right to file for an expedited review of an adverse decision.

(2) The insurer shall review and make a determination with respect to the internal appeal within 72 hours and communicate the determination to the covered person and the covered person's physician.

(3) If the determination is to uphold the denial, the covered person and the covered person's physician have the right to file an expedited external appeal with an independent review organization. An independent utilization review organization shall make a determination within 72 hours.

(4) If the insurer's determination is upheld and it is determined continued inpatient care is not medically necessary, the insurer remains responsible to provide benefits for the inpatient care through the day following the date the determination is made and the covered person is only responsible for any applicable copayment, deductible, and coinsurance for the stay through that date as applicable under the contract.

(5) The covered person shall not be discharged or released from the inpatient facility until all internal appeals and independent utilization review organization appeals are exhausted. For any costs incurred after the day following the

date of determination until the day of discharge, the covered person is only responsible for any applicable cost-sharing, and any additional charges shall be paid by the facility or provider.

(h) The Insurance Commissioner shall propose rules in accordance with the provisions of §29A-3-1 et seq. of this code to develop a procedure for an expedited review of an adverse decision as set forth in this section. The Legislature finds that for the purposes of §29A-3-15 of this code, an emergency exists requiring the promulgation of an emergency rule to respond to the growing need in our state for substance abuse treatment.

(i)(1) The benefits for the first five days of intensive outpatient or partial hospitalization services shall be provided without any retrospective review of medical necessity, and medical necessity shall be determined by the covered person's physician.

(2) The benefits beginning day six and every six days thereafter of intensive outpatient or partial hospitalization services are subject to a concurrent review of the medical necessity of the services.

(j) Medical necessity review shall use an evidence-based and peer-reviewed clinical review tool. This tool shall be developed by the Insurance Commissioner. The Insurance Commissioner shall propose rules for legislative approval in accordance with the provisions of §29A-3-1 et seq. of this code to develop the tool.

(k) The benefits for outpatient prescription drugs to treat substance use disorder shall be provided when determined medically necessary by the covered person's physician or psychiatrist without the imposition of any prior authorization or other prospective utilization management requirements.

(l) The days per plan year of benefits shall be computed based on inpatient days. One or more unused inpatient days may be exchanged for two outpatient visits. All extended outpatient services such as partial hospitalization and intensive outpatient,

shall be considered inpatient days for the purpose of the visit-to-day exchange provided in this subsection.

(m) Except as provided in this section, the benefits and cost-sharing shall be provided to the same extent as for any other medical condition covered under the contract.

(n) The benefits required by this section are to be provided to all covered persons with a diagnosis of substance use disorder. The presence of additional related or unrelated diagnoses shall not be a basis to reduce or deny the benefits required by this section.

(o) The provisions of this section apply to all insurance contracts in which the insurer has reserved the right to change the premium.

## **ARTICLE 25. HEALTH CARE CORPORATIONS**

### **§33-25-8n. Substance use disorder.**

(a) As used in this section, the following words have the following meaning:

(1) “Concurrent review” means inpatient care is reviewed as it is provided. Medically qualified reviewers monitor appropriateness of the care, the setting, and patient progress, and, as appropriate, the discharge plans.

(2) “Covered person” means an individual, other than a Medicaid recipient, for whom coverage has been provided pursuant to the provisions of this article.

(3) “Insurance Commissioner” means the person appointed pursuant to the provisions of §33-2-1 of this code.

(4) “Health benefit plan” means the same as that term is defined in §33-25-8m of this code.

(5) “Health plan issuer” means the same as that term is defined in §33-25-8m of this code.

(6) “Physician” or “psychiatrist” means a person licensed pursuant to the provisions of either §30-3-1 *et seq.* or §30-3-14 *et seq.* of this code.

(7) “Psychologist” means a person licensed pursuant to the provisions of article §30-21-1 *et seq.* of this code.

(8) “Substance use disorder” means the same as that term is defined by the American Psychiatric Association in the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, and shall include substance use withdrawal.

(b) A health benefit plan offered by a health plan issuer that provides hospital or medical expense benefits and is delivered, issued, executed, or renewed in this state, or approved for issuance or renewal by the Insurance Commissioner, on or after January 1, 2019, shall provide benefits for inpatient and outpatient treatment of substance use disorder at in-network facilities at the same level as other medical services offered by the health benefit plan offered by a health plan issuer.

(c) The services for the treatment of substance use disorder shall be:

(1) Prescribed by a physician or psychiatrist licensed pursuant to the provisions of §30-3-1 *et seq.* or §30-14-1 *et seq.* of this code or recommended by a psychologist licensed pursuant to the provisions of §30-21-1 *et seq.* of this code; and

(2) Provided by licensed health care professionals or licensed or certified substance use disorder providers in licensed or otherwise state-approved facilities, as required by this code.

(d) The inpatient and outpatient treatment of substance use disorders shall be provided when determined medically necessary by the covered person’s physician, psychologist, or psychiatrist. The facility shall notify the insurer of both the admission and the initial treatment plan within 48 hours of the admission or initiation of treatment. If there is no in-network facility immediately available for a covered person, a health benefit plan offered by a health plan issuer shall provide

necessary exceptions to its network to ensure admission in a treatment facility within 72 hours. If a covered person is being treated at an out-of-network facility and an in-network facility becomes available during the course of the treatment plan, an insurer may transfer the covered person to the in-network facility.

(e) Providers of treatment for substance use disorders to persons covered under a covered contract shall not require prepayment of medical expenses during this 180 days in excess of applicable copayment, deductible, or coinsurance as provided in the contract.

(f) The benefits for outpatient visits may be subject to concurrent or retrospective review of medical necessity or any other utilization management review.

(g)(1) If an insurer determines that continued inpatient care in a facility is no longer medically necessary, the insurer shall, within 72 hours, provide written notice to the covered person and the covered person's physician of its decision and the right to file for an expedited review of an adverse decision.

(2) The insurer shall review and make a determination with respect to the internal appeal within 72 hours and communicate that determination to the covered person and the covered person's physician.

(3) If the determination is to uphold the denial, the covered person and the covered person's physician have the right to file an expedited external appeal with an independent review organization. An independent utilization review organization shall make a determination within 72 hours.

(4) If the insurer's determination is upheld and it is determined continued inpatient care is not medically necessary, the insurer remains responsible to provide benefits for the inpatient care through the day following the date the determination is made and the covered person is only responsible for any applicable copayment, deductible, and

coinsurance for the stay through that date as applicable under the contract.

(5) The covered person shall not be discharged or released from the inpatient facility until all internal appeals and independent utilization review organization appeals are exhausted. For any costs incurred after the day following the date of determination until the day of discharge, the covered person is only responsible for any applicable cost-sharing, and any additional charges shall be paid by the facility or provider.

(h) The Insurance Commissioner shall propose rules in accordance with the provisions of §29A-3-1 *et seq.* of this code to develop a procedure for an expedited review of an adverse decision as set forth in this section. The Legislature finds that for the purposes of section §29A-3-15 of this code, an emergency exists requiring the promulgation of an emergency rule to respond to the growing need in our state for substance abuse treatment.

(i)(1) The benefits for the first five days of intensive outpatient or partial hospitalization services shall be provided without any retrospective review of medical necessity, and medical necessity shall be determined by the covered person's physician.

(2) The benefits beginning day six and every six days thereafter of intensive outpatient or partial hospitalization services is subject to a concurrent review of the medical necessity of the services.

(j) Medical necessity review shall use an evidence-based and peer-reviewed clinical review tool. This tool shall be developed by the Insurance Commissioner. The Insurance Commissioner shall propose rules for legislative approval in accordance with the provisions of §29A-3-1 *et seq.* of this code to develop the tool.

(k) The benefits for outpatient prescription drugs to treat substance use disorder shall be provided when determined

medically necessary by the covered person's physician or psychiatrist without the imposition of any prior authorization or other prospective utilization management requirements.

(l) The days per plan year of benefits shall be computed based on inpatient days. One or more unused inpatient days may be exchanged for two outpatient visits. All extended outpatient services such as partial hospitalization and intensive outpatient, shall be considered inpatient days for the purpose of the visit-to-day exchange provided in this subsection.

(m) Except as provided in this section, the benefits and cost-sharing shall be provided to the same extent as for any other medical condition covered under the contract.

(n) The benefits required by this section are to be provided to all covered persons with a diagnosis of substance use disorder. The presence of additional related or unrelated diagnoses shall not be a basis to reduce or deny the benefits required by this section.

(o) The provisions of this section apply to all insurance contracts in which the insurer has reserved the right to change the premium.

## **ARTICLE 25A. HEALTH MAINTENANCE ORGANIZATION ACT.**

### **§33-25A-8p. Substance use disorder.**

(a) As used in this section, the following words have the following meaning:

(1) "Concurrent review" means inpatient care is reviewed as it is provided. Medically qualified reviewers monitor appropriateness of the care, the setting, and patient progress, and, as appropriate, the discharge plans.

(2) "Covered person" means an individual, other than a Medicaid recipient, for whom coverage has been provided pursuant to the provisions of this article.



(3) “Insurance Commissioner” means the person appointed pursuant to the provisions of §33-2-1 of this code.

(4) “Health benefit plan” means the same as that term is defined in §33-24-7p of this code.

(5) “Health plan issuer” means the same as that term is defined in §33-24-7p of this code.

(6) “Physician” or “psychiatrist” means a person licensed pursuant to the provisions of either §30-3-1 *et seq.* or §30-14-1 *et seq.* of this code.

(7) “Psychologist” means a person licensed pursuant to the provisions of §30-21-1 *et seq.* of this code.

(8) “Substance use disorder” means the same as that term is defined by the American Psychiatric Association in the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, and shall include substance use withdrawal.

(b) A health benefit plan offered by a health plan issuer that provides hospital or medical expense benefits and is delivered, issued, executed, or renewed in this state, or approved for issuance or renewal by the Insurance Commissioner, on or after January 1, 2019, shall provide benefits for inpatient and outpatient treatment of substance use disorder at in-network facilities at the same level as other medical benefits offered by the health benefit plan offered by a health plan insurer.

(c) The services for the treatment of substance use disorder shall be:

(1) Prescribed by a physician or psychiatrist licensed pursuant to the provisions of §30-3-1 *et seq.* or §30-14-1 *et seq.* of this code or recommended by a psychologist licensed pursuant to the provisions of §30-21-1 *et seq.* of this code; and

(2) Provided by licensed health care professionals or licensed or certified substance use disorder providers in licensed or otherwise state-approved facilities, as required by this code.

(d) The inpatient and outpatient treatment of substance use disorders shall be provided when determined medically necessary by the covered person's physician, psychologist, or psychiatrist. The facility shall notify the insurer of both the admission and the initial treatment plan within 48 hours of the admission or initiation of treatment. If there is no in-network facility immediately available for a covered person, a health benefit plan offered by a health plan issuer shall provide necessary exceptions to its network to ensure admission in a treatment facility within 72 hours. If a covered person is being treated at an out-of-network facility and an in-network facility becomes available during the course of the treatment plan, an insurer may transfer the covered person to the in-network facility.

(e) Providers of treatment for substance use disorders to persons covered under a covered contract shall not require prepayment of medical expenses during this 180 days in excess of applicable copayment, deductible, or coinsurance as provided in the contract.

(f) The benefits for outpatient visits may be subject to concurrent or retrospective review of medical necessity or any other utilization management review.

(g)(1) If an insurer determines that continued inpatient care in a facility is no longer medically necessary, the insurer shall, within 72 hours, provide written notice to the covered person and the covered person's physician of its decision and the right to file for an expedited review of an adverse decision.

(2) The insurer shall review and make a determination with respect to the internal appeal within 72 hours and communicate that determination to the covered person and the covered person's physician.

(3) If the determination is to uphold the denial, the covered person and the covered person's physician have the right to file an expedited external appeal with an independent review

organization. An independent utilization review organization shall make a determination within 72 hours.

(4) If the insurer's determination is upheld and it is determined continued inpatient care is not medically necessary, the insurer remains responsible to provide benefits for the inpatient care through the day following the date the determination is made and the covered person shall only be responsible for any applicable copayment, deductible, and coinsurance for the stay through that date as applicable under the contract.

(5) The covered person shall not be discharged or released from the inpatient facility until all internal appeals and independent utilization review organization appeals are exhausted. For any costs incurred after the day following the date of determination until the day of discharge, the covered person is only responsible for any applicable cost-sharing, and any additional charges shall be paid by the facility or provider.

(h) The Insurance Commissioner shall propose rules in accordance with the provisions of §29A-3-1 *et seq.* of this code to develop a procedure for an expedited review of an adverse decision as set forth in this section. The Legislature finds that for the purposes of §29A-3-15 of this code, an emergency exists requiring the promulgation of an emergency rule to respond to the growing need in our state for substance abuse treatment.

(i)(1) The benefits for the first five days of intensive outpatient or partial hospitalization services shall be provided without any retrospective review of medical necessity, and medical necessity shall be determined by the covered person's physician.

(2) The benefits beginning day six and every six days thereafter of intensive outpatient or partial hospitalization services is subject to a concurrent review of the medical necessity of the services.

(j) Medical necessity review shall use an evidence-based and peer-reviewed clinical review tool. This tool shall be developed by the Insurance Commissioner. The Insurance Commissioner shall propose rules for legislative approval in accordance with the provisions of §29A-3-1 et seq. of this code to develop the tool.

(k) The benefits for outpatient prescription drugs to treat substance use disorder shall be provided when determined medically necessary by the covered person's physician or psychiatrist without the imposition of any prior authorization or other prospective utilization management requirements.

(l) The days per plan year of benefits shall be computed based on inpatient days. One or more unused inpatient days may be exchanged for two outpatient visits. All extended outpatient services such as partial hospitalization and intensive outpatient, shall be considered inpatient days for the purpose of the visit-to-day exchange provided in this subsection.

(m) Except as provided in this section, the benefits and cost-sharing shall be provided to the same extent as for any other medical condition covered under the contract.

(n) The benefits required by this section are to be provided to all covered persons with a diagnosis of substance use disorder. The presence of additional related or unrelated diagnoses shall not be a basis to reduce or deny the benefits required by this section.

(o) The provisions of this section apply to all insurance contracts in which the insurer has reserved the right to change the premium.

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

Engrossed Committee Substitute for Senate Bill 401, as amended by the House of Delegates, was then put upon its passage.

Pending discussion,

The question being “Shall Engrossed Committee Substitute for Senate Bill 401 pass?”

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: Boso—1.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 401) passed with its title.

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

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

**Eng. Senate Bill 407**, Licensing and approval of child care programs.

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

**Eng. Senate Bill 425**, Removing sunset dates which members of policemen’s or firemen’s pension fund elect to participate in deferred retirement option plan.

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

**Eng. Com. Sub. for Senate Bill 438**, Relating to debt service on bonds secured by State Excess Lottery Revenue Fund.

On motion of Senator Ferns, the bill was taken up for immediate consideration.

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

On page two, section eighteen-e, lines eighteen and nineteen, by striking out the words “second, if the amount deposited into the State Parks Lottery Revenue Debt Service Fund” and inserting in lieu thereof the words “if the certified debt service requirement”;

On page two, section eighteen-e, lines nineteen and twenty, by striking out the words “such amount deposited in the State Parks Lottery Revenue Debt Service Fund” and inserting in lieu thereof the words “the certified debt service requirement”;

And,

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

**Eng. Com. Sub. for Senate Bill 438**—A Bill to amend and reenact §29-22-18e of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §31-15-16d, all relating to authorizing additional bonds for state park projects; requiring certain deposits from the state excess lottery revenue fund; providing for allocation of certain funds not needed for debt service to state park improvements; authorizing the Economic Development Authority to issue certain revenue bonds; providing limitations on bond issuance; creating a special revenue account; and providing for allocation of bond proceeds.

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

Engrossed Committee Substitute for Senate Bill 438, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan,

Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 438) passed with its House of Delegates amended title.

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

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

**Eng. Com. Sub. for Senate Bill 442**, Establishing universal forms and deadlines when submitting prior authorization electronically.

On motion of Senator Ferns, the bill was taken up for immediate consideration.

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

On page one, section twenty-two, line nineteen, by striking out “24” and inserting in lieu thereof “48”;

And,

On page two, section twenty-two, line twenty, by striking out the words “168 hours” and inserting in lieu thereof the words “7 days”.

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

Engrossed Committee Substitute for Senate Bill 442, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Beach—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 442) passed with its title.

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

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

**Eng. Com. Sub. for Senate Bill 443**, Terminating parental rights when certain conditions are met.

On motion of Senator Ferns, the bill was taken up for immediate consideration.

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

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



**ARTICLE 4. COURT ACTIONS.****§49-4-605. When department efforts to terminate parental rights are required.**

(a) Except as provided in subsection (b) of this section, the department shall file or join in a petition or otherwise seek a ruling in any pending proceeding to terminate parental rights:

(1) If a child has been in foster care for 15 of the most recent 22 months as determined by the earlier of the date of the first judicial finding that the child is subjected to abuse or neglect or the date which is 60 days after the child is removed from the home;

(2) If a court has determined the child is abandoned, tortured, sexually abused or chronically abused; ~~or~~

(3) If a court has determined the parent has committed murder or voluntary manslaughter of another of his or her children, another child in the household, or the other parent of his or her children; has attempted or conspired to commit murder or voluntary manslaughter or has been an accessory before or after the fact of either crime; has committed unlawful or malicious wounding resulting in serious bodily injury to the child or to another of his or her children, another child in the household or to the other parent of his or her children; has committed sexual assault or sexual abuse of the child, the child's other parent, guardian or custodian, another child of the parent or any other child residing in the same household or under the temporary or permanent custody of the parent; or the parental rights of the parent to another child have been terminated involuntarily; or

(4) If a parent whose child has been removed from the parent's care, custody, and control by an order of removal voluntarily fails to have contact or attempt to have contact with the child for a period of 18 consecutive months: *Provided*, That failure to have, or attempt to have, contact due to being incarcerated, being in a medical or drug treatment or recovery facility, or being on active military duty shall not be considered voluntary behavior.

(b) The department may determine not to file a petition to terminate parental rights when:

(1) At the option of the department, the child has been placed permanently with a relative by court order;

(2) The department has documented in the case plan made available for court review a compelling reason, including, but not limited to, the child's age and preference regarding termination or the child's placement in custody of the department based on any proceedings initiated under part seven of this article, that filing the petition would not be in the best interests of the child; or

(3) The department has not provided, when reasonable efforts to return a child to the family are required, the services to the child's family as the department deems necessary for the safe return of the child to the home.;

And,

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

**Eng. Com. Sub. for Senate Bill 443**—A Bill to amend and reenact §49-4-605 of the Code of West Virginia, 1931, as amended, relating to requiring the department to file a petition to terminate parental rights when parents voluntarily fail to have contact or attempt to have contact with the child for a period of 18 consecutive months; and creating exceptions thereto.

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

Engrossed Committee Substitute for Senate Bill 443, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings,

Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Beach—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 443) passed with its House of Delegates amended title.

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

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

**Eng. Com. Sub. for Senate Bill 445**, Allowing DOH acquire real or personal property for utility accommodation.

On motion of Senator Ferns, the bill was taken up for immediate consideration.

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

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

## **CHAPTER 17. ROADS AND HIGHWAYS.**

### **ARTICLE 2A. WEST VIRGINIA COMMISSIONER OF HIGHWAYS**

#### **§17-2A-17A. ACQUISITION OF PROPERTY FOR UTILITY ACCOMMODATION PURPOSES; UTILITY DEFINED.**

(a) The Legislature finds that it is in the public interest for utility facilities to be accommodated on the right-of-way of state highways when such use and occupancy of the highway right-of-way do not adversely affect highway or traffic safety or otherwise impair the highway or its aesthetic quality, and do not conflict with the provisions of federal, state, or local laws, legislative rules, or agency policies. Utilities provide an essential service to the general public and, as a matter of sound economic public policy and law, utilities have used state road rights-of-way for transmitting and distributing their services. Such accommodation of utility facilities on the right-of-way of state highways serves an important public purpose by increasing public access to utility services.

(b) “Utility” means, for purposes of this chapter, privately, publicly, or cooperatively owned line, facility, or system for producing, transmitting, or distributing communications, data, information, video services, power, electricity, light, heat, gas, oil, crude products, water, steam, waste, stormwater not connected with highway drainage, or any other similar commodity, including any fire or police signal system or street lighting system, which directly or indirectly serves the public. The term “utility” also includes those similar facilities which are owned or leased by a government agency for its own use, or otherwise dedicated solely to governmental use.

(c) In addition to all other powers given and assigned to the commissioner in this chapter, the commissioner may acquire, either temporarily or permanently, in the name of the Division of Highways, and adjacent to public roadways or highways, all real or personal property, public or private, or any interests or rights therein, including any easement, riparian right, or right of access, determined by the commissioner to be necessary for present or presently foreseeable future utility accommodation purposes.

(d) Notwithstanding any provision of this article, the commissioner may lease real property held by the Division of Highways or any interest or right in the property, including airspace rights, if any, for the purpose of accommodating any utility that has requested a lease if the commissioner finds, in his or her sole discretion, that entering into the lease agreement with

the utility is in the public interest. The term of any accommodation lease authorized by this section shall not exceed 30 years. Neither competitive bids nor public solicitations are required prior to entering into a utility accommodation lease. Any utility accommodation lease shall require the utility to pay fair market value for the real property interest as determined by the commissioner using common valuation methods, which shall include consideration of the use of the property for utility accommodation purposes: *Provided*, That amounts paid for property damage by the division in a condemnation case shall not be considered in the commissioner's determination of fair market value. The commissioner shall have the option to charge and collect a one-time lease payment or fixed installment lease payments from a utility in connection with an accommodation lease. All moneys received from utility accommodation leases shall be paid into the state Treasury and credited to the State Road Fund. The provisions of this subsection are completely voluntary and shall not be interpreted to require any utility to lease any real property, or any interest or right in the property, from the commissioner: *Provided, however*, for any utility which is not subject to the jurisdiction of the Public Service Commission, the lease shall not contain any exclusivity provisions.

#### **ARTICLE 4. STATE ROAD SYSTEM.**

##### **§17-4-17b. Relocation of public utility lines on highway construction projects.**

(a) Whenever the division reasonably determines that any public utility line or facility located upon, across, or under any portion of a state highway needs to be removed, relocated, or adjusted in order to accommodate a highway project, the division shall give to the utility reasonable notice in writing as mutually agreed, but not to exceed 18 months, directing it to begin the physical removal, relocation, or adjustment of such utility obstruction or interference at the cost of the utility, including construction inspection costs and in compliance with the rules of the division and the provisions of §29A-3-1 *et seq.* of this code.

(b) If the notice is in conjunction with a highway improvement project, it will be provided at the date of advertisement or award. Prior to the notice directing the physical removal, relocation, or adjustment of a utility line or facility, the utility shall adhere to the division's utility relocation procedures for public road improvements which shall include, but not be limited to, the following:

(1) The division will submit to the utility a letter and a set of plans for the proposed highway improvement project;

(2) The utility must within a reasonable time submit to the division a written confirmation acknowledging receipt of the plans and a declaration of whether or not its facilities are within the proposed project limits and the extent to which the facilities are in conflict with the project;

(3) If the utility is adjusting, locating, or relocating facilities or lines from or into the division's right-of-way, the utility must submit to the division plans showing existing and proposed locations of utility facilities.

(4) The utility's submission shall include with the plans a work plan demonstrating that the utility adjustment, location, or relocation will be accomplished in a manner and time frame established by the division's written procedures and instructions. The work plan shall specify the order and calendar days for removal, relocation, or adjustment of the utility from or within the project site and any staging property acquisition or other special requirements needed to complete the removal, relocation, or adjustment. The division shall approve the work plan, including any requests for compensation, submitted by a utility for a highway improvement project if it is submitted within the established schedule and does not adversely affect the letting date. The division will review the work plan to ensure compliance with the proposed improvement plans and schedule.

(c) If additional utility removal, relocation, or adjustment work is found necessary after the letting date of the highway improvement project, the utility shall provide a revised work plan

within 30 calendar days after receipt of the division's written notification of the additional work. The utility's revised work plan shall be reviewed by the division to ensure compliance with the highway project or improvement. The division shall reimburse the utility for work performed by the utility that must be performed again as the result of a plan change on the part of the division.

(d) Should the utility fail to comply with the notice to remove, relocate, or adjust, the utility is liable to the division for direct contract damages, including costs, fees, penalties, or other contract charges, for which the division is proven to be liable to a contractor caused by the utility's failure to timely remove, relocate, or adjust, unless a written extension is granted by the division. The utility shall not be liable for any delay or other failure to comply with a notice to remove, relocate or adjust that is not solely the fault of the utility, including, but not limited to, the following:

(1) The division has not performed its obligations in accordance with the division's rules;

(2) The division has not obtained all necessary rights-of-way that affect the utility;

(3) The delay or other failure to comply by the utility is due to the division's failure to manage schedules and communicate with the utility;

(4) The division seeks to impose liability on the utility based solely upon oral communications or communications not directed to the utility's designated contact person;

(5) The division changes construction plans in any manner following the notice to remove or relocate and the change affects the utility's facilities; or

(6) Other good cause, beyond the control of and not the fault of the utility, including, but not limited to, labor disputes, unavailability of materials on a national level, act of God, or extreme weather conditions.

(e) In order to avoid construction delays and to create an efficient and effective highway program, the division may schedule program meetings with the public utility on a quarterly basis to assure that schedules are maintained.

(f) If a utility that is required by law to bear all or a portion of its own relocation costs elects to pursue a reimbursement agreement with the division pursuant to this subsection and provides the division with sufficient evidence to demonstrate that the utility is not adequately staffed, equipped, or capitalized to perform such relocation work with its own forces or contractors at a time convenient to and in coordination with the associated highway project, the division may pay for the associated relocation costs, including but not limited to design engineering, design review, construction, and inspection costs, out of the State Road Fund: *Provided*, That the utility shall reimburse the division in full for such portion of the relocation costs that it is required by law to bear within two years of the completion of the highway project. The division shall deduct from the utility's reimbursement amount any costs resulting from work performed as a result of plan changes made by the division. Before the division may pay any relocation costs, the division and the utility shall enter into a written reimbursement agreement containing terms that are mutually acceptable to the division and the utility seeking the reimbursement agreement.

(1) Preliminary engineering design work associated with utility relocations to be paid for by the division pursuant to a reimbursement agreement shall be completed by any of the following methods:

(A) The division's or the utility's internal forces;

(B) A consultant selected by the division if the contract is administered by the division: *Provided*, That the selected consultant shall be pre-approved by the utility; or

(C) Inclusion as part of the highway construction contract let by the division as agreed to by the utility: *Provided*, That the



subcontractor performing the preliminary engineering design work associated with the relocation is pre-approved by the utility.

(2) Utility relocation construction work paid for by the division pursuant to a reimbursement agreement shall be completed by either of the following methods:

(A) A contract awarded by the division to the lowest qualified bidder based on an appropriate competitive solicitation: *Provided*, That the lowest qualified bidder for utility relocation construction work is pre-approved by the utility; or

(B) Inclusion as part of the highway construction contract let by the division as agreed to by the utility: *Provided*, That the subcontractor performing the utility relocation construction work is pre-approved by the utility.

(3) All design and construction work paid for by the division pursuant to a reimbursement agreement is subject to the reasonable inspection and acceptance of the utility, whose acceptance shall not be unreasonably withheld, and shall be performed in accordance with the specifications and standards required by the utility.

(4) All relocation work performed pursuant to a reimbursement agreement shall conform to applicable state and federal laws or regulations.

(5) The provisions of this subsection are completely voluntary and shall not be interpreted to require any utility to enter into a reimbursement agreement with the division or avail itself of the options authorized by this subsection.

(6) The division may propose rules for legislative approval in accordance with the provisions of §29A-3-1 *et seq.* of this code, and the division may promulgate emergency rules pursuant to the provisions of §29A-3-15 of this code in order to comply with this subsection

**§17-4-17e. Utility relocation on state highway construction projects financed by proceeds of bonds or notes issued before July 1, 2021.**

Subject to the provisions of §17-4-17d of this code, and notwithstanding any other provisions to the contrary, whenever the Commissioner of Highways determines that any utility facility located upon, across, above, or under any portion of a state highway needs to be relocated in order to accommodate a highway project funded, in whole or in part, with proceeds of bonds or notes issued by the division, commissioner, West Virginia Parkways Authority, or the State of West Virginia on or after January 1, 2018, and on or before July 1, 2021, the commissioner shall notify the utility owning or operating the facility, which shall relocate the facility in accordance with this article and in accordance with the cost-sharing provisions of this section. The utility shall bear 85 percent of any such relocation costs, and the Division of Highways shall bear 15 percent of any such relocation costs. The division's share shall be paid out of the State Road Fund or paid with other eligible funds, within two years of completion of the highway project, and shall be considered a cost of the highway project: *Provided*, That nothing in this section shall alter or amend the responsibility of the division to pay for the cost of utility facilities relocation when such costs are incurred to accommodate a highway project and such utilities maintain pre-existing property rights in their facilities' present location.;

And,

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

**Eng. Com. Sub. for Senate Bill 445**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-2A-17a; and to amend and reenact §17-4-17b of said code, and to add thereto a new section, designated §17-4-17e; all relating to utility relocation; stating legislative findings; defining term; authorizing the Division of Highways to acquire real or personal property for utility accommodation; authorizing the division to lease real property to utilities; allowing the division to pay for utility relocation costs subject to reimbursement agreement; specifying methods of preliminary engineering design work completion and utility relocation construction work payment; providing legislative and emergency rule-making authority; and

providing for allocation of costs and the repayments thereof for utility relocation on any state highway construction projects financed by proceeds of bonds or notes which are issued before July 1, 2021.

Senator Ferns moved that the Senate concur in the House of Delegates amendments to the bill.

Following discussion,

The question being on the adoption of Senator Ferns' aforestated motion, the same was put and prevailed.

Engrossed Committee Substitute for Senate Bill 445, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Beach—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 445) passed with its House of Delegates amended title.

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

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

**Eng. Com. Sub. for Senate Bill 446**, Creating Agritourism Responsibility Act.

On motion of Senator Ferns, the bill was taken up for immediate consideration.

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

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

**ARTICLE 36. AGRITOURISM RESPONSIBILITY ACT.**

**§19-36-1. Legislative purposes; authority.**

Every year, in rapidly increasing numbers, residents and nonresidents of the State of West Virginia are enjoying the recreational value of the state's many agritourism venues. The tourist trade is of vital importance to the State of West Virginia and the services offered by agritourism significantly contribute to the revenue enterprise and economic development of the state. The Legislature recognizes that there are inherent risks in the recreational activities provided by agritourism which should be understood by each participant. It is essentially impossible for agritourism to eliminate these risks. It is the purpose of this article to define those areas of responsibility and affirmative acts for which agritourism is liable for loss, damage, or injury.

The Commissioner of Agriculture is hereby authorized to, and shall devise means of, advancing agritourism in the state, and in the performance of such duty, he or she shall have the authority to call upon any department, division, or officer of the state or county to cooperate with him or her in promoting agritourism in the state.

The Commissioner of Agriculture, in consultation with the Secretary of Commerce, shall promulgate rules in accordance with chapter 29A of this code for the promotion, marketing, and regulation of agritourism.

**§19-36-2. Definitions.**

Unless the context of usage clearly requires otherwise:

“Agritourism” activity means any lawful activity carried out on a farm or ranch that allows members of the general public for recreational, entertainment or educational purposes to view or enjoy rural activities.

“Agritourism business” means any person, fiduciary, firm, association, partnership, limited liability company, corporation, unit of government, or any other group or entity which is engaged in the business of providing one or more agritourism activities, whether or not for compensation.

“Agritourism professional” means owners, operators, employees, and volunteers working for or under the direction of the operators of an agritourism business.

“Farm” or “Ranch” means an area of land used for the production, cultivation, growing, harvesting or processing of agricultural products.

“Inherent risks of agritourism activity” are those dangers or conditions that are part of an agritourism activity including certain hazards, natural conditions of land and terrain, vegetation, and waters, the behavior of wild or domestic animals, and ordinary dangers of structures or equipment ordinarily used in farming and ranching operations. Inherent risks of agritourism activity also include the potential of a participant to act in a negligent manner that may contribute to injury to the participant or others, including failing to follow instructions given by the agritourism professional or failing to exercise reasonable caution while engaging in the agritourism activity.

“Participant” as used in this article means any person, other than the agritourism professional, who engages in an agritourism activity.

**§19-36-3. Duties of agritourism businesses and participants.**

(a) An agritourism business, or agritourism business employee or volunteer acting under the direction of the agritourism business operator, is not liable for injury or death of a participant, or loss or damage to a participant's property, as the result of the inherent risks of agritourism activities if such agritourism business has posted the notice in substantially the form as is provided in §19-36-4(b).

(b) The provisions of subsection (a) of this section shall not prevent or in any way limit the liability of an agritourism business that does any of the following:

(1) Commits an act or omission that constitutes gross negligence or willful or wanton disregard for the health and safety of the participant which proximately causes injury, death, loss, or damage to the participant; or

(2) Commits an intentional act or omission which proximately causes injury, death, loss, or damage to the participant.

(c) Any limitation on legal liability afforded by this section to an agritourism business is in addition to any other limitations of legal liability otherwise provided by law.

(d) Participants have a duty to act as a reasonably prudent person when engaging in recreational activities offered by agritourism businesses in this state.

**§19-36-4. Liability of agritourism businesses.**

(a) To qualify for the limitation on liability afforded by §19-36-3, an agritourism business shall post and maintain signs that contain the notice specified in §19-36-4(b) of this code. The sign must be placed in a clearly visible location at the entrance to the agritourism location and at the site of the agritourism activity. The notice must be clearly legible, with each letter to be a minimum of one inch in height. Every written contract entered into by an agritourism professional for the providing of professional services, instruction, or the rental of equipment to a participant, whether or not the contract involves agritourism activities on or off the

location or at the site of the agritourism activity, must contain in clearly legible print the notice specified in §19-36-4(b) of this code.

(b) The signs and contracts described in subsection (a) of this section must contain the following notice:

### **NOTICE**

Under West Virginia law, there may be limited liability for an injury to or death of a participant in an agritourism activity conducted at this agritourism business if the injury or death results from the inherent risks of the agritourism activity. Inherent risks of agritourism activities include, among others, risks of injury inherent to landscape, terrain, equipment, and animals, as well as the potential for you to act in a negligent manner that may contribute to your injury or death. You are assuming the risk of participating in this agritourism activity.

(c) Failure to comply with the requirements concerning notices provided in this section will prevent an agritourism business from invoking the privileges of immunity provided by this article.

### **§19-36-5. Maintenance of property status for certain purposes; exceptions.**

(a) Notwithstanding any provision of this code to the contrary, the occurrence of agritourism does not change the nature or use of property that otherwise qualifies as agricultural for building code and property tax classification purposes.

(b) An agritourism business may use certain of its facilities for occasional events without complying with building codes applicable to structures used for such purposes on a full-time basis as long as such facilities are deemed structurally sound and otherwise safe for the intended use.;

And,

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

**Eng. Com. Sub. for Senate Bill 446**—A Bill to amend the Code of West Virginia, 1931, by adding thereto a new article, designated §19-36-1, §19-36-2, §19-36-3, §19-36-4, and §19-36-5, all relating to agritourism generally; creating the Agritourism Responsibility Act; making findings; establishing authority and duties of the Commissioner of Agriculture related to agritourism; authorizing Commissioner of Agriculture, in consultation with the Secretary of Commerce, to promulgate and propose rules; defining terms; establishing duties of agritourism businesses and participants in agritourism activities; immunizing agritourism business, employees, and volunteers associated therewith from certain acts of simple negligence and creating exceptions thereto; requiring notice of certain rights, limitations on liability, and responsibilities of participants in agritourism activities; clarifying that operation of agritourism business does not change status of the facilities and property used for building code and tax purposes; and exempting structures of agritourism business occasionally used for events from building code requirements for entities engaged in such activities on a full-time basis.

On motion of Senator Ferns, the following amendments to the House of Delegates amendments to the bill (Eng. Com. Sub. for S. B. 446) were reported by the Clerk, considered simultaneously, and adopted:

On page one, section one, after the words “regulation of agritourism” by inserting the word “business”;

And,

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

**Eng. Com. Sub. for Senate Bill 446**—A Bill to amend the Code of West Virginia, 1931, by adding thereto a new article, designated §19-36-1, §19-36-2, §19-36-3, §19-36-4, and §19-36-5, all relating to agritourism generally; creating the Agritourism Responsibility Act; making findings; establishing authority and duties of the Commissioner of Agriculture related to agritourism business; authorizing Commissioner of Agriculture, in consultation



with the Secretary of Commerce, to promulgate and propose rules; defining terms; establishing duties of agritourism businesses and participants in agritourism activities; immunizing agritourism business, employees, and volunteers associated therewith from certain acts of simple negligence and creating exceptions thereto; requiring notice of certain rights, limitations on liability, and responsibilities of participants in agritourism activities; clarifying that operation of agritourism business does not change status of the facilities and property used for building code and tax purposes; and exempting structures of agritourism business occasionally used for events from building code requirements for entities engaged in such activities on a full-time basis.

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

Engrossed Committee Substitute for Senate Bill 446, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Beach—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 446) passed with its Senate amended title.

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

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

**Eng. Com. Sub. for Senate Bill 469**, Converting Addiction Treatment Pilot Program to permanent program.

On motion of Senator Ferns, the bill was taken up for immediate consideration.

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

**Eng. Com. Sub. for Senate Bill 469**—A Bill to amend and reenact §62-15A-1, §62-15A-2, and §62-15A-3 of the Code of West Virginia, 1931, as amended, all relating to converting the Addiction Treatment Pilot Program into a permanent program; placing the program under the control of the Department of Military Affairs and Public Safety; permitting certain funding to come from a combination of sources; and requiring reports to be submitted annually.

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

Engrossed Committee Substitute for Senate Bill 469, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Beach—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 469) passed with its House of Delegates amended title.

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

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

**Eng. Com. Sub. for Senate Bill 495**, Designating specific insurance coverages exempt from rate filing requirements.

On motion of Senator Ferns, the bill was taken up for immediate consideration.

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

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

## **ARTICLE 20. RATES AND RATING ORGANIZATIONS.**

### **§33-20-4. Rate filings.**

(a) (1) Every insurer shall file with the commissioner every manual of classifications, territorial rate areas established pursuant to §33-20-3(c)(2) of this code, rules, and rates, every rating plan, and every modification of any of the foregoing which it proposes to use for casualty insurance to which this article applies.

(2) Every insurer shall file with the commissioner, except as to inland marine risks which, by general custom of the business, are not written according to manual rates or rating plans, every manual, minimum, class rate, rating schedule, or rating plan and every other rating rule and every modification of any of the foregoing which it proposes to use for fire and marine insurance to which this article applies. Specific inland marine rates on risks specially rated, made by a rating organization, shall be filed with the commissioner.

(3) Subject to subdivisions (4) and (5), subsection (a) of this section and the requirements for ratemaking in §33-20-3 of this code, the following commercial lines insurance coverages are exempt from rate-filing requirements under this article with respect to every manual, minimum, class rate, rating schedule, or rating plans, and every other rating rule and modification of any of the foregoing, whether the insurance coverage is endorsed to, or otherwise made part of, another kind of insurance policy or sold as a stand-alone policy:

(A) Surety and fidelity;

(B) Commercial inland marine;

(C) Boiler and machinery;

(D) Environmental impairment or pollution liability;

(E) Kidnap and ransom;

(F) Political risk or expropriation;

(G) Excess and umbrella liability;

(H) Directors' and officers' liability;

(I) Fiduciary liability;

(J) Employment practices liability;

(K) Errors and omission other than medical malpractice;

(L) Professional liability other than medical malpractice;

(M) Media liability;

(N) Commercial lines travel risk, including accidental death and dismemberment;

(O) Product liability, product recall, and completed operations;

(P) Cybersecurity, including first and third party commercial lines coverage for losses arising out of or relating to data privacy breach, network security, computer viruses, and similar exposures;

(Q) Highly protected commercial property;

(R) All commercial lines insurance coverages not excluded under subdivision (4), subsection (a) of this section when purchased by a commercial policyholder with aggregate annual commercial insurance premiums of \$25,000 or more excluding premiums for the types of insurance excluded under subdivision (4), subsection (a) of this section; and

(S) Any other commercial lines insurance coverage or risk that the commissioner may, by order, exempt from rate filing and approval requirements in order to promote enhanced competition or to more effectively use the resources of the department that might otherwise be used to review commercial lines filings or because the commissioner does not consider the filing and approval requirements to be necessary or desirable for the protection of the public.

(4) The exemptions from rate filing requirements in subdivision (3), subsection (a) of this section are not applicable to the following kinds of commercial insurance:

(A) Workers' compensation;

(B) Medical malpractice liability;

(C) Nonfleet commercial automobile liability policies covering four or fewer vehicles;

(D) Any coverage issued by an assigned risk or residual market plan pursuant to §33-20-15 of this code, §33-20A-1 *et seq.* of this code, or the Mine Subsidence Insurance Fund created pursuant to §33-30-1 *et seq.* of this code.

(5) The commissioner may temporarily reinstate, for a period of no longer than one year, the requirement for rate filings for a specific insurance coverage set forth in subdivision (3), subsection

(a) of this section if, after a hearing, the commissioner makes a finding of fact that a reasonable degree of competition does not exist for that specific type of insurance coverage. The finding of fact by the commissioner must specify the relevant tests used to determine whether a lack of a reasonable degree of competition exists and the results thereof. In the absence of such findings of fact by the commissioner, a competitive market is presumed to exist.

(b) Every filing shall state the proposed effective date and shall indicate the character and extent of the coverage contemplated. When a filing is not accompanied by the information upon which the insurer supports the filing and the commissioner does not have sufficient information to determine whether the filing meets the requirements of this article, he or she shall require the insurer to furnish the information upon which it supports the filing and in that event the waiting period shall commence as of the date the information is furnished. The information furnished in support of a filing may include: (1) The experience or judgment of the insurer or rating organization making the filing; (2) the experience or judgment of the insurer or rating organization in the territorial rate areas established by §33-20-3(c)(2) of this code; (3) its interpretation of any statistical data it relies upon; (4) the experience of other insurers or rating organizations; or (5) any other relevant factors. A filing and any supporting information is open to public inspection as soon as the filing is received by the commissioner. Any interested party may file a brief with the commissioner supporting his or her position concerning the filing. Any person or organization may file with the commissioner a signed statement declaring and supporting his or her or its position concerning the filing. Upon receipt of the statement prior to the effective date of the filing, the commissioner shall mail or deliver a copy of the statement to the filer, which may file a reply as it may desire to make. This section is not applicable to any memorandum or statement of any kind by any employee of the commissioner.

(c) An insurer may satisfy its obligation to make a filing by becoming a member of, or a subscriber to, a licensed rating organization which makes filings and by authorizing the commissioner to accept filings on its behalf: *Provided*, That

nothing contained in this article shall be construed as requiring any insurer to become a member of or a subscriber to any rating organization.

(d) The commissioner shall review filings as soon as reasonably possible after they have been made in order to determine whether they meet the requirements of this article.

(e) Subject to the exceptions specified in subsections (f), (g) and (h) of this section, each filing shall be on file for a waiting period of 60 days before it becomes effective. Upon written application by an insurer or rating organization, the commissioner may authorize a filing which he or she has reviewed to become effective before the expiration of the waiting period. A filing shall be deemed to meet the requirements of this article unless disapproved by the commissioner within the waiting period.

(f) Any special filing with respect to a surety bond required by law or by court or executive order or by order, rule, or regulation of a public body, not covered by a previous filing, shall become effective when filed and shall be deemed to meet the requirements of this article until the commissioner reviews the filing and so long thereafter as the filing remains in effect.

(g) Specific inland marine rates on risks specially rated by a rating organization shall become effective when filed and shall be deemed to meet the requirements of this article until the commissioner reviews the filing and so long thereafter as the filing remains in effect.

(h) Except as provided in subdivision (3), subsection (a) of this section, rates for commercial lines property and casualty risks must be filed with the commissioner and the filings need not be approved by the commissioner. The commissioner may request additional information to ensure compliance with applicable statutory standards, but if the commissioner does not disapprove the filing within the initial 30-day period after receipt, the rate filing will become effective upon first usage after filing: *Provided*, That the commissioner may at any time thereafter, after notice and for cause shown, disapprove any rate filing.

(i) Under legislative rules, the commissioner may, by written order, suspend or modify the requirement of filing as to any kind of insurance, subdivision, or combination thereof, or as to classes of risks, the rates for which cannot practicably be filed before they are used. These orders and rules shall be made known to insurers and rating organizations affected thereby. The commissioner may make any examination he or she may consider advisable to ascertain whether any rates affected by an order meet the standards set forth in §33-20-3(b) of this code.

(j) Upon the written application of the insured, stating his or her reasons therefor, filed with and approved by the commissioner, a rate in excess of that provided by a filing otherwise applicable may be used on any specific risks.

(k) No insurer shall make or issue a contract or policy except in accordance with the filings which are in effect for that insurer as provided in this article. This subsection does not apply to contracts or policies for ~~inland-marine~~ risks as to which filings are not required.

(l) In instances when an insurer files a request for an increase of automobile liability insurance rates in the amount of 15 percent or more, the Insurance Commissioner shall provide notice of the increase with the Office of the Secretary of State to be filed in the State Register and shall provide interested persons the opportunity to comment on the request up to the time the commissioner approves or disapproves the rate increase.

(m) For purposes of this section, “commercial” means commercial lines as defined in §33-6-8(e)(2) of this code.;

And,

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

**Eng. Com. Sub. for Senate Bill 495**—A Bill to amend and reenact §33-20-4 of the Code of West Virginia, 1931, as amended, relating to commercial insurance rates applicable to fire, marine, casualty and surety insurance; and designating specific insurance



coverages which are exempt from the requirements of filing rates with the insurance commissioner.

On motion of Senator Azinger, the following amendment to the House of Delegates amendments to the bill (Eng. Com. Sub. for S. B. 495) was reported by the Clerk and adopted:

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

**Eng. Com. Sub. for Senate Bill 495**—A Bill to amend and reenact §33-20-4 of the Code of West Virginia, 1931, as amended, relating to commercial insurance rates; and designating specific insurance coverages which are exempt from the requirements of filing rates with the insurance commissioner.

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

Engrossed Committee Substitute for Senate Bill 495, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Beach—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 495) passed with its Senate amended title.

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

A message from the Clerk of the House of Delegates announced the amendment by that body, passage as amended, and

requested the concurrence of the Senate in the House of Delegates amendments, as to

**Eng. Senate Bill 498**, Creating two-year pilot program allowing all-terrain or recreational vehicles in Cabwaylingo State Forest.

On motion of Senator Ferns, the bill was taken up for immediate consideration.

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

On page one, section three-a, line one, after the word “director” by inserting the words “in consultation with the forestry director”;

On page one, section three-a, line five, after the word “director” by inserting the words “in consultation with the forestry director”;

And,

On page two, section three-a, after line twelve, by inserting a new subsection, designated subsection (e), to read as follows:

(e) The Director of the Division of Natural Resources shall have authority to promulgate emergency legislative rules and legislative rules necessary to effectuate the provisions of this section.

On motion of Senator Maynard, the following amendment to the House of Delegates amendments to the bill (Eng. S. B. 498) was reported by the Clerk:

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

**Eng. Senate Bill 498**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-3-3a, relating to Cabwaylingo State Forest; creating a pilot project permitting all-terrain and off-highway recreational vehicles on designated roads and trails in Cabwaylingo State Forest; permitting the Director of the Division of Natural

Resources to designate roads, trails, and campgrounds and to close certain areas, or parts thereof, to public use in consultation with the Director of the Division of Forestry; permitting the Director of the Division of Natural Resources to establish special season and permit in consultation with the Director of the Division of Forestry; making it unlawful to operate an all-terrain or off-highway vehicle on any road or trail in Cabwaylingo State Forest without such special permit, should one be created; applying the ATV, UTV, and Motorcycle Responsibility Act to the project; providing the Director of the Division of Natural Resources emergency and regular legislative rule making authority; and requiring Legislative Auditor to review project and file report.

Following discussion,

The question being on the adoption of Senator Maynard's amendment to the House of Delegates amendments to the bill, the same was put and prevailed.

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

Engrossed Senate Bill 498, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: Beach—1.

Absent: Rucker—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 498) passed with its Senate amended title.

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

A message from the Clerk of the House of Delegates announced the amendment by that body, passage as amended, to take effect July 1, 2018, and requested the concurrence of the Senate in the House of Delegates amendments, as to

**Eng. Com. Sub. for Senate Bill 501**, Relating to accrued benefit of retirees in Deputy Sheriff Retirement System.

On motion of Senator Ferns, the bill was taken up for immediate consideration.

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

On page three, section two, lines sixty-eight through seventy, by striking out all of subparagraph (C) and inserting in lieu thereof a new subparagraph, designated subparagraph (C), to read as follows:

(C) Whose relationship with the member is described in subparagraph (A), (B), or (C), paragraph (1) of this subdivision.;

On page five, section two, lines one hundred five through one hundred ten, by striking out all of paragraph (3) and inserting in lieu thereof a new paragraph, designated paragraph (3), to read as follows:

(3) Each hour for which back pay is either awarded or agreed to be paid by the employing county commission, irrespective of mitigation of damages. The same hours of service shall not be credited both under this paragraph and paragraph (1) or (2) of this subdivision. Hours under this paragraph shall be credited to the member for the plan year or years to which the award or agreement pertains rather than the plan year in which the award, agreement, or payment is made.;

And,

On page five, section two, lines one hundred eleven through one hundred sixteen, by striking out all of subdivision (x) and inserting in lieu thereof a new subdivision, designated subdivision (x), to read as follows:

(x) “Member” means a person first hired as a deputy sheriff after the effective date of this article, as defined in subdivision (t) of this section, or a deputy sheriff first hired prior to the effective date and who elects to become a member pursuant to §7-14D-5 or §7-14D-17 of this code. A member shall remain a member until the benefits to which he or she is entitled under this article are paid or forfeited or until cessation of membership pursuant to §7-14D-5 of this code.

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

Engrossed Committee Substitute for Senate Bill 501, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Rucker—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 501) passed with its title.

Senator Ferns moved that the bill take effect July 1, 2018.

On this question, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Smith, Stollings, Swope,

Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Rucker—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 501) takes effect July 1, 2018.

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

A message from the Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, to take effect July 1, 2018, and requested the concurrence of the Senate in the House of Delegates amendments, as to

**Eng. Com. Sub. for Senate Bill 521**, Requiring chief executive of municipal law-enforcement agency be certified law-enforcement officer.

On motion of Senator Ferns, the bill was taken up for immediate consideration.

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

On page one, section thirteen, line three, after the word “certified” by inserting a comma and the words “or certifiable as, a”;

On page one, section thirteen, line three, after the word “officer” by inserting the words “as provided in §30-29-5 of this code”;

And,

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

**Eng. Com. Sub. for Senate Bill 521**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-29-13, relating to requiring any newly appointed chief executive of a municipal law-enforcement agency to be either a certified law-enforcement officer, or to be certifiable as such, according to the requirements set forth in other applicable provisions of this code; and, providing that chief executives employed prior to the effective date are exempt from this requirement.

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

Engrossed Committee Substitute for Senate Bill 521, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Karnes and Rucker—2.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 521) passed with its House of Delegates amended title.

Senator Ferns moved that the bill take effect July 1, 2018.

On this question, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Karnes and Rucker—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 521) takes effect July 1, 2018.

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

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

**Eng. Com. Sub. for Senate Bill 528**, Providing additional circuit judge for nineteenth judicial circuit.

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

**Eng. Com. Sub. for Senate Bill 603**, Relating to proceedings for involuntary custody for examination.

On motion of Senator Ferns, the bill was taken up for immediate consideration.

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

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

#### **ARTICLE 5. INVOLUNTARY HOSPITALIZATION.**

**§27-5-2. Institution of proceedings for involuntary custody for examination; custody; probable cause hearing; examination of individual.**



(a) Any adult person may make an application for involuntary hospitalization for examination of an individual when the person making the application has reason to believe that the individual to be examined is addicted, as defined in §27-1-11 of this code, or is mentally ill and, because of his or her addiction or mental illness, the individual is likely to cause serious harm to himself, herself, or to others if allowed to remain at liberty while awaiting an examination and certification by a physician or psychologist.

Notwithstanding any language in this subsection to the contrary, if the individual to be examined under the provisions of this section is incarcerated in a jail, prison, or other correctional facility, then only the chief administrative officer of the facility holding the individual may file the application, and the application must include the additional statement that the correctional facility itself cannot reasonably provide treatment and other services for the individual's mental illness or addiction.

(b) The person making the application shall make the application under oath.

(c) Application for involuntary custody for examination may be made to the circuit court or a mental hygiene commissioner of the county in which the individual resides or of the county in which he or she may be found. When no circuit court judge or mental hygiene commissioner is available for immediate presentation of the application, the application may be made to a magistrate designated by the chief judge of the judicial circuit to accept applications and hold probable cause hearings. A designated magistrate before whom an application or matter is pending may, upon the availability of a mental hygiene commissioner or circuit court judge for immediate presentation of an application or pending matter, transfer the pending matter or application to the mental hygiene commissioner or circuit court judge for further proceedings unless otherwise ordered by the chief judge of the judicial circuit.

(d) The person making the application shall give information and state facts in the application as may be required by the form provided for this purpose by the Supreme Court of Appeals.

(e) The circuit court, mental hygiene commissioner, or designated magistrate may enter an order for the individual named in the application to be detained and taken into custody for the purpose of holding a probable cause hearing as provided in §27-5-2(g) of this code for the purpose of an examination of the individual by a physician, psychologist, a licensed professional counselor practicing in compliance with §30-31-1 et seq. of this code, a licensed independent clinical social worker practicing in compliance with §30-30-1 et seq. of this code, an advanced nurse practitioner with psychiatric certification practicing in compliance with §30-7-1 et seq. of this code, a physician assistant practicing in compliance with §30-3-1 et seq. of this code, or a physician assistant practicing in compliance with ~~§30-14A-1~~ §30-3E-1 et seq. of this code: *Provided*, That a licensed professional counselor, a licensed independent clinical social worker, a physician assistant or an advanced nurse practitioner with psychiatric certification may only perform the examination if he or she has previously been authorized by an order of the circuit court to do so, the order having found that the licensed professional counselor, the licensed independent clinical social worker, physician assistant, or advanced nurse practitioner with psychiatric certification has particularized expertise in the areas of mental health and mental hygiene or addiction sufficient to make the determinations as are required by the provisions of this section. The examination is to be provided or arranged by a community mental health center designated by the Secretary of the Department of Health and Human Resources to serve the county in which the action takes place. The order is to specify that the hearing be held forthwith and is to provide for the appointment of counsel for the individual: *Provided, however*, That the order may allow the hearing to be held up to 24 hours after the person to be examined is taken into custody rather than forthwith if the circuit court of the county in which the person is found has previously entered a standing order which establishes within that jurisdiction a program for placement of persons awaiting a hearing which assures the safety and humane treatment of persons: *Provided further*, That the time requirements set forth in this subsection only apply to persons who are not in need of medical care for a physical condition or disease for which the need for treatment precludes the ability to comply with the time

requirements. During periods of holding and detention authorized by this subsection, upon consent of the individual or in the event of a medical or psychiatric emergency, the individual may receive treatment. The medical provider shall exercise due diligence in determining the individual's existing medical needs and provide treatment the individual requires, including previously prescribed medications. As used in this section, "psychiatric emergency" means an incident during which an individual loses control and behaves in a manner that poses substantial likelihood of physical harm to himself, herself, or others. Where a physician, psychologist, licensed professional counselor, licensed independent clinical social worker, physician assistant, or advanced nurse practitioner with psychiatric certification has within the preceding 72 hours performed the examination required by the provisions of this subdivision, the community mental health center may waive the duty to perform or arrange another examination upon approving the previously performed examination. Notwithstanding the provisions of this subsection, §27-5-4(r) of this code applies regarding payment by the county commission for examinations at hearings. If the examination reveals that the individual is not mentally ill or addicted or is determined to be mentally ill or addicted but not likely to cause harm to himself, herself, or others, the individual shall be immediately released without the need for a probable cause hearing and ~~absent a finding of professional negligence~~ the examiner is not civilly liable for the rendering of the opinion absent a finding of professional negligence. The examiner shall immediately provide the mental hygiene commissioner, circuit court, or designated magistrate before whom the matter is pending the results of the examination on the form provided for this purpose by the Supreme Court of Appeals for entry of an order reflecting the lack of probable cause.

(f) A probable cause hearing is to be held before a magistrate designated by the chief judge of the judicial circuit, the mental hygiene commissioner, or circuit judge of the county of which the individual is a resident or where he or she was found. If requested by the individual or his or her counsel, the hearing may be postponed for a period not to exceed 48 hours.

The individual must be present at the hearing and has the right to present evidence, confront all witnesses and other evidence against him or her, and to examine testimony offered, including testimony by representatives of the community mental health center serving the area. Expert testimony at the hearing may be taken telephonically or via videoconferencing. The individual has the right to remain silent and to be proceeded against in accordance with the Rules of Evidence of the Supreme Court of Appeals, except as provided in §27-1-12 of this code. At the conclusion of the hearing, the magistrate, mental hygiene commissioner, or circuit court judge shall find and enter an order stating whether or not there is probable cause to believe that the individual, as a result of mental illness or addiction, is likely to cause serious harm to himself or herself or to others.

(g) Probable cause hearings may occur in the county where a person is hospitalized. The judicial hearing officer may: Use videoconferencing and telephonic technology; permit persons hospitalized for addiction to be involuntarily hospitalized only until detoxification is accomplished; and specify other alternative or modified procedures that are consistent with the purposes and provisions of this article. The alternative or modified procedures shall fully and effectively guarantee to the person who is the subject of the involuntary commitment proceeding and other interested parties due process of the law and access to the least restrictive available treatment needed to prevent serious harm to self or others.

(h) If the magistrate, mental hygiene commissioner, or circuit court judge at a probable cause hearing or at a final commitment hearing held pursuant to the provisions of §27-5-4 of this code finds that the individual, as a result of mental illness or addiction, is likely to cause serious harm to himself, herself, or others and because of mental illness or addiction requires treatment, the magistrate, mental hygiene commissioner, or circuit court judge may consider evidence on the question of whether the individual's circumstances make him or her amenable to outpatient treatment in a nonresidential or nonhospital setting pursuant to a voluntary treatment agreement. The agreement is to be in writing and

approved by the individual, his or her counsel, and the magistrate, mental hygiene commissioner, or circuit court judge. If the magistrate, mental hygiene commissioner, or circuit court judge determines that appropriate outpatient treatment is available in a nonresidential or nonhospital setting, the individual may be released to outpatient treatment upon the terms and conditions of the voluntary treatment agreement. The failure of an individual released to outpatient treatment pursuant to a voluntary treatment agreement to comply with the terms of the voluntary treatment agreement constitutes evidence that outpatient treatment is insufficient and, after a hearing before a magistrate, mental hygiene commissioner, or circuit judge on the issue of whether or not the individual failed or refused to comply with the terms and conditions of the voluntary treatment agreement and whether the individual as a result of mental illness or addiction remains likely to cause serious harm to himself, herself, or others, the entry of an order requiring admission under involuntary hospitalization pursuant to the provisions of §27-5-3 of this code may be entered. In the event a person released pursuant to a voluntary treatment agreement is unable to pay for the outpatient treatment and has no applicable insurance coverage, including, but not limited to, private insurance or Medicaid, the Secretary of the Department of Health and Human Resources may transfer funds for the purpose of reimbursing community providers for services provided on an outpatient basis for individuals for whom payment for treatment is the responsibility of the department: *Provided*, That the department may not authorize payment of outpatient services for an individual subject to a voluntary treatment agreement in an amount in excess of the cost of involuntary hospitalization of the individual. The secretary shall establish and maintain fee schedules for outpatient treatment provided in lieu of involuntary hospitalization. Nothing in the provisions of this article regarding release pursuant to a voluntary treatment agreement or convalescent status may be construed as creating a right to receive outpatient mental health services or treatment or as obligating any person or agency to provide outpatient services or treatment. Time limitations set forth in this article relating to periods of involuntary commitment to a mental health facility for hospitalization do not apply to release pursuant to the terms of a voluntary treatment agreement:

*Provided, however,* That release pursuant to a voluntary treatment agreement may not be for a period of more than six months if the individual has not been found to be involuntarily committed during the previous two years and for a period of no more than two years if the individual has been involuntarily committed during the preceding two years. If in any proceeding held pursuant to this article the individual objects to the issuance or conditions and terms of an order adopting a voluntary treatment agreement, then the circuit judge, magistrate, or mental hygiene commissioner may not enter an order directing treatment pursuant to a voluntary treatment agreement. If involuntary commitment with release pursuant to a voluntary treatment agreement is ordered, the individual subject to the order may, upon request during the period the order is in effect, have a hearing before a mental hygiene commissioner or circuit judge where the individual may seek to have the order canceled or modified. Nothing in this section affects the appellate and habeas corpus rights of any individual subject to any commitment order.

(i) If the certifying physician or psychologist determines that a person requires involuntary hospitalization for an addiction to a substance which, due to the degree of addiction, creates a reasonable likelihood that withdrawal or detoxification from the substance of addiction will cause significant medical complications, the person certifying the individual shall recommend that the individual be closely monitored for possible medical complications. If the magistrate, mental hygiene commissioner, or circuit court judge presiding orders involuntary hospitalization, he or she shall include a recommendation that the individual be closely monitored in the order of commitment.

(j) The Supreme Court of Appeals and the Secretary of the Department of Health and Human Resources shall specifically develop and propose a statewide system for evaluation and adjudication of mental hygiene petitions which shall include payment schedules and recommendations regarding funding sources. Additionally, the Secretary of the Department of Health and Human Resources shall also immediately seek reciprocal agreements with officials in contiguous states to develop interstate/intergovernmental agreements to provide efficient and

efficacious services to out-of-state residents found in West Virginia and who are in need of mental hygiene services.

**§27-5-3. Admission under involuntary hospitalization for examination; hearing; release.**

(a) *Admission to a mental health facility for examination.* – Any individual may be admitted to a mental health facility for examination and treatment upon entry of an order finding probable cause as provided in §27-5-2 of this code and upon certification by a physician, psychologist, licensed professional counselor, licensed independent clinical social worker practicing in compliance with the provisions of §30-30-1 *et seq.* of this code or an advanced nurse practitioner with psychiatric certification practicing in compliance with §30-7-1 *et seq.* of this code that he or she has examined the individual and is of the opinion that the individual is mentally ill or addicted and, because of such mental illness or addiction, is likely to cause serious harm to himself, herself, or to others if not immediately restrained: *Provided*, That the opinions offered by an independent clinical social worker or an advanced nurse practitioner with psychiatric certification must be within their particular areas of expertise, as recognized by the order of the authorizing court.

(b) *Three-day time limitation on examination.* – If the examination does not take place within three days from the date the individual is taken into custody, the individual shall be released. If the examination reveals that the individual is not mentally ill or addicted, the individual shall be released.

(c) *Three-day time limitation on certification.* – The certification required in §27-5-3(a) of this code shall be valid for three days. Any individual with respect to whom the certification has been issued may not be admitted on the basis of the certification at any time after the expiration of three days from the date of the examination.

(d) *Findings and conclusions required for certification.* – A certification under this section must include findings and conclusions of the mental examination, the date, time and place of

the examination and the facts upon which the conclusion that involuntary commitment is necessary is based.

(e) *Notice requirements.* – When an individual is admitted to a mental health facility pursuant to the provisions of this section, the chief medical officer of the facility shall immediately give notice of the individual’s admission to the individual’s spouse, if any, and one of the individual’s parents or guardians or if there is no spouse and are no parents or guardians, to one of the individual’s adult next of kin if the next of kin is not the applicant. Notice shall also be given to the community mental health facility, if any, having jurisdiction in the county of the individual’s residence. The notices other than to the community mental health facility shall be in writing and shall be transmitted to the person or persons at his, her, or their last known address by certified mail, return receipt requested.

(f) *Five-day time limitation for examination and certification at mental health facility.* – After the individual’s admission to a mental health facility, he or she may not be detained more than five days, excluding Sundays and holidays, unless, within the period, the individual is examined by a staff physician and the physician certifies that in his or her opinion the patient is mentally ill or addicted and is likely to injure himself, herself, or others if allowed to be at liberty.

(g) *Fifteen-day time limitation for institution of final commitment proceedings.* – If, in the opinion of the examining physician, the patient is mentally ill or addicted and because of the mental illness or addiction is likely to injure himself, herself, or others if allowed to be at liberty, the chief medical officer shall, within 15 days from the date of admission, institute final commitment proceedings as provided in §27-5-4 of this code. If the proceedings are not instituted within such 15-day period, the patient shall be immediately released. After the request for hearing is filed, the hearing may not be canceled on the basis that the individual has become a voluntary patient unless the mental hygiene commissioner concurs in the motion for cancellation of the hearing.



(h) *Thirty-day time limitation for conclusion of all proceedings.*  
– If all proceedings as provided in §27-3-1 *et seq.* and §27-4-1 *et seq.* of this code are not completed within 30 days from the date of institution of the proceedings, the patient shall be immediately released.;

And,

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

**Eng. Com. Sub. for Senate Bill 603**—A Bill to amend and reenact §27-5-2 and §27-5-3 of the Code of West Virginia, 1931, as amended, all relating to proceedings for involuntary custody for examination; adding licensed professional counselors to the list of professionals that may examine an individual by order of a circuit court, mental hygiene commissioner or magistrate; providing that a licensed professional counselor may only perform the examination if he or she has been previously authorized by an order of the circuit court to do so; and removing redundant language.

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

Engrossed Committee Substitute for Senate Bill 603, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Rucker—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com.

Sub. for S. B. 603) passed with its House of Delegates amended title.

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

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

**Eng. Senate Bill 612**, Relating to sale of municipal property.

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

**Eng. Senate Bill 635**, Relating to 2019 salary adjustment for employees of DHHR.

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

**Eng. Com. Sub. for House Bill 2464**, Relating to disclaimers and exclusions of warranties in consumer transactions for goods.

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

**Eng. Com. Sub. for House Bill 4035**, Creating a legislative coalition to study and report to the Legislature on palliative care.

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

**Eng. Com. Sub. for House Bill 4042**, Redefining school zone to facilitate placement of school zone signs.

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

**Eng. Com. Sub. for House Bill 4079**, Promulgating administrative rules by various executive or administrative agencies of the state.

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

**Eng. Com. Sub. for House Bill 4336**, Updating the schedule of controlled substances.

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

**Eng. Com. Sub. for House Bill 4618**, Relating to the authority of the Division of Protective Services.

### **Executive Communications**

[CLERK'S NOTE: **Enr. Committee Substitute for Senate Bill 415** and **Enr. Committee Substitute for House Bill 3004** became law without the Governor's signature on March 9, 2018, under the provisions of Subsection 11, Section 51, Article VI of the Constitution of West Virginia.]

On motion of Senator Ferns, at 1:10 p.m., the Senate recessed for 30 minutes.

The Senate reconvened at 2:33 p.m. today and proceeded to the fifth order of business.

Senator Takubo, from the committee of conference on matters of disagreement between the two houses, as to

**Eng. Com. Sub. for Senate Bill 46**, Permitting pharmacists to inform customers of lower-cost alternative 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 House to Engrossed

Committee Substitute for Senate Bill 46 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 strike and insert amendment of the House of Delegates, and that the Senate and House agree to an amendment as follows:

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

**ARTICLE 51. PHARMACY AUDIT INTEGRITY AND  
TRANSPARENCY ACT.**

**§33-51-9. Regulation of Pharmacy Benefit Managers.**

(a) A pharmacy, a pharmacist, and a pharmacy technician shall have the right to provide a covered individual with information related to lower cost alternatives and cost share for such covered individual to assist health care consumers in making informed decisions. Neither a pharmacy, a pharmacist, nor a pharmacy technician shall be penalized by a pharmacy benefit manager for discussing information in this section or for selling a lower cost alternative to a covered individual, if one is available, without using a health insurance policy.

(b) A pharmacy benefit manager shall not collect from a pharmacy, a pharmacist, or a pharmacy technician a cost share charged to a covered individual that exceeds the total submitted charges by the pharmacy or pharmacist to the pharmacy benefit manager.

(c) A pharmacy benefit manager may only directly or indirectly charge or hold a pharmacy, a pharmacist, or a pharmacy technician responsible for a fee related to the adjudication of a claim if:

(1) The total amount of the fee is identified, reported, and specifically explained for each line item on the remittance advice of the adjudicated claim; or

(2) The total amount of the fee is apparent at the point of sale and not adjusted between the point of sale and the issuance of the remittance advice.

(d) This section shall not apply with respect to claims under an employee benefit plan under the Employee Retirement Income Security Act of 1974 or Medicare Part D.;

And,

That both houses recede from their respective positions as to the title of the bill and agree to a new title to read as follows:

**Eng. Com. Sub. for Senate Bill 46**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-51-9, all relating to pharmacy benefit managers; providing that a pharmacy, pharmacist, or pharmacy technician may inform consumers of lower cost alternatives and cost share to assist health care consumers in making informed decisions; prohibiting pharmacy benefit managers from penalizing a pharmacy, pharmacist, or pharmacy technician for discussing certain information with consumers; prohibiting pharmacy benefit managers from collecting cost shares exceeding the total submitted charges by a pharmacy, pharmacist, or pharmacy technician; setting forth limitations on pharmacy benefit managers when charging certain adjudicated claim fees to a pharmacy, pharmacist, or pharmacy technician; and excluding an employee benefit plan under the Employee Retirement Income Security Act of 1974 or Medicare Part D from this code section.

Respectfully submitted,

Tom Takubo, *Chair*, Sue Cline, Ron Stollings, *Conferees on the part of the Senate.*

Kelli Sobonya, *Chair*, Ray Hollen, Andrew D. Byrd, *Conferees on the part of the House of Delegates.*

On motions of Senator Takubo, severally made, the report of the committee of conference was taken up for immediate consideration and adopted.

Engrossed Committee Substitute for Senate Bill 46, as amended by the conference report, was then put upon its passage.

On the passage of the bill, as amended, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Rucker—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 46) passed with its conference amended title.

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

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

The Senate again proceeded to the fifth order of business.

Senator Trump, from the committee of conference on matters of disagreement between the two houses, as to

**Eng. Com. Sub. for Senate Bill 51,** Relating to domestic relations.

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 51, having met, after full and free conference, have agreed to recommend and do recommend to their respective houses, as follows:

That the Senate agree to the following House of Delegates amendment:

On page six, section two hundred six, line eight, after the words “have a” by inserting the word “meaningful”;

That both houses recede from their respective positions as to the amendment of the House of Delegates on page seven, section two hundred six, after line forty, and that the Senate and House agreement to an amendment as follows:

(b) The Court may consider the allocation of custodial responsibility arising from temporary agreements made by the parties after separation if the Court finds, by a preponderance of the evidence, that such agreements were consensual. The Court shall afford those temporary consensual agreements the weight the Court believes the agreements are entitled to receive, based upon the evidence. The Court may not consider the temporary allocation of custodial responsibility imposed by a court order on the parties.;

By relettering the remaining subsections;

And,

That both houses recede from their respective positions as to the title of the bill and agree to a new title, to read as follows:

**Eng. Com. Sub. for Senate Bill 51**—A Bill to amend and reenact §48-6-301 of the Code of West Virginia, 1931, as amended; and to amend and reenact §48-9-205 and §48-9-206 of said code, all relating to domestic relations; removing language related to child support from code section governing the awarding of spousal support and separate maintenance; directing court to consider certain factors to decide amount and duration of spousal support and separate maintenance; removing the 24-month time frame for a description of the allocation of caretaking and other parenting responsibilities performed from the matters contained in permanent parenting plan; clarifying that the court may accommodate the preferences of a child 14 years of age and older if the court determines it is in the best interests of the child; directing court to allocate custodial responsibility so that custodial time spent with

each parent achieves certain objectives; directing courts to consider which parent will encourage and accept a positive relationship between child and other parent and which parent is more likely to keep other parent involved in child's life and activities; and allowing court to consider allocation of custodial responsibility arising from temporary agreements in certain circumstances.

Respectfully submitted,

Charles S. Trump IV, *Chair*, Randy E. Smith, Michael A. Woelfel, *Conferees on the part of the Senate*.

Geoff Foster, *Chair*, Jason Harshbarger, Phil Isner, *Conferees on the part of the House of Delegates*.

Senator Trump, Senate cochair of the committee of conference, was recognized to explain the report.

Thereafter, on motion of Senator Trump, the report was taken up for immediate consideration and adopted.

Engrossed Committee Substitute for Senate Bill 51, as amended by the conference report, was then put upon its passage.

On the passage of the bill, as amended, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Rucker—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 51) passed with its conference amended title.

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



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

A message from the Clerk of the House of Delegates announced the adoption by that body of the committee of conference report, passage as amended by the conference report with its conference amended title, and requested the concurrence of the Senate in the adoption thereof, as to

**Eng. Com. Sub. for House Bill 2995**, Permitting certain animal euthanasia technicians who have been certified by other states be certified animal euthanasia technicians in West Virginia.

Whereupon, Senator Smith, from the committee of conference on matters of disagreement between the two houses, as to

**Eng. Com. Sub. for House Bill 2995**, Permitting certain animal euthanasia technicians who have been certified by other states be certified animal euthanasia technicians in West Virginia.

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 2995 having met, after full and free conference, have agreed to recommend and do recommend to their respective houses, as follows:

That both houses recede from their respective positions as to the amendment of the Senate striking out everything after the enacting clause, and agree to the same as follows:

#### **ARTICLE 10. VETERINARIANS.**

##### **§30-10-12. Requirements to be a certified animal euthanasia technician.**

(a) To be eligible to be a certified animal euthanasia technician a person must:

(1) Apply at least thirty days prior to the date the next written examinations are scheduled, using a form prescribed by the board;

- (2) Have a high school diploma or GED;
- (3) Pay application and examination fees;
- (4) Complete the certified animal euthanasia technician's program established by the board;
- (5) Pass the written and practical skills examinations;
- (6) Pass the prescribed background check; and
- (7) Complete all the other requirements established by the board.

(b) A certified animal euthanasia technician may practice animal euthanasia at a legally operated animal control facility.

(c) A person certified as an animal euthanasia technician by the board prior to July 1, 2010, shall for all purposes be considered certified under this article and may renew pursuant to the provisions of this article.

(d) A person certified by another state or jurisdiction with certification requirements equivalent to, or exceeding, the certification standards of this state may be issued a certification under this section upon the submission of a completed application and the appropriate fees, as established by the board in legislative rules.;

And,

That both houses recede from their respective positions as to the title of the bill and agree to the same as follows:

**Eng. Com. Sub. for House Bill 2995**—A Bill to amend and reenact §30-10-12 of the Code of West Virginia, 1931, as amended, relating to qualifications for certification as an animal euthanasia technician; authorizing issuance of animal euthanasia technician certificate to certain persons certified by another state or jurisdiction; setting requirements for issuance of certificate; and authorizing application and fees to be prescribed by the Board of Veterinary Medicine in legislative rule.

Respectfully submitted,

Randy E. Smith, *Chair*, Mark R. Maynard, Stephen Baldwin,  
*Conferees on the part of the Senate.*

Danny Hamrick, *Chair*, Terri Sypolt, Dana L. Lynch,  
*Conferees on the part of the House of Delegates.*

On motions of Senator Smith, severally made, the report of the committee of conference was taken up for immediate consideration and adopted.

Engrossed Committee Substitute for House Bill 2995, as amended by the conference report, was then put upon its passage.

On the passage of the bill, as amended, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Rucker—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2995) passed with its conference amended title.

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

A message from the Clerk of the House of Delegates announced the adoption by that body of the committee of conference report, passage as amended by the conference report with its conference amended title, and requested the concurrence of the Senate in the adoption thereof, as to

**Eng. Com. Sub. for House Bill 4186**, Relating generally to guaranteed asset protection waivers.

Whereupon, Senator Woelfel, from the committee of conference on matters of disagreement between the two houses, as to

**Eng. Com. Sub. for House Bill 4186**, Relating generally to guaranteed asset protection waivers.

Submitted the following report, which was received:

Your committee of conference on the disagreeing votes of the two houses as to the amendments of the Senate to Engrossed Committee Substitute for House Bill 4186 having met, after full and free conference, have agreed to recommend and do recommend to their respective houses, as follows:

That both houses recede from their respective positions as to the amendment of the Senate, striking out everything after the enacting clause, and agree to the same as follows:

#### **ARTICLE 4. GENERAL PROVISIONS.**

##### **§33-4-22. Guaranteed Asset Protection Waivers.**

(a) Short title. – This section may be cited as the “Guaranteed Asset Protection Waiver Act.”

(b) Purpose. – The purpose of this section is to provide a framework within which guaranteed asset protection waivers are defined and may be offered within this state.

(c) Legislative intent. – The Legislature finds that guaranteed asset protection waivers are not insurance and are not subject to the provisions of this chapter, except as provided in this section. Guaranteed asset protection waivers issued after the effective date of this section may not be construed as insurance and persons marketing, administering, selling or offering to sell guaranteed asset protection waivers are not required to comply with insurance licensing requirements.

(d) Applicability. – This section does not apply to:

(1) An insurance policy offered by an insurer under the insurance laws of this state; or

(2) A debt cancellation or debt suspension contract being offered in compliance with 12 C.F.R. §37.1, et seq., 12 C.F.R. §721.1, et seq., or other federal law.

(e) *Waivers not insurance; exemption from licensing requirement.* – Guaranteed asset protection waivers governed by, and issued after the effective date of this section, are not insurance and are exempt from the insurance laws of this state. Persons marketing, administering, selling or offering to sell guaranteed asset protection waivers to borrowers that comply with this section are exempt from this state’s insurance licensing requirement with regard to the marketing, selling or offering to sell guaranteed asset protection waivers.

(f) *Definitions.* – The following terms are defined for purposes of this section. These terms are not intended to be used or required in guaranteed asset protection waivers.

(1) “Administrator” means a person, other than an insurer or creditor, who performs administrative or operational functions pursuant to guaranteed asset protection waiver programs. Administrative or operational functions may include, but are not limited to:

(A) Document development, processing, and support;

(B) Compliance Services;

(C) Waiver fee processing;

(D) Benefit determination and processing;

(E) Procurement and administration of the contractual liability or other insurance policy;

(F) Technology support; or

(G) Personnel support.

(2) “Borrower” means a debtor, retail buyer, or lessee under a finance agreement.

(3) “Contractual liability” means a contract or other agreement that obligates a third party to indemnify a creditor under (g)(4) of this section and is insurance under the insurance laws of this state.

(4) “Creditor” means:

(A) The lender in a loan or credit transaction;

(B) The lessor in a lease transaction;

(C) A retail dealer of motor vehicles licensed under §17A-6-1 et seq. of this code, that provides credit to buyers as part of a retail sale, provided the dealer complies with the requirements of this section;

(D) The seller in a commercial retail installment transaction; or

(E) The assignees of any of the foregoing persons to whom the credit obligation is payable.

(5) “Finance agreement” means a loan, lease or retail installment sales contract for the purchase or lease of a motor vehicle.

(6) “Free look period” means the period of time from the effective date of the guaranteed asset protection waiver until the date the borrower may cancel the contract without penalty, fees or costs to the borrower. This period of time may not be less than thirty days.

(7) “Guaranteed asset protection waiver” means a contractual agreement that is part of or a separate addendum to the finance agreement in which a creditor agrees, upon payment of a separate charge, to cancel or waive all or part of amounts due to it on a borrower’s finance agreement if there is a total physical damage loss or unrecovered theft of a motor vehicle. A guaranteed asset protection waiver is not insurance due to the purchase, administration or operation of the contractual liability or other

insurance policy authorized under subdivision (g)(4) of this section.

(8) “Insurer” means an insurance company required to be licensed, registered, or otherwise authorized to do business under the insurance laws of this state.

(9) “Motor vehicle” means a self-propelled or towed vehicle designed for personal or commercial use, including, but not limited to, an automobile, truck, motorcycle, recreational vehicle, all-terrain vehicle, snowmobile, camper, boat or personal watercraft, and the trailer used to transport a motorcycle, boat, camper or personal watercraft.

(10) “Person” includes an individual, company, association, organization, partnership, limited liability company, business trust, corporation and every form of legal entity.

(g) Requirements for offering guaranteed asset protection waivers. –

(1) Guaranteed asset protection waivers may be offered, sold or provided to borrowers in this state in compliance with this section.

(2) Guaranteed asset protection waivers may, at the option of the creditor, be sold for a single payment or may be offered with a monthly or periodic payment option.

(3) Notwithstanding any other provision of law, any cost to the borrower for a guaranteed asset protection waiver entered into in compliance with the Truth in Lending Act, 15 U.S.C. §1601, *et. seq.*, must be separately stated and may not be considered a finance charge or interest.

(4) A retail dealer of motor vehicles shall insure its guaranteed asset protection waiver obligations under a contractual liability or other insurance policy issued by an insurer. A creditor, other than a retail dealer of motor vehicles, may insure its guaranteed asset protection waiver obligations under a contractual liability policy or similar policy issued by an insurer. The insurance policy may be

directly obtained by a creditor, a retail dealer of motor vehicles or may be procured by an administrator to cover a creditor's or retail dealer's obligations: *Provided*, That retail dealers of motor vehicles that are lessors of motor vehicles are not required to insure obligations related to guaranteed asset protection waivers on leased vehicles.

(5) The guaranteed asset protection waiver remains a part of the finance agreement upon the assignment, sale, or transfer of the finance agreement by the creditor.

(6) The extension of credit, the terms of credit or the terms of the related motor vehicle sale or lease may not be conditioned upon the purchase of a guaranteed asset protection waiver.

(7) A creditor that offers a guaranteed asset protection waiver shall report the sale of and forward funds received on all guaranteed asset protection waivers to the designated party, if any, as prescribed in any applicable administrative services agreement, contractual liability policy, other insurance policy or other specified program document.

(8) Funds received or held by a creditor or administrator and belonging to an insurer, creditor or administrator, pursuant to the terms of a written agreement must be held by the creditor or administrator in a fiduciary capacity.

(h) *Contractual liability or other insurance policies.* –

(1) Contractual liability or other insurance policies insuring guaranteed asset protection waivers must state the obligation of the insurer to reimburse or pay to the creditor any sums the creditor is legally obligated to waive under the guaranteed asset protection waivers issued by the creditor and purchased or held by the borrower.

(2) Coverage under a contractual liability or other insurance policy insuring a guaranteed asset protection waiver must also cover any subsequent assignee upon the assignment, sale, or transfer of the finance agreement.



(3) Coverage under a contractual liability or other insurance policy insuring a guaranteed asset protection waiver must remain in effect unless canceled or terminated in compliance with applicable insurance laws of this state.

(4) The cancellation or termination of a contractual liability or other insurance policy may not reduce the insurer's responsibility for guaranteed asset protection waivers issued by the creditor prior to the date of cancellation or termination and for which premiums have been received by the insurer.

(i) Disclosures. –

Guaranteed asset protection waivers must disclose, as applicable, in writing and in clear, understandable language, the following:

(A) The name and address of the initial creditor and the borrower at the time of sale and the identity of any administrator if different from the creditor;

(B) The purchase price and the terms of the guaranteed asset protection waiver, including without limitation the requirements for protection, conditions or exclusions associated with the guaranteed asset protection waiver;

(C) That the borrower may cancel the guaranteed asset protection waiver within a free look period as specified in the waiver, and may receive a full refund of the purchase price, so long as no benefits have been provided under the waiver; or if benefits have been provided, the borrower may receive a full or partial refund pursuant to the terms of the guaranteed asset protection waiver;

(D) The procedure a borrower must follow, to obtain guaranteed asset protection waiver benefits under the terms and conditions of the waiver, including a telephone number and address where the borrower may initiate activation of waiver benefits. Once activation of waiver benefits has been initiated, and until such time as the request for a benefit under the GAP waiver is resolved, the GAP waiver shall not be terminated or cancelled, nor shall a

request for a benefit under the GAP waiver be denied, by the creditor, administrator or other designated party, solely due to the borrower's failure to make monthly payments owed for the GAP waiver purchase price.

(E) Whether the guaranteed asset protection waiver may be canceled after the free look period and the conditions under which it may be canceled or terminated, including the procedures for requesting any refund due;

(F) That in order to receive any refund due if a borrower cancels the guaranteed asset protection waiver agreement or early termination of the finance agreement after the free look period of the guaranteed asset protection waiver, the borrower, in accordance with terms of the waiver, shall provide a written request to cancel to the creditor, administrator or other party as specified in the guaranteed asset protection waiver. If a borrower is canceling the guaranteed asset protection waiver due to early termination of the finance agreement, the borrower shall provide a written request to the creditor, administrator or other party within ninety days of the occurrence of the event terminating the finance agreement;

(G) The methodology for calculating any refund of the unearned purchase price of the guaranteed asset protection waiver due if there is cancellation of the guaranteed asset protection waiver or early termination of the finance agreement; and

(H) That neither the extension of credit, the terms of the credit, nor the terms of the related motor vehicle sale or lease, may be conditioned upon the purchase of the guaranteed asset protection waiver.

(j) *Cancellation.* –

(1) Guaranteed asset protection waiver agreements may be cancellable or non-cancellable after the free look period. Guaranteed asset protection waivers must provide that if a borrower cancels a guaranteed asset protection waiver within the free look period, so long as no benefits have been provided, the borrower is entitled to a full refund of the purchase price. If benefits

have been provided, the borrower may receive a full or partial refund pursuant to the terms of the guaranteed asset protection waiver;

(2) If the borrower cancels the guaranteed asset protection waiver or terminates the finance agreement early but after the agreement has been in effect beyond the free look period, the borrower may receive a refund of any unearned portion of the purchase price of the guaranteed asset protection waiver unless the guaranteed asset protection waiver provides otherwise. In order to receive a refund, the borrower, in accordance with any applicable terms of the waiver, shall provide a written request to the creditor, administrator or other party. If the borrower is canceling the guaranteed asset protection waiver due to the early termination of the finance agreement, the borrower shall provide a written request within ninety days of the event terminating the finance agreement;

(3) If the cancellation of a guaranteed asset protection waiver occurs as a result of a default under the finance agreement, or the repossession of the motor vehicle associated with the finance agreement, or any other termination of the finance agreement, any refund due may be paid directly to the creditor or administrator and applied as set forth in subdivision (4) of this subsection (i), below;

(4) A cancellation or termination refund under subdivision (1), (2) or (3) of this subsection (i) may be applied by the creditor as a reduction of the amount owed under the finance agreement, unless the borrower can show that the finance agreement has been paid in full.

(k) *Commercial transaction exempted.* – Subsections (g), (h) and (i) of this section do not apply to a guaranteed asset protection waiver offered in connection with a lease or retail installment sale associated with a “commercial transaction.”

(l) *Exemption.* – This section does not apply to guaranteed asset protection waivers sold and/or issued by a federally regulated depository institution.

(m) Effective date. — This section shall apply to all guaranteed asset protection waivers which become effective on or after July 1, 2018.;

And,

That both houses recede from their respective positions as to the title of the bill and agree to the same as follows:

**Eng. Com. Sub. for House Bill 4186**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-4-22, relating generally to guaranteed asset protection waivers; providing short title, purpose, legislative intent, and applicability of section; defining certain terms; specifying requirements for offering guaranteed asset protection waivers; providing that guaranteed asset protection waivers are not insurance and are exempt from the insurance laws of this state; providing further exemptions; defining certain terms; providing requirements for offering guaranteed asset protection waivers; requiring contractual liability or other insurance policies on guaranteed asset protection waivers in certain circumstances; requiring certain disclosures; providing for cancellation or non-cancellation; specifying requirements upon cancellation in certain circumstances; exempting certain requirements in commercial transactions; exempting guaranteed asset protection waivers sold and/or issued by a federally regulated depository institution; and providing an effective date.

Respectfully submitted,

Tom Fast, *Chair*, John Overington, Chad Lovejoy, *Conferees on the part of the House of Delegates*.

Patricia Puertas Rucker, *Chair*, Michael T. Azinger, Michael A. Woelfel, *Conferees on the part of the Senate*.

Senator Woelfel, Senate member of the committee of conference, was recognized to explain the report.

Senator Woelfel then moved that the report be taken up for immediate consideration.

Senator Trump requested a ruling from the Chair as to whether he should be excused from voting under Rule 43 of the Rules of the Senate as he serves as director of a community bank which, on occasion, sells guaranteed asset protection waivers.

The Chair replied that any impact on Senator Trump would be as a member of a class of persons and that he would be required to vote.

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

Engrossed Committee Substitute for House Bill 4186, as amended by the conference report, was then put upon its passage.

On the passage of the bill, as amended, the yeas were: Arvon, Azinger, Baldwin, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—31.

The nays were: Beach and Romano—2.

Absent: Rucker—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4186) passed with its conference amended title.

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

A message from the Clerk of the House of Delegates announced the adoption by that body of the committee of conference report, passage as amended by the conference report with its conference amended title, and requested the concurrence of the Senate in the adoption thereof, as to

**Eng. Com. Sub. for House Bill 4013**, Clarifying venue in West Virginia state courts as it applies to nonresidents of the state.

Whereupon, Senator Trump, from the committee of conference on matters of disagreement between the two houses, as to

**Eng. Com. Sub. for House Bill 4013**, Clarifying venue in West Virginia state courts as it applies to nonresidents of the state.

Submitted the following report, which was received:

Your committee of conference on the disagreeing votes of the two houses as to the amendments of the Senate to Engrossed Committee Substitute for House Bill 4013 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:

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

### **ARTICLE 9A. OPEN GOVERNMENTAL PROCEEDINGS.**

#### **§6-9A-6. Enforcement by injunctions; actions in violation of article voidable; voidability of bond issues.**

The circuit court in the county where the public agency regularly meets has jurisdiction and is a proper venue to enforce this article upon civil action commenced by any citizen of this state within 120 days after the action complained of was taken or the decision complained of was made. Where the action seeks injunctive relief, no bond may be required unless the petition appears to be without merit or made with the sole intent of harassing or delaying or avoiding return by the governing body.

The court is empowered to compel compliance or enjoin noncompliance with the provisions of this article and to annul a decision made in violation of this article. An injunction may also order that subsequent actions be taken or decisions be made in conformity with the provisions of this article: *Provided*, That no bond issue that has been passed or approved by any governing body

in this state may be annulled under this section if notice of the meeting at which the bond issue was finally considered was given at least 10 days prior to the meeting by a Class I legal advertisement published in accordance with the provisions of §59-3-1 *et seq.* of this code in a qualified newspaper having a general circulation in the geographic area represented by that governing body.

In addition to or in conjunction with any other acts or omissions which may be determined to be in violation of this article, it is a violation of this article for a governing body to hold a private meeting with the intention of transacting public business, thwarting public scrutiny and making decisions that eventually become official action.

Any order which compels compliance or enjoins noncompliance with the provisions of this article, or which annuls a decision made in violation of this article shall include findings of fact and conclusions of law and shall be recorded in the minutes of the governing body.

## **CHAPTER 14. CLAIMS DUE AND AGAINST THE STATE.**

### **ARTICLE 2. CLAIMS AGAINST THE STATE.**

#### **§14-2-2a. Venue for suits and actions involving ~~West Virginia University and Marshall University~~ state institutions of higher education.**

(a) Notwithstanding the provisions of §14-2-2 of this code, any civil action in which ~~the West Virginia University board of Governors, West Virginia University, the West Virginia University Medical School~~ the governing board of any state institution of higher education, any state institution of higher education, or any department or office of any of those entities, or any officer, employee, agent, intern or resident of any of those entities, acting within the scope of his or her employment, is made a party defendant, shall be brought in the circuit court of any county wherein the cause of action arose, unless otherwise agreed by the parties.

~~(b) Notwithstanding the provisions of section two of this article, any civil action in which Marshall University board of Governors, Marshall University, the Marshall University School of Medicine or any department or office of any of those entities, or any officer, employee, agent, intern or resident of any of those entities, acting within the scope of his or her employment, is made a party defendant, shall be brought in the circuit court of any county wherein the cause of action arose, unless otherwise agreed by the parties.~~

(e) ~~(b)~~ The exclusive venue provisions of this section are not applicable to:

(1) An action involving an entity or person named in subsections (a) ~~or (b)~~ of this section as garnishee or suggestee; and

(2) A proceeding for injunctive or mandamus relief involving the taking, title, or collection for or prevention of damage to real property, and where general laws or court rules provide that proper venue is in the county in which the real property affected is situate.

~~(d)~~ (c) This section ~~shall apply~~ applies only to such proceedings ~~as are~~ not prohibited by the constitutional immunity of the state from suit under section thirty-five, article VI of the Constitution of the State.

## CHAPTER 56. PLEADING AND PRACTICE.

### ARTICLE 1. VENUE.

#### §56-1-1. Venue generally.

(a) Any civil action or other proceeding, except where it is otherwise specially provided, may hereafter be brought in the circuit court of any county:

(1) Wherein any of the defendants may reside or the cause of action arose, except that an action of ejectment or unlawful detainer must be brought in the county wherein the land sought to be recovered, or some part thereof, is;



(2) If a corporation or other corporate entity ~~be~~ is a defendant, wherein its principal office is or wherein its mayor, president or other chief officer resides; or if its principal office ~~be~~ is not in this state, and its mayor, president or other chief officer do not reside therein, wherein it does business; or if it ~~be~~ is a corporation or other corporate entity organized under the laws of this state which has its principal office located outside of this state and which has no office or place of business within the state, the circuit court of the county in which the plaintiff resides or the circuit court of the county in which the seat of state government is located ~~shall have~~ has jurisdiction of all actions at law or suits in equity against the corporation or other corporate entity, where the cause of action arose in this state or grew out of the rights of stockholders with respect to corporate management;

(3) If it ~~be~~ is to recover land or subject it to a debt, where the land or any part may be;

(4) If it ~~be~~ is against one or more nonresidents of the state, where any one of them may be found and served with process or may have estate or debts due him, her, or them;

(5) If it ~~be~~ is to recover a loss under any policy of insurance upon either property, life or health or against injury to a person, where the property insured was situated either at the date of the policy or at the time when the right of action accrued or the person insured had a legal residence at the date of his or her death or at the time when the right of action accrued;

(6) If it ~~be~~ is on behalf of the state in the name of the Attorney General or otherwise, where the seat of government is; or

(7) If a judge of a circuit ~~be~~ is interested in a case which, but for such interest, would be proper for the jurisdiction of his or her court, the action or suit may be brought in any county in an adjoining circuit.

(b) Whenever a civil action or proceeding is brought in the county where the cause of action arose under the provisions of subsection (a) of this section, if no defendant resides in the county,

a defendant to the action or proceeding may move the court before which the action is pending for a change of venue to a county where one or more of the defendants resides and upon a showing by the moving defendant that the county to which the proposed change of venue would be made would better afford convenience to the parties litigant and the witnesses likely to be called, and if the ends of justice would be better served by the change of venue, the court may grant the motion

(c) For all civil actions filed on or after July 1, 2018, a nonresident of the state may not bring an action in a court of this state unless all or a substantial part of the acts or omissions giving rise to the claim asserted occurred in this state: *Provided*, That unless barred by the statute of limitations or otherwise time barred in the state where the action arose, a nonresident of this state may file an action in state court in this state if the nonresident cannot obtain jurisdiction in either federal or state court against the defendant in the state where the action arose. A nonresident bringing such an action in this state shall be required to establish, by filing an affidavit with the complaint for consideration by the court, that the action cannot be maintained in the state where the action arose due to lack of any legal basis to obtain personal jurisdiction over the defendant: *Provided, however*, that the provisions of this subsection do not apply to civil actions filed against West Virginia citizens, residents, corporations, or other corporate entities.

In a civil action where more than one plaintiff is joined, each plaintiff must independently establish proper venue. A person may not intervene or join in a pending civil action as a plaintiff unless the person independently establishes proper venue. If venue is not proper as to any such nonresident plaintiff in any court of this state, the court shall dismiss the claims of such plaintiff without prejudice to refile in a court in any other state or jurisdiction. When venue is proper as to one defendant, it is also proper as to any other defendant with respect to all actions arising out of the same transaction or occurrence.

For purposes of this subsection, “nonresident” means any person, whether a citizen of this state or another state, who was

domiciled outside the State of West Virginia at the time of the acts or omissions giving rise to the claim asserted: *Provided, That a member of the armed forces of the United States who is stationed beyond the territorial limits of this state, but who was a resident of this state at the time of his or her entry into such service, and any full-time student of any college or university of this state, even though he or she is paying nonresident tuition, is considered a resident under this subsection.*;

And,

That both houses recede from their respective positions as to the title of the bill and agree to the same as follows:

**Eng. Com. Sub. for House Bill 4013**—A Bill to amend and reenact §6-9A-6 of the Code of West Virginia, 1931, as amended; to amend and reenact §14-2-2a of said code, and to amend and reenact §56-1-1 of said code, all relating to venue in West Virginia state courts; providing that the circuit court in the county where the public agency regularly meets is a proper venue for certain claims; providing that any civil action in which the governing board of any state institution of higher education or any state institution of higher education is made a party defendant shall be brought in the circuit court of the county wherein the cause of action arose, unless otherwise agreed upon; providing that nonresidents may not bring actions in the courts of this state unless all or a substantial part of the acts or omissions giving rise to the claim occurred in the state; providing an effective date; providing that nonresidents may file actions in the state courts if they cannot otherwise obtain jurisdiction in the state where the action arose, unless barred by the statute of limitations in the state the action arose; requiring the filing of an affidavit; providing that the provisions do not apply to actions filed against West Virginia citizens, residents, corporations, or other corporate entities; providing that each plaintiff must establish venue; providing that persons may not intervene or join in a pending action as plaintiff unless they independently establish venue; providing that courts shall dismiss claims without prejudice if venue is not proper as to a nonresident plaintiff; providing that venue is proper as to other defendants if venue is proper as to one defendant with respect to all actions

arising out of the same transaction or occurrence; providing a definition of “nonresident”; and providing exceptions for members of the armed forces of the United States and students of any college or university of this state.

Respectfully submitted,

Roger Hanshaw, *Chair*, Riley Moore (*Did not sign*), Chad Lovejoy, *Conferees on the part of the House of Delegates*.

Charles S. Trump IV, *Chair*, Ryan W. Weld, Stephen Baldwin, *Conferees on the part of the Senate*.

On motions of Senator Trump, severally made, the report of the committee of conference was taken up for immediate consideration and adopted.

Engrossed Committee Substitute for House Bill 4013, as amended by the conference report, was then put upon its passage.

On the passage of the bill, as amended, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Rucker—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4013) passed with its conference amended title.

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

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

At the request of Senator Ferns, unanimous consent being granted, the provisions of Rule 54 of the Rules of the Senate, relating to persons entitled to the privileges of the floor, were suspended in order to grant the family of the Honorable Mark A. Drennan, a senator from the fourth district, privileges of the floor for the day.

The Senate again proceeded to the third order of business.

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

**Eng. Com. Sub. for Senate Bill 313**, Waiving occupational fees and licensing requirements for certain low-income individuals, military families, and young workers.

On motion of Senator Ferns, the bill was taken up for immediate consideration.

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

On page one, section twenty-two, line one, after the word “all” by inserting the word “initial”;

On page one, section twenty-two, line three, by striking out the words “*Low income individuals*. — This includes individuals” and inserting in lieu thereof the words “Low income individuals means individuals in the local labor market as defined in §21-1C-2 of this code”;

On page one, section twenty-two, line eight, by striking out the words “*Military families*. — This includes” and inserting in lieu thereof the words “Military families means”;

And,

On page one, section twenty-two, line twelve, by striking out the words “*Young workers*. — This includes applicants” and

inserting in lieu thereof the words “Young workers means individuals in the local labor market as defined in §21-1C-2 of this code”.

On motion of Senator Ferns, the following amendments to the House of Delegates amendments to the bill (Eng. Com. Sub. for S. B. 313) were reported by the Clerk, considered simultaneously, and adopted:

On page one, section twenty-two, line three, by striking out the words “Low income individuals” and inserting in lieu thereof the words “*Low-income individuals*. – This”;

On page one, section twenty-two, line eight, by striking out the words “Military families means” and inserting in lieu thereof the words “*Military families*. – This means”;

On page one, section twenty-two, line twelve, by striking out the words “Young workers” and inserting in lieu thereof the words “*Young workers*. – This”;

And,

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

**Eng. Com. Sub. for Senate Bill 313**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-1-22, relating to waiver of occupational licensing fees for certain individuals; requiring boards and licensing authorities to waive certain occupational licensing fees for low-income individuals, military families, and young workers; defining terms; requiring individuals seeking waiver of occupational licensing fees to apply on a form provided by the board or licensing authority; and granting rule-making authority.

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

Engrossed Committee Substitute for Senate Bill 313, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Rucker—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 313) passed with its Senate amended title.

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

A message from the Clerk of the House of Delegates announced that that body had refused to recede from its amendment, and requested the appointment of a committee of conference of three from each house on the disagreeing votes of the two houses, as to

**Eng. Com. Sub. for Senate Bill 392**, Reconfiguring membership of Emergency Medical Services Advisory Council.

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

Delegates Criss, Martin, and Williams.

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

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

Senators Boso, Takubo, and Jeffries.

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

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

**Eng. Senate Bill 406**, Clarifying that ground emergency medical transportation is eligible for Medicare and Medicaid reimbursement.

On motion of Senator Ferns, the bill was taken up for immediate consideration.

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

On page one, section twenty-six, lines one and two, by striking out the words “owned or operated by the state” and inserting in lieu thereof the words “owned, operated by, or providing services under contract to, the state,”;

And,

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

**Eng. Senate Bill 406**—A Bill to amend and reenact §9-5-26 of the Code of West Virginia, 1931, as amended, relating to supplemental Medicare and Medicaid reimbursement; and clarifying that ground emergency medical transportation services providers owned or operated by, or providing services under contract with the state and certain political subdivisions thereof, are eligible for reimbursement from Medicare.

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

Engrossed Senate Bill 406, as amended by the House of Delegates, was then put upon its passage.



On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Rucker—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 406) passed with its House of Delegates amended title.

Senator Ferns moved that the bill take effect from passage.

On this question, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Rucker—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 406) takes effect from passage.

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

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

**Eng. Com. Sub. for Senate Bill 434**, Specifying documents not subject to discovery in certain proceedings.

On motion of Senator Ferns, the bill was taken up for immediate consideration.

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

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

**ARTICLE 3C. HEALTH CARE PEER REVIEW ORGANIZATION PROTECTION.**

**§30-3C-1. Definitions.**

As used in this article:

“Document” means any information, data, reports, or records prepared by or on behalf of a health care provider and includes mental impressions, analyses, and/or work product.

~~“Health care professionals” means individuals who are licensed to practice in any health care field and individuals, who, because of their education, experience or training participate as members of or consultants to a review organization~~

“Health care facility” means any clinic, hospital, pharmacy, nursing home, assisted living facility, residential care community, end-stage renal disease facility, home health agency, child welfare agency, group residential facility, behavioral health care facility or comprehensive community mental health center, intellectual/developmental disability center or program, or other ambulatory health care facility, in and licensed, regulated, or certified by the State of West Virginia under state or federal law and any state-operated institution or clinic providing health care and any related entity to the health care facility as that term is defined in §55-7B-1 *et seq.* of this code.

“Health care provider” means a person, partnership, corporation, professional limited liability company, health care facility, entity or institution licensed by, or certified in, this state or another state, to provide health care or professional health care

services, including a physician, osteopathic physician, physician assistant, advanced practice registered nurse, health care facility, dentist, registered or licensed practical nurse, optometrist, podiatrist, chiropractor, physical therapist, speech-language pathologist, audiologist, occupational therapist, psychologist, pharmacist, technician, certified nursing assistant, emergency medical service personnel, emergency medical services authority or agency, any person supervised by or acting under the direction of a licensed professional, any person taking actions or providing service or treatment pursuant to or in furtherance of a physician's plan of care, a health care facility's plan of care, medical diagnosis or treatment; or an officer, employee or agent of a health care provider acting in the course and scope of the officer's, employee's or agent's employment.

“Peer review” means the procedure for evaluation by health care ~~professionals~~ providers of the quality, delivery, and efficiency of services ordered or performed by other health care professionals, including practice analysis, inpatient hospital and extended care facility utilization review, medical audit, ambulatory care review, claims review and patient safety review, preparation for or simulation of audits or surveys of any kind, and all forms of quality assurance/performance improvement whether or not required by any statute, rule, or regulation applicable to a health care facility or health care provider.

~~“Professional society” includes medical, psychological, nursing, dental, optometric, pharmaceutical, chiropractic and podiatric organizations having as members at least a majority of the eligible licentiates in the area or health care facility or agency served by the particular organization~~

“Review organization” means any committee or organization, individual or group of individuals engaging in peer review, including, without limitation, a hospital medical executive committee and/or subcommittee thereof, a hospital utilization review committee, a hospital tissue committee, a medical audit committee, a health insurance review committee, a health maintenance organization review committee, hospital, medical, dental and health service corporation review committee, a hospital

plan corporation review committee, a professional health service plan review committee or organization, a dental review committee, a physicians' advisory committee, a podiatry advisory committee, a nursing advisory committee, any committee or organization established pursuant to a medical assistance program, the joint commission on accreditation of health care organizations or similar accrediting body or any entity established by such accrediting body or to fulfill the requirements of such accrediting body, any entity established pursuant to state or federal law for peer review purposes, and any committee established by one or more state or local professional societies or institutes, to gather and review information relating to the care and treatment of patients for the purposes of: (i) Evaluating and improving the quality of health care rendered; (ii) reducing morbidity or mortality; or (iii) establishing and enforcing guidelines designed to keep within reasonable bounds the cost of health care. It shall also mean any hospital board committee or organization reviewing the professional qualifications or activities of its medical staff or applicants for admission thereto, and any professional standards review organizations established or required under state or federal statutes or regulations.

### **§30-3C-3. Confidentiality of ~~review organization's~~ records.**

~~The proceedings and records of a review organization shall be confidential and privileged and shall not be subject to subpoena or discovery proceedings or be admitted as evidence in any civil action arising out of the matters which are subject to evaluation and review by such organization and no person who was in attendance at a meeting of such organization shall be permitted or required to testify in any such civil action as to any evidence or other matters produced or presented during the proceedings of such organization or as to any findings, recommendations, evaluations, opinions or other actions of such organization or any members thereof. *Provided,* That information, documents or records otherwise available from original sources are not to be construed as immune from discovery or use in any civil action merely because they were presented during proceedings of such organization, nor should any person who testifies before such organization or who is a member~~

~~of such organization be prevented from testifying as to matters within his knowledge, but the witness shall not be asked about his testimony before such an organization or opinions formed by him as a result of said organization hearings: *Provided, however,* That an individual may execute a valid waiver authorizing the release of the contents of his file pertaining to his own acts or omissions, and such waiver shall remove the confidentiality and privilege of said contents otherwise provided by this section: *Provided further,* That upon further review by any other review organization, upon judicial review of any finding or determination of a review organization or in any civil action filed by an individual whose activities have been reviewed, any testimony, documents, proceedings, records and other evidence adduced before any such review organization shall be available to such further review organization, the court and the individual whose activities have been reviewed. The court shall enter such protective orders as may be appropriate to provide for the confidentiality of the records provided the court by a review organization and all papers and records relating to the proceedings had before the reviewing court~~

(a) Any document prepared by or on behalf of a health care provider for the purpose of improving the quality, delivery, or efficiency of health care or for the purpose of credentialing or reviewing health care providers is confidential and privileged and shall not be subject to discovery in a civil action or administrative proceeding. Such documents include, without limitation:

(1) Nursing home, as referred to in W. Va. Code §55-7B-6(e), incident or event reports, except reports pertaining to the plaintiff of that civil action, or reports of same or similar incidents within a reasonable timeframe of the events at issue in the civil action, containing only factual information, but excluding personal identification information;

(2) Documents related to review organization proceedings for hiring, disciplining, terminating, credentialing, issuing staff privileges, renewing staff privileges, or alleged misconduct of a health care provider;

(3) Review organization documents;

(4) Quality control and performance improvement documents;

(5) Documents satisfying regulatory obligations related to quality assurance and performance improvement; and

(6) Reviews, audits, and recommendations of consultants or other persons or entities engaged in the performance of peer review.

(b) A person who testifies before a review organization, or who is a member of a review organization shall not be required to testify regarding, or be asked about, his or her testimony before such review organization, deliberations of the review organization, or opinions formed as a result of the review organization's proceedings. A person who testifies before a review organization, or who is a member of such organization, shall not be prevented from testifying in court or an administrative hearing as to matters within his or her personal knowledge.

(c) All peer review proceedings, communications, and documents of a review organization and all records developed or obtained during an investigation conducted pursuant to article 3, 3E, and/or 14 of this chapter shall be confidential and privileged and shall not be subject to discovery in any civil action or administrative proceeding: *Provided*, That an individual may be given access to any document that was used as the basis for an adverse professional review action against him or her, subject to such protective order as may be appropriate to maintain the confidentiality of the information contained therein. Privilege is not deemed to be waived unless the review organization executes a written waiver authorizing the release of such peer review proceedings, communications, or documents.

(d) Nothing in this section shall limit the disclosure of peer review proceedings, communications and documents by a review organization or a health care facility to a medical licensing board pursuant to the provisions of articles 3 and 14 of this chapter.

**§30-3C-5. Original source; waivers; further proceedings.**

Information available from original sources are not to be construed as immune from discovery or use in any civil action

merely because they were included in any report or analysis related to improving the quality, delivery, or efficiency of health care or for the purpose of credentialing or reviewing health care providers. However, no court may compel production of Documents contained in peer review files are not discoverable on the basis that they were not created as part of the peer review process; rather, the document must be produced from the original source. *Provided*, That if the party seeking production can show that obtaining source documents will be unduly burdensome, the court may, in its discretion, order production of the non-privileged documents contained in the peer review file.

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

Engrossed Committee Substitute for Senate Bill 434, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Rucker—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 434) passed with its title.

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

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

**Eng. Senate Bill 551**, Relating to failure of employers to make contributions on behalf of employees to retirement plan administered by CPRB.

On motion of Senator Ferns, the bill was taken up for immediate consideration.

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

**Eng. Senate Bill 551**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-10D-13; and to amend and reenact §61-10-20 of said code, all relating to failure of employers to make contributions on behalf of employees to a retirement plan administered by the Consolidated Public Retirement Board; authorizing the State Auditor, county commission, or sheriff of the county in which the employer is located to withhold moneys due to a public employer that is delinquent in required contributions to a retirement plan after the Consolidated Public Retirement Board has certified the delinquency; authorizing withheld moneys to be applied to the retirement system the delinquent payments would have been made to; providing for interest on delinquencies; requiring the Consolidated Public Retirement Board to provide notice to a participating employer thirty days prior to certifying a delinquency under this section; making it a criminal offense for persons who are responsible for ensuring that an entity complies with the requirements of a retirement plan administered by the Consolidated Public Retirement Board to knowingly and willfully fail to make employee or employer contributions to a retirement plan for a period of sixty days after the payment is due; and providing criminal penalties.

On motion of Senator Ferns, the following amendment to the House of Delegates amendment to the title of the bill (Eng. S. B. 551) was reported by the Clerk and adopted:

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



**Eng. Senate Bill 551**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-10D-13; and to amend and reenact §61-10-20 of said code, all relating to failure of employers to make contributions on behalf of employees to a retirement plan administered by the Consolidated Public Retirement Board; authorizing the State Auditor, county commission, or sheriff of the county in which the employer is located to withhold moneys due to an employer that is delinquent in required contributions to a retirement plan after the Consolidated Public Retirement Board has certified the delinquency; authorizing withheld moneys to be applied to the retirement system the delinquent payments would have been made to; providing for interest on delinquencies; requiring the Consolidated Public Retirement Board to provide notice to a participating employer thirty days prior to certifying a delinquency under this section; making it a criminal offense for persons who are responsible for ensuring that an entity complies with the requirements of a retirement plan administered by the Consolidated Public Retirement Board to knowingly and willfully fail to make employee or employer contributions to a retirement plan for a period of sixty days after the payment is due; and providing criminal penalties.

On motion of Senator Ferns, the Senate concurred in the House of Delegates amendment to the title of the bill, as amended.

Engrossed Senate Bill 551, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—31.

The nays were: Jeffries and Romano—2.

Absent: Rucker—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 551) passed with its Senate amended title.

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

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

**Eng. Com. Sub. for Senate Bill 556**, Creating small business and minority populations economic and workforce development taskforce to assist Economic Development Authority.

On motion of Senator Ferns, the bill was taken up for immediate consideration.

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

On page seven, section three, line one hundred fifty-two, after the word “businesses” by inserting the words “with less than seventy-five full-time employees or full-time equivalent employees,”;

On page seven, section three, line one hundred fifty-six, after the word “African-Americans” by inserting a comma and the words “American Indian, Alaskan Native, Hispanic (including persons of Mexican, Puerto Rican, Cuban, and Central or South American origin), Pacific Islander or other economically disadvantaged ethnic group,”;

And,

On page seven, section three, line one hundred fifty-seven, after the word “The” by inserting the words “Small and”.

On motion of Senator Swope, the following amendment to the House of Delegates amendments to the bill (Eng. Com. Sub. for S. B. 556) was reported by the Clerk and adopted:

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

**Eng. Com. Sub. for Senate Bill 556**—A Bill to amend and reenact §31-15-3 of the Code of West Virginia, 1931, as amended, relating to creation of a new taskforce within the West Virginia Economic Development Authority; making legislative findings; creating a Small Business and Minority Populations Economic and Workforce Development Taskforce to assist the Director of the Economic Development Authority in developing and implementing a procedure to address employment, labor force participation, and economic development problems of small business and low income and minority populations of West Virginia; designating members of taskforce; providing duties of taskforce; providing for reimbursement for reasonable and necessary expenses of expenses actually incurred by taskforce members in the performance of their duties; and developing a model project to be used as a model to promote the growth and development of small business to increase employment and labor force participation across West Virginia.

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

Engrossed Committee Substitute for Senate Bill 556, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Rucker—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 556) passed with its Senate amended title.

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

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

**Eng. Com. Sub. for Com. Sub. for Senate Joint Resolution 3, Judicial Budget Oversight Amendment.**

On motion of Senator Ferns, the resolution was taken up for immediate consideration.

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

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

That the question of ratification or rejection of an amendment to the Constitution of the State of West Virginia be submitted to the voters of the state at the next general election to be held in the year 2018, which proposed amendment is that section 51, article VI thereof be amended to read as follows:

## **ARTICLE VI.**

### **§51. Budget and supplementary appropriation bills.**

The Legislature shall not appropriate any money out of the treasury except in accordance with the provisions of this section.

#### **Subsection A – Appropriation Bills**

(1) Every appropriation bill shall be either a budget bill, or a supplementary appropriation bill, as hereinafter provided.

### Subsection B – Budget Bills

(2) ~~Within ten days after the convening of the regular session of the Legislature in odd-numbered years, unless such time shall be extended by the Legislature, On the second Wednesday of February in the year 2021 and every fourth year thereafter and on the second Wednesday of January in even-numbered all other years, unless a later time in any year be fixed by the Legislature,~~ the Governor shall submit to the Legislature a budget for the next ensuing fiscal year. The budget shall contain a complete plan of proposed expenditures and estimated revenues for the fiscal year and shall show the estimated surplus or deficit of revenues at the end of each fiscal year. Accompanying each budget shall be a statement showing: (a) An estimate of the revenues and expenditures for the current fiscal year, including the actual revenues and actual expenditures to the extent available, and the revenues and expenditures for the next preceding fiscal year; (b) the current assets, liabilities, reserves, and surplus or deficit of the state; (c) the debts and funds of the state; (d) an estimate of the state's financial condition as of the beginning and end of the fiscal year covered by the budget; and (e) any explanation the Governor may desire to make as to the important features of the budget and any suggestions as to methods for reduction or increase of the state's revenue.

(3) Each budget shall embrace an itemized estimate of the appropriations, in such form and detail as the Governor shall determine or as may be prescribed by law: (a) For the Legislature as certified to the Governor in the manner hereinafter provided; (b) for the executive department; (c) for the judiciary department, as provided by law, certified to the Governor by the Auditor; (d) for payment and discharge of the principal and interest of any debt of the state created in conformity with the constitution, and all laws enacted in pursuance thereof; (e) for the salaries payable by the state under the constitution and laws of the state; and (f) for such other purposes as are set forth in the constitution and in laws made in pursuance thereof.

(4) The Governor shall deliver to the presiding officer of each house the budget and a bill for all the proposed appropriations of

the budget clearly itemized and classified, in such form and detail as the Governor shall determine or as may be prescribed by law; and the presiding officer of each house shall promptly cause the bill to be introduced therein, and such bill shall be known as the "Budget Bill". The Governor may, with the consent of the Legislature, before final action thereon by the Legislature, amend or supplement the budget to correct an oversight, or to provide funds contingent on passage of pending legislation, and in case of an emergency, he or she may deliver such an amendment or supplement to the presiding officers of both houses; and the amendment or supplement shall thereby become a part of the budget bill as an addition to the items of the bill or as a modification of or a substitute for any item of the bill the amendment or supplement may affect.

(5) The Legislature shall not amend the budget bill so as to create a deficit but may amend the bill by increasing or decreasing any item therein: *Provided*, That ~~no item relating to the total appropriation relating to the judiciary shall not~~ be decreased, by more than ten percent compared to the appropriation for the prior fiscal year without a separate vote of the Legislature requiring a two-thirds vote of the members elected to each house determined by yeas and nays and entered on the journals: *Provided, however*, That such separate vote is not required if the percentage of decrease in the total appropriation relating to the judiciary is equivalent to or less than the percentage of decrease for the entire general revenue budget as compared to the prior fiscal year. ~~and except~~ Except as otherwise provided in this constitution, the salary or compensation of any public officer shall not be increased or decreased during his or her term of office: and *Provided further*, That the Legislature shall not increase the estimate of revenue submitted in the budget without the approval of the Governor.

(6) The Chief Justice of the Supreme Court of Appeals, the Governor, and such representatives of the executive departments, boards, officers, and commissions of the state expending or applying for state moneys as have been designated by the Governor for this purpose, shall have the right, and when requested by either house of the Legislature it shall be their duty, to appear and be

heard with respect to any budget bill, and to answer inquiries relative thereto.

### **Subsection C – Supplementary Appropriation Bills**

(7) Neither house shall consider other appropriations until the budget bill has been finally acted upon by both houses, and no such other appropriations shall be valid except: in accordance with the provisions following (a) Every such appropriation shall be embodied in a separate bill limited to some single work, object, or purpose therein stated and called therein a supplementary appropriation bill; (b) each supplementary appropriation bill shall provide the revenue necessary to pay the appropriation thereby made by a tax, direct or indirect, to be laid and collected as ~~shall be~~ directed in the bill unless it appears from such budget that there is sufficient revenue available.

### **Subsection D – General Provisions**

(8) If the budget bill shall not have been finally acted upon by the Legislature three days before the expiration of its regular session, the governor shall issue a proclamation extending the session for such further period as may, in his or her judgment, be necessary for the passage of the bill; but no matter other than the bill shall be considered during such an extension of a session except the matters detailed in section 14, article VII of this Constitution and a provision for the cost thereof.

(9) For the purpose of making up the budget, the Governor shall have the power and it shall be his or her duty, to require from the proper state officials, including herein all executive departments, all executive and administrative officers, bureaus, boards, commissions, and agencies expending or supervising the expenditure of, and all institutions applying for state moneys and appropriations, such itemized estimates and other information, in such form and at such times as he or she shall direct. The estimates for the legislative department, certified by the presiding officer of each house, and for the judiciary, as provided by law, certified by the Auditor, shall be transmitted to the Governor in such form and

at such times as he or she shall direct and shall be included in the budget.

(10) The Governor may provide for public hearings on all estimates and may require the attendance at such hearings of representatives of all agencies and all institutions applying for state moneys. After such public hearings he or she may, in his or her discretion, revise all estimates except those for the legislative and judiciary departments.

(11) Every budget bill or supplementary appropriation bill passed by a majority of the members elected to each house of the Legislature shall, before it becomes a law, be presented to the Governor. The Governor may veto the bill, or he or she may disapprove or reduce items or parts of items contained therein. If he or she approves, he or she shall sign it and thereupon, it shall become a law. The bill, items or parts thereof, disapproved or reduced by the Governor, shall be returned with his or her objections to each house of the Legislature.

Each house shall enter the objections at large upon its journal and proceed to reconsider. If, after reconsideration, two thirds of the members elected to each house agree to pass the bill, or such items or parts thereof, as were disapproved or reduced, the bill, items or parts thereof, approved by two thirds of such members, shall become law, notwithstanding the objections of the Governor. In all such cases, the vote of each house shall be determined by yeas and nays to be entered on the journal.

A bill, item or part thereof, which is not returned by the Governor within five days (Sundays excepted) after the bill has been presented to him or her shall become a law in like manner as if he or she had signed the bill, unless the Legislature, by adjournment, prevents such return, in which case it shall be filed in the office of the Secretary of State, within five days after such adjournment, and shall become a law; or it shall be so filed within such five days with the objections of the governor, in which case it shall become law to the extent not disapproved by the Governor.



(12) The Legislature may, from time to time, enact such laws, not inconsistent with this section, as may be necessary and proper to carry out its provisions.

(13) In the event of any inconsistency between any of the provisions of this section and any of the other provisions of the constitution, the provisions of this section shall prevail. But nothing herein shall be construed as preventing the Governor from calling extraordinary sessions of the Legislature, as provided by section nineteen of this article, or as preventing the Legislature at such extraordinary sessions from considering any emergency appropriation or appropriations.

(14) If any item of any appropriation bill passed under the provisions of this section shall be held invalid upon any ground, such invalidity shall not affect the legality of the bill or of any other item of such bill or bills.

*Resolved further*, That in accordance with the provisions of article eleven, chapter three of the Code of West Virginia, 1931, as amended, such amendment is hereby numbered "Amendment No. 1" and designated as the "Judicial Budget Oversight Amendment" and the purpose of the proposed amendment is summarized as follows: "Giving the Legislature the authority to reduce items in the budget related to the judiciary, preventing the Legislature from any decrease of the appropriation to the judiciary greater than ten percent without a two-thirds vote of each House of the Legislature; providing that such separate vote is not required if the total budget has been decreased by an equivalent proportion, providing that when requested by the Legislature, the Chief Justice of the Supreme Court of Appeals must appear and be heard and answer inquiries relative any budget bill, and conforming language relating to the introduction of the budget and matters that may be taken up during extended sessions to more recent amendments to the constitution.";

And,

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

**Eng. Com. Sub. for Com. Sub. for Senate Joint Resolution 3**—Proposing an amendment to the Constitution of the State of West Virginia, amending section 51, article VI thereof, relating to the state budget and related matters; giving the Legislature the authority to reduce items in the budget relating to the judiciary; providing that the Legislature may not make any law that conditions an increase or decrease of an item relating to the judiciary upon a particular ruling, order, or decision of a court of this state; providing rights and duties of the Chief Justice of the Supreme Court of Appeals relating to appearances before the Legislature and answering inquiries with respect to any budget bill; amending and adding language regarding when the Governor shall submit the budget to the Legislature and matters that may be considered during an extended session to conform the section to more recent amendments to the constitution; making technical corrections to gender related language; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

On motion of Senator Ferns, the following amendments to the House of Delegates amendments to the resolution (Eng. Com. Sub. for Com. Sub. for S. J. R. 3) were reported by the Clerk and considered simultaneously:

On page three, section fifty-one, Subsection B, lines forty-one through fifty-two, by striking out all of subdivision (5) and by inserting in lieu thereof a new subdivision, designated subdivision (5), to read as follows:

(5) The Legislature shall not amend the budget bill so as to create a deficit but may amend the bill by increasing or decreasing any item therein: *Provided*, That ~~no item relating to the judiciary shall be decreased~~, the Legislature may not decrease the total general revenue appropriations to the judiciary provided by the budget bill by more than fifteen percent of the amount of the total general revenue appropriations to the judiciary in the current fiscal year's budget without a separate vote of the Legislature approved by a two-thirds vote of the members elected to each house, determined by yeas and nays and entered on the journals. ~~and~~ Except as otherwise provided in this constitution, the salary or

compensation of any public officer shall not be increased or decreased during his or her term of office: and *Provided further however*, That the Legislature shall not increase the estimate of revenue submitted in the budget without the approval of the Governor.;

On page six, line one hundred nineteen, by striking out everything after the word “follows:” and inserting in lieu thereof the following: Providing that the total general revenue appropriations to the judiciary may be reduced in the budget bill, and setting forth the required procedures to be followed by the Legislature to enact any decrease of more than fifteen percent in the total general revenue appropriations to the judiciary provided in the budget bill from the total general revenue appropriations to the judiciary provided in the preceding budget bill; providing that when requested by the Legislature, the Chief Justice of the Supreme Court of Appeals must appear and be heard and answer inquiries relative any budget bill; and conforming language relating to the introduction of the budget and matters that may be taken up during extended sessions to more recent amendments to the constitution.;

And,

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

**Eng. Com. Sub. for Com. Sub. for Senate Joint Resolution 3**—Proposing an amendment to the Constitution of the State of West Virginia, amending section 51, article VI thereof, relating to the state budget and related matters; providing that total general revenue appropriations to the judiciary may be decreased in the budget bill; providing that the Legislature may not reduce the total general revenue appropriation to the judiciary provided by budget bill in an amount greater than fifteen percent of the total general revenue appropriation enacted in the current fiscal year’s budget unless such reduction is approved by a 2/3 vote of each house of the Legislature; providing rights and duties of the Chief Justice of the Supreme Court of Appeals relating to appearances before the Legislature and answering inquiries with respect to any budget bill;

amending and adding language regarding when the Governor shall submit the budget to the Legislature and matters that may be considered during an extended session to conform the section to more recent amendments to the constitution; making technical corrections to gender related language; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

Following discussion,

The question being on the adoption of Senator Ferns' amendments to the House of Delegates amendments to the resolution, the same was put and prevailed.

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

Engrossed Committee Substitute for Committee Substitute for Senate Joint Resolution 3, as amended, was then put upon its adoption.

On the adoption of the resolution, the yeas were: Arvon, Azinger, Baldwin, Blair, Boley, Boso, Clements, Cline, Drennan, Ferns, Gaunch, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—29.

The nays were: Beach, Facemire, Jeffries, and Romano—4.

Absent: Rucker—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the resolution (Eng. Com. Sub. for Com. Sub. for S. J. R. 3) adopted with its Senate amended title, as follows:

**Eng. Com. Sub. for Senate Joint Resolution 3—**Proposing an amendment to the Constitution of the State of West Virginia, amending section 51, article VI thereof, relating to the state budget and related matters; providing that total general

revenue appropriations to the judiciary may be decreased in the budget bill; providing that the Legislature may not reduce the total general revenue appropriation to the judiciary provided by budget bill in an amount greater than fifteen percent of the total general revenue appropriation enacted in the current fiscal year's budget unless such reduction is approved by a 2/3 vote of each house of the Legislature; providing rights and duties of the Chief Justice of the Supreme Court of Appeals relating to appearances before the Legislature and answering inquiries with respect to any budget bill; amending and adding language regarding when the Governor shall submit the budget to the Legislature and matters that may be considered during an extended session to conform the section to more recent amendments to the constitution; making technical corrections to gender related language; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

*Resolved by the Legislature of West Virginia, two thirds of the members elected to each house agreeing thereto:*

That the question of ratification or rejection of an amendment to the Constitution of the State of West Virginia be submitted to the voters of the state at the next general election to be held in the year 2018, which proposed amendment is that section 51, article VI thereof be amended to read as follows:

## **ARTICLE VI.**

### **§51. Budget and supplementary appropriation bills.**

The Legislature shall not appropriate any money out of the treasury except in accordance with the provisions of this section.

#### **Subsection A – Appropriation Bills**

(1) Every appropriation bill shall be either a budget bill, or a supplementary appropriation bill, as hereinafter provided.

#### **Subsection B – Budget Bills**

(2) ~~Within ten days after the convening of the regular session of the Legislature in odd-numbered years, unless such time shall be extended by the Legislature, On the second Wednesday of February in the year 2021 and every fourth year thereafter and on the second Wednesday of January in even-numbered all other years, unless a later time in any year be fixed by the Legislature,~~ the Governor shall submit to the Legislature a budget for the next ensuing fiscal year. The budget shall contain a complete plan of proposed expenditures and estimated revenues for the fiscal year and shall show the estimated surplus or deficit of revenues at the end of each fiscal year. Accompanying each budget shall be a statement showing: (a) An estimate of the revenues and expenditures for the current fiscal year, including the actual revenues and actual expenditures to the extent available, and the revenues and expenditures for the next preceding fiscal year; (b) the current assets, liabilities, reserves, and surplus or deficit of the state; (c) the debts and funds of the state; (d) an estimate of the state's financial condition as of the beginning and end of the fiscal year covered by the budget; and (e) any explanation the Governor may desire to make as to the important features of the budget and any suggestions as to methods for reduction or increase of the state's revenue.

(3) Each budget shall embrace an itemized estimate of the appropriations, in such form and detail as the Governor shall determine or as may be prescribed by law: (a) For the Legislature as certified to the Governor in the manner hereinafter provided; (b) for the executive department; (c) for the judiciary department, as provided by law, certified to the Governor by the Auditor; (d) for payment and discharge of the principal and interest of any debt of the state created in conformity with the constitution, and all laws enacted in pursuance thereof; (e) for the salaries payable by the state under the constitution and laws of the state; and (f) for such other purposes as are set forth in the constitution and in laws made in pursuance thereof.

(4) The Governor shall deliver to the presiding officer of each house the budget and a bill for all the proposed appropriations of the budget clearly itemized and classified, in such form and detail

as the Governor shall determine or as may be prescribed by law; and the presiding officer of each house shall promptly cause the bill to be introduced therein, and such bill shall be known as the "Budget Bill". The Governor may, with the consent of the Legislature, before final action thereon by the Legislature, amend or supplement the budget to correct an oversight, or to provide funds contingent on passage of pending legislation, and in case of an emergency, he or she may deliver such an amendment or supplement to the presiding officers of both houses; and the amendment or supplement shall thereby become a part of the budget bill as an addition to the items of the bill or as a modification of or a substitute for any item of the bill the amendment or supplement may affect.

(5) The Legislature shall not amend the budget bill so as to create a deficit but may amend the bill by increasing or decreasing any item therein: *Provided*, That ~~no item relating to the judiciary shall be decreased,~~ the Legislature may not decrease the total general revenue appropriations to the judiciary provided by the budget bill by more than fifteen percent of the amount of the total general revenue appropriations to the judiciary in the current fiscal year's budget without a separate vote of the Legislature approved by a two-thirds vote of the members elected to each house, determined by yeas and nays and entered on the journals. ~~and~~ Except as otherwise provided in this constitution, the salary or compensation of any public officer shall not be increased or decreased during his or her term of office: and *Provided further however*, That the Legislature shall not increase the estimate of revenue submitted in the budget without the approval of the Governor.

(6) The Chief Justice of the Supreme Court of Appeals, the Governor, and such representatives of the executive departments, boards, officers, and commissions of the state expending or applying for state moneys as have been designated by the Governor for this purpose, shall have the right, and when requested by either house of the Legislature it shall be their duty, to appear and be heard with respect to any budget bill, and to answer inquiries relative thereto.

### **Subsection C – Supplementary Appropriation Bills**

(7) Neither house shall consider other appropriations until the budget bill has been finally acted upon by both houses, and no such other appropriations shall be valid except: in accordance with the provisions following (a) Every such appropriation shall be embodied in a separate bill limited to some single work, object, or purpose therein stated and called therein a supplementary appropriation bill; (b) each supplementary appropriation bill shall provide the revenue necessary to pay the appropriation thereby made by a tax, direct or indirect, to be laid and collected as ~~shall be~~ directed in the bill unless it appears from such budget that there is sufficient revenue available.

### **Subsection D – General Provisions**

(8) If the budget bill shall not have been finally acted upon by the Legislature three days before the expiration of its regular session, the governor shall issue a proclamation extending the session for such further period as may, in his or her judgment, be necessary for the passage of the bill; but no matter other than the bill shall be considered during such an extension of a session except the matters detailed in section 14, article VII of this Constitution and a provision for the cost thereof.

(9) For the purpose of making up the budget, the Governor shall have the power and it shall be his or her duty, to require from the proper state officials, including herein all executive departments, all executive and administrative officers, bureaus, boards, commissions, and agencies expending or supervising the expenditure of, and all institutions applying for state moneys and appropriations, such itemized estimates and other information, in such form and at such times as he or she shall direct. The estimates for the legislative department, certified by the presiding officer of each house, and for the judiciary, as provided by law, certified by the Auditor, shall be transmitted to the Governor in such form and at such times as he or she shall direct and shall be included in the budget.



(10) The Governor may provide for public hearings on all estimates and may require the attendance at such hearings of representatives of all agencies and all institutions applying for state moneys. After such public hearings he or she may, in his or her discretion, revise all estimates except those for the legislative and judiciary departments.

(11) Every budget bill or supplementary appropriation bill passed by a majority of the members elected to each house of the Legislature shall, before it becomes a law, be presented to the Governor. The Governor may veto the bill, or he or she may disapprove or reduce items or parts of items contained therein. If he or she approves, he or she shall sign it and thereupon, it shall become a law. The bill, items or parts thereof, disapproved or reduced by the Governor, shall be returned with his or her objections to each house of the Legislature.

Each house shall enter the objections at large upon its journal and proceed to reconsider. If, after reconsideration, two thirds of the members elected to each house agree to pass the bill, or such items or parts thereof, as were disapproved or reduced, the bill, items or parts thereof, approved by two thirds of such members, shall become law, notwithstanding the objections of the Governor. In all such cases, the vote of each house shall be determined by yeas and nays to be entered on the journal.

A bill, item or part thereof, which is not returned by the Governor within five days (Sundays excepted) after the bill has been presented to him or her shall become a law in like manner as if he or she had signed the bill, unless the Legislature, by adjournment, prevents such return, in which case it shall be filed in the office of the Secretary of State, within five days after such adjournment, and shall become a law; or it shall be so filed within such five days with the objections of the governor, in which case it shall become law to the extent not disapproved by the Governor.

(12) The Legislature may, from time to time, enact such laws, not inconsistent with this section, as may be necessary and proper to carry out its provisions.

(13) In the event of any inconsistency between any of the provisions of this section and any of the other provisions of the constitution, the provisions of this section shall prevail. But nothing herein shall be construed as preventing the Governor from calling extraordinary sessions of the Legislature, as provided by section nineteen of this article, or as preventing the Legislature at such extraordinary sessions from considering any emergency appropriation or appropriations.

(14) If any item of any appropriation bill passed under the provisions of this section shall be held invalid upon any ground, such invalidity shall not affect the legality of the bill or of any other item of such bill or bills.

*Resolved further*, That in accordance with the provisions of article eleven, chapter three of the Code of West Virginia, 1931, as amended, such amendment is hereby numbered "Amendment No. 1" and designated as the "Judicial Budget Oversight Amendment" and the purpose of the proposed amendment is summarized as follows: Providing that the total general revenue appropriations to the judiciary may be reduced in the budget bill, and setting forth the required procedures to be followed by the Legislature to enact any decrease of more than fifteen percent in the total general revenue appropriations to the judiciary provided in the budget bill from the total general revenue appropriations to the judiciary provided in the preceding budget bill; providing that when requested by the Legislature, the Chief Justice of the Supreme Court of Appeals must appear and be heard and answer inquiries relative any budget bill; and conforming language relating to the introduction of the budget and matters that may be taken up during extended sessions to more recent amendments to the constitution.

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

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

**Eng. Com. Sub. for House Bill 2916**, Authorizing certain first responders to carry firearms.

On motion of Senator Ferns, the bill was taken up for immediate consideration.

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

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

**Eng. Com. Sub. for House Bill 2916**—A Bill to amend of the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-3-6 and to amend and reenact §6-3-1a of said code all relating to authorizing the carrying of firearms; authorizing investigators employed by the Attorney General to carry a concealed handgun while engaged in official duties; requiring such investigators to obtain and maintain a concealed handgun license; establishing training and recertification requirements; authorizing certain reserve deputy sheriffs to carry firearms; requiring written permission of the sheriff to carry a firearm while acting as a reserve deputy sheriff; authorizing the carrying of a firearm by on-duty reserve deputies only for purposes of defense of self or others, establishing qualifications to carry; specifying the training required for such persons to be eligible to carry a firearm; and allowing for reimbursement for the cost of the training.

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

Engrossed Committee Substitute for House Bill 2916, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Smith,

Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Rucker—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2916) passed with its House of Delegates amended title.

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

The Senate again proceeded to the fifth order of business.

Senator Trump, from the committee of conference on matters of disagreement between the two houses, as to

**Eng. Senate Bill 545**, Relating to driving privileges and requirements for persons under 18.

Submitted the following report, which was received:

Your committee of conference on the disagreeing votes of the two houses as to the amendment of the House to Engrossed Senate Bill 545 having met, after full and free conference, have agreed to recommend and do recommend to their respective houses, as follows:

That the Senate agree to the amendment of the House of Delegates to the bill striking out everything after the enacting clause, excepting section three-a, subsection (e);

That the House recede from its amendment on page five, section three-a, subsection (e), and that both houses agree to a new section three-a, subsection (e), to read as follows:

(e) *Level three, full Class E license Terms and conditions of level three, full Class E driver's license.* — The level three license is valid until 30 days after the date the licensee attains his or her

twenty-first birthday. A holder of a level three, full Class E driver's license who is under the age of 18 years is prohibited from using a wireless communication device while operating a motor vehicle, unless the use of the wireless communication device is for contacting a 9-1-1 system. Unless otherwise provided in this section or any other section of this code, the holder of a level three, full Class E license is subject to the same terms and conditions as the holder of a regular Class E driver's license.

A level two intermediate licensee whose privilege to operate a motor vehicle has not been suspended, revoked, or otherwise canceled and who meets all other requirements of the code may be issued a level three, full Class E license without further examination or road skills testing if the licensee:

(1) Has reached the age of 17 years; and

(A) Presents a completed application as prescribed by ~~the provisions of §17B-2-6 of this code;~~

(B) Has held the level two intermediate license conviction free for the 12-month period immediately preceding the date of the application;

(C) Has completed any driver improvement program required under ~~paragraph (G), subdivision (2), subsection (d) of this section §17B-2-3a(d)(2)(H) of this code;~~ and

(D) Pays a fee of \$2.50 for each year the license is valid. An additional fee of 50 cents shall be collected to be deposited in the Combined Voter Registration and Driver's Licensing Fund established in §3-2-12 of this code;

(E) Presents a driver's eligibility certificate or otherwise shows compliance with ~~the provisions of §18-8-11 of this code;~~ or

(2) Reaches the age of 18 years; and

(A) Presents a completed application as prescribed by ~~the provisions of §17B-2-6 of this code;~~ and

(B) Pays a fee of \$5 for each year the license is valid. The Division of Motor Vehicles may adjust this fee every five years on September 1, based on the U. S. Department of Labor, Bureau of Labor Statistics most current Consumer Price Index: *Provided*, That an increase in such fee may not exceed 10 percent of the total fee amount in a single year. An additional fee of 50 cents shall be collected to be deposited in the Combined Voter Registration and Driver's Licensing Fund established in §3-2-12 of this code.;

And,

That the Senate agree to the House amended title.

Respectfully submitted,

Charles S. Trump IV, *Chair*, Ryan W. Weld (*did not sign*),  
Michael A. Woelfel, *Conferees on the part of the Senate*.

Mark Zatezalo, *Chair*, Ray Hollen, Phil Isner, *Conferees on the part of the House of Delegates*.

On motions of Senator Trump, severally made, the report of the committee of conference was taken up for immediate consideration and adopted.

Engrossed Senate Bill 545, as amended by the conference report, was then put upon its passage.

On the passage of the bill, as amended, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Rucker—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 545) passed with its House of Delegates amended title.

Senator Ferns moved that the bill take effect from passage.

On this question, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Rucker—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 545) takes effect from passage.

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

### **Filed Conference Committee Reports**

The Clerk announced the following conference committee report had been filed at 3:16 p.m. today:

**Eng. Senate Bill 282**, Exempting State Conservation Committee from Purchasing Division requirements for contracts related to flood recovery.

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

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

**Eng. Com. Sub. for House Bill 4001**, Relating to eligibility and fraud requirements for public assistance.

On motion of Senator Ferns, the Senate refused to recede from its amendments to the bill and requested the appointment of a

committee of conference of three from each house on the disagreeing votes of the two houses.

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

Senators Maroney, Weld, and Plymale.

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

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

**Eng. Com. Sub. for House Bill 4447**, Providing for a uniform and efficient system of broadband conduit installation.

On motion of Senator Ferns, the Senate refused to recede from its amendments to the bill and requested the appointment of a committee of conference of three from each house on the disagreeing votes of the two houses.

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

Senators Boso, Sypolt, and Plymale.

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

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

**Eng. House Bill 4629**, Relating to broadband enhancement and expansion policies generally.

On motion of Senator Ferns, the Senate refused to recede from its amendments to the bill and requested the appointment of a



committee of conference of three from each house on the disagreeing votes of the two houses.

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

Senators Smith, Gaunch, and Jeffries.

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

The Senate proceeded to the fourth order of business.

Senator Maynard, from the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 10th day of March, 2018, 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. 2693)**, Relating to state ownership of wildlife.

**(Com. Sub. for H. B. 2983)**, Granting priority to roadway construction, reconstruction and maintenance for roadways prone to recurring floods that hinder ingress and egress.

**(Com. Sub. for H. B. 4015)**, Relating to the management and continuous inventory of vehicles owned, leased, operated, or acquired by the state and its agencies.

**(Com. Sub. for H. B. 4142)**, Providing certain employees of the Division of Corrections, Division of Juvenile Services, and West Virginia Regional Jail and Correctional Facility Authority a salary adjustment.

**(Com. Sub. for H. B. 4180)**, Relating to wildlife resources.

**(Com. Sub. for H. B. 4207)**, Authorizing an online application to receive a commission to act as a notary public, and eliminating the bond requirement.

**(Com. Sub. for H. B. 4230)**, Relating to credit for reinsurance.

**(Com. Sub. for H. B. 4236)**, Requiring agencies to provide an annual inventory of real property holdings to the Real Estate Division.

**(Com. Sub. for H. B. 4289)**, Relating to disability pensions of municipal employees.

**(Com. Sub. for H. B. 4343)**, Relating to the delivery of financial statements to bank shareholders.

**(Com. Sub. for H. B. 4347)**, Relating to voluntary contributions to the West Virginia State Police Forensic Laboratory Fund.

**(H. B. 4422)**, Permitting permanent endowment funds of cemeteries to invest their principal in certain government bonds, and corporate bonds.

**(Com. Sub. for H. B. 4433)**, Declaring certain claims against an agency of the state to be moral obligations of the state.

And,

**(H. B. 4621)**, Relating to removing reference to certain entities with respect to work.

Respectfully submitted,

Mark R. Maynard,  
*Chair, Senate Committee.*  
Roger Hanshaw,  
*Chair, House Committee.*

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

Your Committee on Finance has had under consideration

**Eng. House Bill 4626**, Relating to West Virginia innovative mine safety technology tax credit act.

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

Respectfully submitted,

Craig Blair,  
*Chair.*

At the request of Senator Ferns, unanimous consent being granted, the bill (Eng. H. B. 4626) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time, and ordered to second reading.

On motion of Senator Ferns, the constitutional rule requiring a bill to be read on three separate days was suspended by a vote of four fifths of the members present, taken by yeas and nays.

On suspending the constitutional rule, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Rucker—1.

The bill was read a second time and ordered to third reading.

Having been engrossed, the bill (Eng. H. B. 4626) was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Smith,

Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Rucker—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 4626) passed with its title.

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

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

Your Committee on Transportation and Infrastructure has had under consideration

**Senate Concurrent Resolution 23**, Betty Jo Delong Memorial Bridge.

**Senate Concurrent Resolution 48**, US Army MSG Monty Ray Skeen, Sr., Memorial Bridge.

**Senate Concurrent Resolution 49**, US Army PFC Robert “Bobby” Tate, Jr., Memorial Bridge.

**House Concurrent Resolution 2**, U. S. Marine Corps PFC James Ralph Heeter Memorial Bridge.

**House Concurrent Resolution 9**, U. S. Air Force Major Neil L. Ferrell Memorial Bridge.

**Com. Sub. for House Concurrent Resolution 13**, U. S. Army SGM Bill E. Jeffrey Memorial Road.

**House Concurrent Resolution 25**, U. S. Army SPC David A. Hess Memorial Bridge.

**Com. Sub. for House Concurrent Resolution 30**, U. S. Army PFC Victor Allen Mazitis, Jr. Memorial Bridge.

**House Concurrent Resolution 35**, USMC LCpl George W. Henry, Jr. Memorial Bridge.

**Com. Sub. for House Concurrent Resolution 45**, U. S. Air Force Reserves 2nd Lieutenant Richard E. Tyson Memorial Bridge.

**House Concurrent Resolution 61**, U. S. Army PFC Cornelious Wiley Memorial Bridge.

**House Concurrent Resolution 65**, U. S. Army CPL George Browning Memorial Road.

**House Concurrent Resolution 68**, U. S. Army SGT Douglas Thompson Memorial Road.

**House Concurrent Resolution 77**, Deputy Sheriff Jesse R. Browning Memorial Road.

**House Concurrent Resolution 78**, U. S. Marine Corps PFC Danny Marshall Memorial Bridge.

And,

**House Concurrent Resolution 88**, U. S. Air Force Capt. Clarence Virgil Slack, Jr. Memorial Bridge.

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

Respectfully submitted,

Gregory L. Boso,  
*Chair.*

At the request of Senator Ferns, unanimous consent being granted, the resolutions (S. C. R. 23, 48, and 49; H. C. R. 2, 9, 25, 35, 61, 65, 68, 77, 78, and 88; and Com. Sub. for H. C. R. 13, 30, and 45) contained in the preceding report from the Committee on

Transportation and Infrastructure were taken up for immediate consideration and considered simultaneously.

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

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

Thereafter, at the request of Senator Woelfel, and by unanimous consent, the remarks by Senator Plymale regarding the adoption of Committee Substitute for House Concurrent Resolution 45 were ordered printed in the Appendix to the Journal.

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

Your Committee on Transportation and Infrastructure has had under consideration

**Senate Concurrent Resolution 52**, Deputy Sheriff John Janey Memorial Bridge.

And reports back a committee substitute for same as follows:

**Com. Sub. for Senate Concurrent Resolution 52** (originating in the Committee on Transportation and Infrastructure)—Requesting the Division of Highways name bridge number 40-64-36.24, EB-WB (40A067, 40A069), locally known as Cow Creek Road Bridge, carrying Interstate 64 over Cow Creek Road in Putnam County, the “Deputy Sheriff Jonathan Janey Memorial Bridge”.

Whereas, Jonathan Dwayne Janey was born on March 2, 1957, in South Charleston, West Virginia; and

Whereas, Jonathan Janey was a lifelong resident of Putnam County, West Virginia, and became a deputy in the Putnam County Sheriff’s Office in 1980. He dutifully served the people of his community for nine years; and

Whereas, In August 1989, Deputy Jonathan Janey received information that a house located on Cow Creek Road in Putnam County may be targeted for arson, and he conducted a stakeout of this residence; and

Whereas, During the night of his stakeout, Deputy Janey saw a man enter the house carrying two jugs and spreading the contents of the jugs on the floor of the house. The man saw Deputy Janey and attempted to flee. Deputy Janey apprehended him and managed to put one handcuff on him, but the man spun around and struck Deputy Janey on the head with the other portion of the handcuffs. The man grabbed Deputy Jonathan Janey's firearm and shot him twice in the chest. After Deputy Janey fell to the ground, the man shot him once more, this time in the head. So ended Deputy Jonathan Janey's final shift shortly after 1:15 a.m. on August 17, 1989. The culprit was later convicted and sentenced to life in prison and has never been paroled; and

Whereas, It is fitting that an enduring memorial be established to commemorate Deputy Sheriff Jonathan Janey and his contributions to his county and state; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 40-64-36.24, EB-WB (40A067, 40A069), locally known as Cow Creek Road Bridge, carrying Interstate 64 over Cow Creek Road in Putnam County, the "Deputy Sheriff Jonathan Janey Memorial Bridge"; and, be it

*Further Resolved,* That the Division of Highways is hereby requested to make and be place signs identifying the bridge as the "Deputy Sheriff Jonathan Janey Memorial Bridge"; and, be it

*Further Resolved,* That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways.

With the recommendation that the committee substitute be adopted.

Respectfully submitted,

Gregory L. Boso,  
*Chair.*

At the request of Senator Boso, unanimous consent being granted, the resolution (Com. Sub. for S. C. R. 52) contained in the preceding report from the Committee on Transportation and Infrastructure was taken up for immediate consideration.

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

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

At the request of Senator Ojeda, and by unanimous consent, Senator Ojeda addressed the Senate regarding the House of Delegates' action as to Senate Concurrent Resolution 1 (*US Army SGT Denver E. Short Memorial Road*).

At the request of Senator Woelfel, unanimous consent being granted, Senator Woelfel addressed the Senate regarding the Legislature's actions on adopting certain concurrent resolutions.

At the request of Senator Beach, and by unanimous consent, Senator Beach addressed the Senate regarding the Senate's action as to Senate Concurrent Resolution 13 (*Jeffrey Alan Clovis Memorial Bridge*).

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

Your Committee on Transportation and Infrastructure has had under consideration

**House Concurrent Resolution 62**, Pocahontas County Veterans Memorial Bridge.

And has amended same.

And,



**House Concurrent Resolution 75**, PVT George Howell, Continental Army Memorial Highway.

And has amended same.

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

Respectfully submitted,

Gregory L. Boso,  
*Chair.*

At the request of Senator Boso, unanimous consent being granted, House Concurrent Resolution 62 contained in the preceding report from the Committee on Transportation and Infrastructure was taken up for immediate consideration.

The following amendments to the resolution (H. C. R. 62), from the Committee on Transportation and Infrastructure, were reported by the Clerk, considered simultaneously, and adopted:

On page two, in the Resolved clause, by striking out the words “be named the Pocahontas County veterans Memorial Bridge” and inserting in lieu thereof the following: the “Pocahontas County Veterans Memorial Bridge”;

And,

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

**House Concurrent Resolution 62**—Requesting the Division of Highways to name bridge number 38-39-21.66 (38A053), locally known as Marlinton City Bridge, carrying WV 39 over the Greenbrier River in Pocahontas County, the “Pocahontas County Veterans Memorial Bridge”.

The question being on the adoption of the resolution (H. C. R. 62), as amended, the same was put and prevailed.

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

At the request of Senator Boso, unanimous consent being granted, House Concurrent Resolution 75 contained in the preceding report from the Committee on Transportation and Infrastructure was taken up for immediate consideration.

The following amendments to the resolution (H. C. R. 75), from the Committee on Transportation and Infrastructure, were reported by the Clerk, considered simultaneously, and adopted:

On page two, in the Resolved clause, by striking out the words “PVT George Howell, Continental Army Memorial Highway” and inserting in lieu thereof the words “Continental Army PVT George Howell Memorial Highway”;

On page two, in the first Further Resolved clause, by striking out the words “PVT George Howell, Continental Army Memorial Highway” and inserting in lieu thereof the words “Continental Army PVT George Howell Memorial Highway”;

And,

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

**House Concurrent Resolution 75**—Requesting the Division of Highways name WV Route 46, from its intersection with County Route 3 to its intersection with County Route 42/3 in Mineral County the “Continental Army PVT George Howell Memorial Highway”.

The question being on the adoption of the resolution (H. C. R. 75), as amended, the same was put and prevailed.

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

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Ferns, at 3:43 p.m., the Senate recessed until 5 p.m. today.

The Senate reconvened at 5:31 p.m. today and again proceeded to the fifth order of business.

### **Filed Conference Committee Reports**

The Clerk announced the following conference committee report had been filed at 5:32 p.m. today:

**Eng. Com. Sub. for Senate Bill 582**, Allowing candidate for political party executive committee serve as election official.

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

A message from the Clerk of the House of Delegates announced that that body had agreed to the appointment of a committee of conference of three from each house on the disagreeing votes of the two houses, as to

**Eng. Com. Sub. for House Bill 4001**, Relating to eligibility and fraud requirements for public assistance.

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

Delegates Shott, Hollen, and Canestraro.

At the request of Senator Maroney, and by unanimous consent, Senator Maroney announced a meeting of the committee of conference as to Engrossed Committee Substitute for House Bill 4001 (*Relating to eligibility and fraud requirements for public assistance*).

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

**Eng. Com. Sub. for Com. Sub. for Senate Joint Resolution 3, Judicial Budget Oversight Amendment.**

On motion of Senator Ferns, the resolution was taken up for immediate consideration.

On motion of Senator Ferns, the Senate refused to recede from its amendments to the resolution and requested the appointment of a committee of conference of three from each house on the disagreeing votes of the two houses.

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

Senators Trump, Weld, and Woelfel.

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

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

The Senate again proceeded to the third order of business.

**Executive Communications**

Senator Carmichael (Mr. President) laid before the Senate the following communication from His Excellency, the Governor, consisting of executive nominations for appointees:

**Jim Justice**  
**Governor of West Virginia**

March 10, 2018

**Senate Executive Message No. 5**  
**Regular Session 2018**

TO: The Honorable Members of the  
West Virginia Senate

Ladies and Gentlemen:

I respectfully submit the following nominations for your advice and consent:

1. For Member, Fire Commission, Edward J. George, Charleston, Kanawha County, for the term ending June 30, 2022.
2. For Member and Chair, West Virginia Health Care Authority, William Tanzey II, Charleston, Kanawha County, for the term ending June 30, 2023.
3. For Member, West Virginia Health Care Authority, Sandy Dunn, Point Pleasant, Mason County, for the term ending June 30, 2023.
4. For Member, Board of Control for Southern Regional Education, The Honorable Thomas W. Campbell, Lewisburg, Greenbrier County, for the term ending June 30, 2021.
5. For Member, Mountwest Community and Technical College Board of Governors, Mark A. Morgan, Barboursville, Cabell County, for the term ending June 30, 2020.
6. For Member, Mountwest Community and Technical College Board of Governors, David A. Earl, Huntington, Wayne County, for the term ending June 30, 2020.
7. For Member, West Virginia Board of Osteopathic Medicine, Michael A. Muscari, Pineville, Wyoming County, for the term ending June 30, 2022.
8. For Member, West Virginia Board of Osteopathic Medicine, Tiffany Kitts Thymius, Daniels, Raleigh County, for the term ending June 30, 2022.

9. For Member, West Virginia Parole Board, Lewis J. Gonzales II, Parkersburg, Wood County, for the term ending June 30, 2023.
10. For Member, Bluefield State College Board of Governors, Vicki K. Mays, Bluefield, Virginia, for the term ending June 30, 2021.
11. For Member, Concord University Board of Governors, Santina St. John, Princeton, Mercer County, for the term ending June 30, 2020.
12. For Member, Fairmont State University Board of Governors, Dixie Yann, Fairmont, Marion County, for the term ending June 30, 2021.
13. For Member, Fairmont State University Board of Governors, John Schirripa, Bridgeport, Harrison County, for the term ending June 30, 2021.
14. For Member, Fairmont State University Board of Governors, William Mark Hart, Denver, Colorado, for the term ending June 30, 2021.
15. For Member, Blue Ridge Community and Technical College Board of Governors, William L. Stubblefield, Martinsburg, Berkeley County, for the term ending June 30, 2021.
16. For Member, Blue Ridge Community and Technical College Board of Governors, James C. Rodgers, Martinsburg, Berkeley County, for the term ending June 30, 2021.
17. For Member, Consolidated Public Retirement Board, Joe L. Lynch, Charleston, Kanawha County, for the term ending June 30, 2022.
18. For Member, Consolidated Public Retirement Board, William A. Barker, Jr., West Columbia, Mason County, for the term ending June 30, 2022.

19. For Member, West Virginia Northern Community and Technical College Board of Governors, John E. Wright IV, Wheeling, Ohio County, for the term ending June 30, 2021.
20. For Member, West Virginia Northern Community and Technical College Board of Governors, Shelly L. Thomas, Wheeling, Ohio County, for the term ending June 30, 2021.
21. For Member, West Virginia Contractor Licensing Board, Steven B. Solomon, Morgantown, Monongalia County, for the term ending June 30, 2020.
22. For Member, West Virginia Contractor Licensing Board, Mike Stone, Morgantown, Monongalia County, for the term ending June 30, 2020.
23. For Member, Marshall University Board of Governors, James Shawn Ball, Daniels, Raleigh County, for the term ending June 30, 2021.
24. For Member, Southern West Virginia Community and Technical College Board of Governors, Mason E. White II, Logan, Logan County, for the term ending June 30, 2021.
25. For Member, Southern West Virginia Community and Technical College Board of Governors, Kevin Zachary, Chapmanville, Logan County, for the term ending June 30, 2021.
26. For Member, Southern West Virginia Community and Technical College Board of Governors, J. Chris Adkins, Danville, Boone County, for the term ending June 30, 2019.
27. For Member, Southern West Virginia Community and Technical College Board of Governors, Pat J. White, Man, Logan County, for the term ending June 30, 2021.
28. For Member, Southern West Virginia Community and Technical College Board of Governors, Eddie J.

Canterbury, Logan, Logan County, for the term ending June 30, 2020.

29. For Member, Southern West Virginia Community and Technical College Board of Governors, Samuel A. Stewart, Matheny, Wyoming County, for the term ending June 30, 2020.
30. For Member, Economic Development Authority, Patrick R. Esposito II, Morgantown, Monongalia County, for the term ending June 30, 2020.

Notice of these appointments was previously provided to the appropriate legislative staff at the time the appointments were made.

Sincerely,

Jim Justice  
Governor

cc: Clerk of the Senate  
Assistant Clerk of the Senate  
Senate Confirmations Chair

Which communication was received.

At the request of Senator Ferns, and by unanimous consent, the nominations hereinbefore reported were taken up for immediate consideration.

Thereupon, Senator Carmichael (Mr. President) laid before the Senate the following executive message:

**Senate Executive Message 5**, dated March 10, 2018, (*shown in the Senate Journal of today, immediately hereinbefore reported*).

Senator Ferns then moved that the Senate advise and consent to all of the executive nominations referred to in Senate Executive Message 5.



The question being on the adoption of Senator Ferns' aforestated motion.

The roll was then taken; and

On this question, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Arvon and Rucker—2.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared Senator Ferns' aforestated motion had prevailed.

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Consideration of executive nominations having been concluded,

The Senate resumed business under the third order.

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

**Eng. Com. Sub. for Senate Bill 288**, Regulating cremation, embalming and directing of funeral service.

On motion of Senator Ferns, the bill was taken up for immediate consideration.

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

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

**CHAPTER 9. HUMAN SERVICES.**

**ARTICLE 5. MISCELLANEOUS PROVISIONS.**

**§9-5-9. DIRECT CREMATION OR DIRECT BURIAL EXPENSES FOR INDIGENT PERSONS.**

(a) For the purposes of this section:

‘Direct burial’ means the removal of the remains from the place of death; casket for the deceased and transportation to a West Virginia cemetery.

‘Direct cremation’ includes the removal of the remains from the place of death; container; and crematory fees.

‘Spouse’ means the person to whom the decedent was legally married and who survived the decedent: *Provided*, That a petition for divorce had not been filed by either the decedent or the spouse prior to the decedent’s death.

(b) The Department of Health and Human Resources shall pay for direct cremation or direct burial for indigent persons in an amount not to exceed the actual cost of the direct cremation or direct burial service provided, or \$1000 whichever is less.

(c) Prior to paying for direct cremation or direct burial, the department shall determine the financial assets of a deceased person and whether or not the deceased’s estate or any of his or her relatives who are liable for the direct cremation or direct burial expenses pursuant to subsection (d) of this section is financially able to pay, alone or in conjunction, for the direct cremation or direct burial expenses. The Department of Health and Human Resources shall require that an affidavit be filed with the department, in a form provided by and determined in accordance with the income guidelines as set forth by the department, as well as any other supporting financial information the department may require, including, but not limited to, bank statements and income

tax information of the deceased person and the relatives of the deceased person who are liable for the direct cremation or direct burial expenses pursuant to section nine of this article. The affidavit must be:

(1) Signed by the heir or heirs-at-law and state that the estate of the deceased person is unable to pay the costs associated with direct cremation or direct burial and that the sole or combined assets of the heir or heirs-at-law are not sufficient to pay for the direct cremation or direct burial of the deceased person; or

(2) Signed by the county coroner or the county health officer, the attending physician or other person signing the death certificate or the state medical examiner stating that the deceased person has no heirs or that heirs have not been located after a reasonable search and that the deceased person had no estate or the estate is pecuniarily unable to pay the costs associated with direct cremation or direct burial.

(d) The relatives of an indigent person, who are of sufficient ability, shall be liable to pay the direct cremation or direct burial expenses in the following order:

(1) The spouse.

(2) The children.

(3) The parents.

(4) The brothers and sisters.

(e) The Department of Health and Human Resources may proceed by motion in the circuit court of the county in which the indigent person may be, against one or more of the relatives liable.

(f) If a relative so liable does not reside in this state and has no estate or debts due him or her within the state by means of which the liability can be enforced against him or her, the other relatives shall be liable as provided by this section.

(g) The liability of the relative of an indigent person for funeral service expenses is limited to the amount paid by the Department of Health and Human Resources.

(h) Payment for direct burials or direct cremations for indigents shall be made by the Department of Health and Human Resources to the West Virginia funeral director licensed pursuant to §30-6-6 of this code or a crematory operator certificated pursuant to §30-6-11 of this code that provided the direct burial or direct cremation, as the department may determine, pursuant to appropriations for expenditures made by the Legislature. Nothing in this section shall prohibit a family from holding a memorial service for the indigent person: *Provided That* payment under this section is limited to direct burial and direct cremation and may not include payment for a memorial service.

(i) In the event that no family members can be found, or refuse to participate, an application for payment of direct cremation or direct burial for indigent persons may be submitted to the Department of Health and Human Resources by the provider of such services.

(j) A direct cremation may not be made of the decedent if objectionable pursuant to decedent's religion or otherwise prohibited by federal law, state law or regulation, in which case, alternate funeral service expenses shall be substituted. In the absence of a religious objection or prohibition by federal law, state law or regulation, an indigent for which payment under this section is authorized shall be cremated.

(k) A person who knowingly swears falsely in an affidavit required by this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$1,000 or confined in jail for a period of not more than six months, or both fined and confined.

## **CHAPTER 30. PROFESSIONS AND OCCUPATIONS.**

### **ARTICLE 6. BOARD—OF FUNERAL SERVICE EXAMINERS AND CREMATORY SERVICES.**

**§30-6-1. License or certificate required to practice.**

The practice of preparing dead human bodies for burial or cremation and the subsequent burial or cremation thereof has serious public health and safety considerations and should only be practiced by a person who has specific training in those fields.

Therefore, the Legislature hereby finds that to protect the public interest a person must have a license or certificate, as provided in this article, to provide funeral services and practice embalming, funeral directing and cremation and to operate a funeral establishment ~~and~~ or crematory in the State of West Virginia.

**§30-6-2. ~~Short title~~ Definitions.**

~~This article shall be known and may be cited as the ‘West Virginia Funeral Service Examiners Act’.~~

(a) ‘Apprentice’ means a person who is preparing to become a funeral services licensee and is learning the practice of embalming, funeral directing, or cremation under the direct supervision and personal instruction of a funeral services license holder.

(b) ‘Board’ means the West Virginia Board of Funeral Service Examiners.

(c) ‘Certificate’ means the authorization to perform crematory services pursuant to this article.

(d) ‘Cremains’ means all human remains, including foreign matter cremated with the human, recovered after the completion of cremation.

(e) ‘Cremation’ means the mechanical or thermal process whereby a dead human body is reduced to ashes and bone fragments and then further reduced by additional pulverization or re-cremating when necessary.

(f) ‘Crematory’ means a licensed place of business where a deceased human body is reduced to ashes and bone fragments and

includes a crematory that stands alone or is part of or associated with a funeral establishment.

(g) ‘Crematory operator’ means a person certified by the secretary to operate a crematory.

(h) ‘Crematory operator in charge’ means a certified crematory operator who accepts responsibility for the operation of a crematory.

(i) ‘Deceased’ means a dead human being for which a death certificate is required.

(j) ‘Embalming’ means the practice of introducing chemical substances, fluids, or gases used for the purpose of preservation or disinfection into the vascular system or hollow organs of a dead human body by arterial or hypodermic injection for the restoration of the physical appearance of a deceased.

(k) ‘Funeral’ means a service, ceremony, or rites performed for the deceased with a body present.

(l) ‘Funeral directing’ means the business of engaging in the following:

(1) The shelter, custody, or care of a deceased;

(2) The preparation of a deceased for burial or other disposition;

(3) The arranging or supervising of a funeral or memorial service for a deceased; and

(4) The maintenance of a funeral establishment for the preparation, care, or disposition of a deceased.

(m) ‘Funeral director’ means a person licensed to practice funeral directing.

(n) ‘Funeral establishment’ means a licensed place of business devoted to: The care, preparation, and arrangements for the transporting, embalming, funeral, burial, or other disposition of a

deceased. A funeral establishment can include a licensed crematory.

(o) 'Funeral service licensee' means a person licensed to practice embalming and funeral directing.

(p) 'License' means a license, which is not transferable or assignable, to:

(1) Practice embalming and funeral directing; or

(2) Operate a funeral establishment.

'Licensee' means a person holding a license issued under the provisions of this article.

(q) 'Licensee in charge' means the holder of a funeral services license who accepts responsibility for the operation of a funeral establishment.

(r) 'Memorial service' means a service, ceremony, or rites performed for the deceased without a body present.

(s) 'Person' means an individual, partnership, association, corporation, not-for-profit organization, or any other organization.

(t) 'Registration' means a registration to be an apprentice to learn the practice of embalming, funeral directing, or cremation.

**§30-6-3. Definitions Termination of West Virginia Board of Funeral Service Examiners; transfer of functions and responsibilities to Secretary of State.**

As used in this article, the following words and terms have the following meanings, unless the context clearly indicates otherwise:

(a) 'Apprentice' means a person who is preparing to become a licensed funeral director and embalmer and is learning the practice of embalming, funeral directing or cremation under the direct supervision and personal instruction of a duly licensed embalmer or funeral director.

~~(b) ‘Authorized representative’ means a person legally authorized or entitled to order the cremation of the deceased, as established by rule. An authorized representative may include in the following order of precedence:~~

~~(1) The deceased, who has expressed his or her wishes regarding the disposal of their remains through a last will and testament, an advance directive or preneed funeral contract, as defined in section two, article fourteen, chapter forty five of this code;~~

~~(2) The surviving spouse of the deceased, unless a petition to dissolve the marriage was pending at the time of decedent’s death;~~

~~(3) An individual previously designated by the deceased as the person with the right to control disposition of the deceased’s remains in a writing signed and notarized by the deceased: *Provided*, That no person may be designated to serve in such capacity for more than one nonrelative at any one time;~~

~~(4) The deceased’s next of kin;~~

~~(5) A court order;~~

~~(6) A public official who is charged with arranging the final disposition of an indigent deceased; or~~

~~(7) A representative of an institution who is charged with arranging the final disposition of a deceased who donated his or her body to science.~~

~~(c) ‘Board’ means the West Virginia Board of Funeral Service Examiners.~~

~~(d) ‘Certificate’ means a certification by the board to be a crematory operator.~~

~~(e) ‘Courtesy card holder’ means a person who only practices funeral directing periodically in West Virginia and is a licensed embalmer and funeral director in a state which borders West Virginia.~~



~~(f) 'Cremated remains' or 'cremains' means all human remains, including foreign matter cremated with the human, recovered after the completion of cremation.~~

~~(g) 'Cremation' means the mechanical or thermal process whereby a dead human body is reduced to ashes and bone fragments and then further reduced by additional pulverization, burning or recremating when necessary.~~

~~(h) 'Crematory' means a licensed place of business where a deceased human body is reduced to ashes and bone fragments and includes a crematory that stands alone or is part of or associated with a funeral establishment.~~

~~(i) 'Crematory operator' means a person certified by the board to operate a crematory.~~

~~(j) 'Crematory operator in charge' means a certified crematory operator who accepts responsibility for the operation of a crematory.~~

~~(k) 'Deceased' means a dead human being for which a death certificate is required.~~

~~(l) 'Embalmer' means a person licensed to practice embalming.~~

~~(m) 'Embalming' means the practice of introducing chemical substances, fluids or gases used for the purpose of preservation or disinfection into the vascular system or hollow organs of a dead human body by arterial or hypodermic injection for the restoration of the physical appearance of a deceased.~~

~~(n) 'Funeral' means a service, ceremony or rites performed for the deceased with a body present.~~

~~(o) 'Funeral directing' means the business of engaging in the following:~~

~~(1) The shelter, custody or care of a deceased;~~

~~(2) The preparation of a deceased for burial or other disposition;~~

~~(3) The arranging or supervising of a funeral or memorial service for a deceased; and~~

~~(4) The maintenance of a funeral establishment for the preparation, care or disposition of a deceased.~~

~~(p) 'Funeral director' means a person licensed to practice funeral directing.~~

~~(q) 'Funeral establishment' means a licensed place of business devoted to: the care, preparation and arrangements for the transporting, embalming, funeral, burial or other disposition of a deceased. A funeral establishment can include a licensed crematory.~~

~~(r) 'Funeral service licensee' means a person licensed after July 1, 2003, to practice embalming and funeral directing.~~

~~(s) 'License' means a license, which is not transferable or assignable, to:~~

~~(1) Practice embalming and funeral directing;~~

~~(2) Operate a crematory or a funeral establishment.~~

~~(t) 'Licensee' means a person holding a license issued under the provisions of this article.~~

~~(u) 'Licensee in charge' means a licensed embalmer and funeral director who accepts responsibility for the operation of a funeral establishment.~~

~~(v) 'Memorial service' means a service, ceremony or rites performed for the deceased without a body present.~~

~~(w) 'Mortuary' means a licensed place of business devoted solely to the shelter, care and embalming of the deceased.~~

~~(x) 'Person' means an individual, partnership, association, corporation, not for profit organization or any other organization.~~

~~(y) 'Registration' means a registration issued by the board to be an apprentice to learn the practice of embalming, funeral directing or cremation.~~

~~(z) 'State' means the State of West Virginia.~~

(a) The West Virginia Board of Funeral Service Examiners, previously established under this article, shall terminate on June 30, 2018. Any license, certificate, or registration issued by that board prior to July 1, 2018 shall remain in effect for the period specified at the time the license, certificate, or registration was issued.

(b) Prior to July 1, 2018, the board may continue to receive applications for licenses, certificates, and registrations and for renewal of the same as previously required by law. The board and its staff shall continue to act on those applications and, up until the date of termination, issue licenses, certificates, and registrations to applicants providing complete and sufficient applications, as appropriate.

(c) Upon the effective date of the enactment of amendments to this section during the 2018 regular session of the Legislature, and prior to the termination of the board, complaints alleging unprofessional conduct against any licensee, certificate holder, or registrant shall be submitted to the Secretary of State for investigation.

(d) Prior to July 1, 2018, the board and its staff shall take all reasonable and necessary measures to terminate the board's existing contracts and leases effective June 30, 2018, under the terms of those contracts, or, in coordination with the Secretary of State, arrange for the transfer of those contracts and leases to the Secretary of State. The board and its staff shall arrange for all records, data, equipment, and other tangible property owned by the board to be transferred to the Secretary of State prior to July 1, 2018.

(e) On July 1, 2018, the Secretary of State shall assume all powers, functions, and duties of the former board, as detailed in this article.

(f) All licenses, certificates, or registrations issued by the board after the effective date of the amendment of this section in the 2018 regular session of the Legislature, but prior to the termination of the board, shall be valid if signed both by the executive director of the board and by any member of the board or, in the absence of any available member of the board, by the Secretary of State.

(1) If, due to resignation or retirement of its staff, the board is unable to complete the review of applications for renewal of licenses or other authorizations to practice by June 30, 2018, as provided under this article, the Secretary of State may grant temporary authorizations to applicants to continue to practice for up to 60 days while the applications are reviewed by the secretary.

(2) If, due to resignation or retirement of the board's staff, and in the absence of any members of the board, the board ceases to fulfill its statutory functions, the Secretary of State may ask the State Auditor to find that no spending officer exists to authorize expenditures from fund 8504, known as the Funeral Service Examiners Operating Fund. If the State Auditor makes this finding in writing, the Secretary of State shall then be authorized to expend money from that fund to carry out the requirements of this article until there is a transfer of moneys to the new special revenue account created pursuant to §30-6-5 of this code.

(g) The Secretary of State shall educate members of the public concerning the transfer of responsibilities from the Board of Funeral Service Examiners to the Secretary of State, including the manner in which complaints alleging violations of this article or misconduct by licensees under this article may be submitted to the Secretary of State.

**§30-6-4. Board of funeral service examiners Rule-making authority; carryover of existing rules; authorization for emergency rules.**

~~(a) The 'West Virginia Board of Embalmers and Funeral Directors' is hereby continued and shall, after June 30, 2002, be known as the 'West Virginia Board of Funeral Service Examiners'. The members of the board in office on July 1, 2002 shall, unless~~

~~sooner removed, continue to serve until their respective terms expire and until their successors have been appointed and qualified.~~

~~(b) Commencing with the board terms beginning July 1, 2002, the board shall consist of seven members appointed for terms of four years by the Governor, by and with the advice and consent of the Senate. Five members must be licensed embalmers and funeral directors, and one member must be a citizen member who is not licensed, certified or registered under the provisions of this article and who is not a person who performs any services related to the practice of embalming or funeral directing. Commencing with the board terms beginning July 1, 2002, the Governor shall appoint, by and with the advice and consent of the Senate, one person who operates a crematory in West Virginia which person shall replace the current board member whose term ended on June 30, 2002. The crematory operator who is appointed for the term commencing July 1, 2002, shall register and be certified, pursuant to the provisions of this article. Any crematory operator appointed thereafter shall be certified, pursuant to the provisions of this article.~~

~~(c) Each licensed member of the board, at the time of his or her appointment, must have held a license in this state for a period of not less than five years immediately preceding the appointment and each member must be a resident of this state during the appointment term. Each certified member must abide by the provisions of subsection (b) of this section. Board members must represent at least four different geographic regions of the state.~~

~~(d) No member may serve more than two consecutive full terms and any member having served two full terms may not be appointed for one year after completion of his or her second full term. A member shall continue to serve until his or her successor has been appointed and qualified.~~

~~(e) The Governor may remove any member from the board for neglect of duty, incompetency or official misconduct.~~

~~(f) Any member of the board immediately and automatically forfeits his or her membership if he or she has his or her license or certificate to practice suspended or revoked by the board, is~~

~~convicted of a felony under the laws of any state or the United States or becomes a nonresident of this state.~~

~~(g) The board shall annually elect one of its members as president and one of its members as secretary.~~

~~(h) Each member of the board shall receive compensation and expense reimbursement in accordance with section eleven, article one of this chapter.~~

(a) The Secretary of State shall propose rules for legislative approval in accordance with the provisions of §29A-3-1 et seq. of this code to implement the provisions of this article including, but not limited to, the following:

(1) The general practice of embalming, funeral directing, and cremating, and operating a funeral establishment and crematory;

(2) The issuing and renewing of licenses, certificates, and courtesy cards, including establishing a staggered biennial renewal schedule;

(3) The requirements for inactive licensees;

(4) The registration and regulation of apprentices;

(5) Establish a cremation procedure and crematory requirements;

(6) Establish inspection requirements for funeral establishments and crematories, including an inspection of a new facility and annual inspections of existing facilities;

(7) Establish inspector and investigator requirements;

(8) Setting the fees charged under the provisions of this article;

(9) Setting the fines assessed under the provisions of this article;

(10) Setting requirements for continuing education for licensees;

(11) Denying, suspending, revoking, reinstating, or limiting the practice of a licensee or certificate of qualification;

(12) The investigation and resolution of complaints against persons licensed, certified, or registered under this article;

(13) Establish advertising standards; and

(14) Propose any other rules necessary to effectuate the provisions of this article.

(b) All rules promulgated by the West Virginia Board of Funeral Service Examiners and in effect on the effective date of the amendments to this article enacted during the 2018 regular session of the Legislature shall remain in effect and may be applied or enforced by the Secretary of State until the secretary proposes new rules to supersede the rules currently in effect: *Provided*, That these rules shall expire on July 1, 2021, if not superseded sooner. The secretary is authorized to request the repeal, pursuant to the provisions of §29A-3-1a(b) of this code, of any rules previously promulgated by the West Virginia Board of Funeral Service Examiners.

(c) If the Secretary of State chooses during the 2018 calendar year to propose rules for legislative approval to supersede or update the rules previously promulgated by the West Virginia Board of Funeral Service Examiners, the secretary may initiate the rule-making process with a notice of proposed rulemaking as provided within §29A-3-5 of this code prior to October 1, 2018, and, notwithstanding the time limit specified in §29A-3-12(a) of this code, the Legislative Rule-Making Review Committee shall consider and review the rules for approval for introduction in the 2019 regular session of the Legislature. If the secretary proposes a rule for legislative approval pursuant to this section, the secretary is also authorized to promulgate a corresponding emergency rule pursuant to the provisions of §29A-3-15 of this code.

**§30-6-5. Powers of the board Crematory operator certificate requirements.**

~~The board has all the powers set forth in article one of this chapter and in addition may:~~

~~(1) Sue and be sued in its official name as an agency of this state;~~

~~(2) Hire, fix the compensation of and discharge an executive director;~~

~~(3) Hire, fix the compensation of and discharge the employees necessary to enforce the provisions of this article;~~

~~(4) Set the requirements to be an inspector;~~

~~(5) Examine and determine the qualifications of any applicant for a license;~~

~~(6) Determine the qualifications of any applicant for a certificate;~~

~~(7) Set cremation procedures and requirements;~~

~~(8) Set the fees charged under the provisions of this article;~~

~~(9) Set the fines assessed under the provisions of this article;~~

~~(10) Issue, renew, deny, suspend, revoke or reinstate licenses and certificates and discipline licensees and certificate holders;~~

~~(11) Set the continuing education requirements for licensees and certificate holders;~~

~~(12) Investigate alleged violations of the provisions of this article and the rules promulgated hereunder, and orders and final decisions of the board;~~

~~(13) Conduct hearings upon charges calling for discipline of a licensee or revocation or suspension of a license;~~

~~(14) Propose rules in accordance with the provisions of article three, chapter twenty-nine-a of this code to implement the provisions of this article; and~~

~~(15) Take all other actions necessary and proper to effectuate the purposes of this article.~~



In order to operate a crematory lawfully in this state, the operator must be certified by the Secretary of State. The secretary shall issue a certificate to be a crematory operator to an applicant who meets the following requirements:

(1) Has completed a class, authorized by the secretary, on cremation and operating a crematory;

(2) Has paid all the appropriate fees; and

(3) Has completed such other requirements as prescribed by the secretary.

**§30-6-6. ~~Rule-making—authority~~ Funeral service license requirements.**

~~(a) The board shall propose rules for legislative approval in accordance with the provisions of article three, chapter twenty-nine a of this code to implement the provisions of this article including, but not limited to, the following:~~

~~(1) The general practice of embalming, funeral directing and cremating, and operating a funeral establishment and crematory: *Provided*, That the board cannot require that an applicant for a license to operate a funeral establishment or crematory have either an embalmer's or funeral director's license, or a certificate to operate a crematory.~~

~~(2) The examinations administered under this article;~~

~~(3) The issuing and renewing of licenses, certificates and courtesy cards, including establishing a staggered biennial renewal schedule;~~

~~(4) The requirements for inactive licensees;~~

~~(5) The registration and regulation of apprentices;~~

~~(6) Establish a cremation procedure and crematory requirements;~~

~~(7) Establish inspection requirements for funeral establishments and crematories, including an inspection of a new facility and annual inspections of existing facilities;~~

~~(8) Establish inspector and investigator requirements;~~

~~(9) Setting the fees charged under the provisions of this article;~~

~~(10) Setting the fines assessed under the provisions of this article;~~

~~(11) Implementing requirements for continuing education for licensees;~~

~~(12) Denying, suspending, revoking, reinstating or limiting the practice of a licensee or certificate of qualification;~~

~~(13) The investigation and resolution of complaints against persons licensed, certified or registered under this article;~~

~~(14) Establish advertising standards; and~~

~~(15) Propose any other rules necessary to effectuate the provisions of this article.~~

~~(b) All rules in effect on the effective date of this article shall remain in effect until they are withdrawn, revoked or amended.~~

The Secretary of State shall issue a license to practice embalming and funeral directing, which license shall be known as a funeral service license, to an applicant who meets the following requirements:

(1) Is of good moral character;

(2) Is 18 years of age or older;

(3) Is a citizen of the United States or is eligible for employment in the United States;

(4) Holds a high school diploma or its equivalent;

(5) Has completed one of the following education requirements, as evidenced by a transcript submitted to the secretary for evaluation:

(A) (i) Has an associate's degree from an accredited college or university, or has successfully completed at least 60 semester hours or 90 quarter hours of academic work in an accredited college or university toward a baccalaureate degree with a declared major field of study; and

(ii) Has graduated from a school of mortuary science, accredited by the American Board of Funeral Service Education, Inc., which requires as a prerequisite to graduation the completion of a course of study of not less than 12 months; or

(B) Has a bachelor's degree in mortuary science from an accredited college or university;

(6) Has completed an apprenticeship established by the Secretary of State pursuant to §30-6-9 of this code; and

(7) Has paid all the appropriate fees.

### **§30-6-7. Fees; special revenue account; administrative fines**

(a) All fees and other moneys, except administrative fines, received by the ~~board~~ Secretary of State shall be deposited in a separate special revenue fund in the state Treasury and be used for the administration of this article. ~~Except as may be provided in section eleven, article one of this chapter, the board shall retain the amounts in the special revenue account from year to year. No compensation or expense incurred under this article is a charge against the General Revenue Fund.~~ The Secretary of State is authorized to expend moneys of the fund from collections to carry out the provisions of this article. No compensation or expense incurred under this article is a charge against the General Revenue Fund.

(b) Any amounts received as administrative fines imposed pursuant to this article shall be deposited into the General Revenue Fund of the state Treasury.

(c) On June 30, 2019, and each year thereafter, any amounts in the fund created pursuant to this section of the code over \$250,000 shall revert to the General Revenue Fund.

**§30-6-8. Embalmer license requirements Licenses and certificates or equivalent authorizations from another state; courtesy cards.**

~~(a) The board shall issue a license to practice embalming to an applicant who:~~

~~(1) Is of good moral character;~~

~~(2) Is eighteen years of age or over;~~

~~(3) Is a citizen of the United States or is eligible for employment in the United States;~~

~~(4) Has a high school diploma or its equivalent;~~

~~(5) Has completed one of the following education requirements, as evidenced by a transcript submitted to the board for evaluation:~~

~~(A) (i) Has an associate degree from an accredited college or university; or~~

~~(ii) Has successfully completed at least sixty semester hours or ninety quarter hours of academic work in an accredited college or university toward a baccalaureate degree with a declared major field of study; and (iii) Has graduated from a school of mortuary science, accredited by the American Board of Funeral Service Education, Inc., which requires as a prerequisite to graduation the completion of a course of study of not less than twelve months; or~~

~~(B) Has a bachelor degree in mortuary science from an accredited college or university;~~

~~(6) Has completed a one year apprenticeship, under the supervision of a licensed embalmer and funeral director actively and lawfully engaged in the practice of embalming and funeral directing in this state, which apprenticeship consisted of:~~

~~(A) Diligent attention to the work in the course of regular and steady employment and not as a side issue to another employment; and~~

~~(B) The apprentice taking an active part in:~~

~~(i) The operation of embalming not less than thirty five dead human bodies; and~~

~~(ii) Conducting not less than thirty five funeral services;~~

~~(7) Passes, with an average score of not less than seventy five percent, the following examinations:~~

~~(A) The National Conference of Funeral Services examination at a testing site provided by the national conference, which passage is a condition precedent to taking the state law examination;~~

~~(B) The state law examination administered by the board, which examination must be offered at least twice each year; and~~

~~(C) Any other examination required by the board; and~~

~~(8) Has paid all the appropriate fees.~~

~~(b) A license to practice embalming issued by the board prior to July 1, 2012, shall for all purposes be considered a license issued under this section: *Provided*, That a person holding a license issued prior to July 1, 2012, must renew the license pursuant to the provisions of this article.~~

(a) The secretary shall issue a funeral service license or a certificate to be a crematory operator to an applicant of good moral character who holds a valid license or a certificate or its equivalent to practice from another state or jurisdiction if the applicant demonstrates that:

(1) He or she holds a license or certificate or its equivalent to practice in another state or jurisdiction which was granted after completion of educational requirements substantially equivalent to those required in this state;

(2) He or she holds a license or its equivalent to practice in another state which was granted after passing, in that or another state, an examination that is substantially equivalent to the examination required in this state;

(3) Reciprocal rights are provided by such other state or jurisdiction to holders of funeral services licenses and certificates granted in this state;

(4) He or she is not currently being investigated by a disciplinary authority of another state, does not have charges pending against his or her license or something equivalent to practice and has never had a license or equivalent authorization to practice revoked;

(5) He or she has not previously failed an examination for funeral service license in this state;

(6) He or she has paid the application fee specified by rule; and

(7) He or she has completed such other action as required by rules promulgated by the secretary.

(b) The Secretary of State may enter into reciprocal agreements with funeral services and crematory licensing authorities in other states for the mutual recognition of licenses between states.

(c) The secretary may issue courtesy cards, beginning on July 1, 2018, to funeral services license holders in the states bordering on West Virginia:

(1) A courtesy card may only be issued after the:

(A) Application for a courtesy card is made on a form prescribed by the secretary;

(B) Payment of a fee; and

(C) Adherence to such other requirements as specified by the secretary by rule;

(2) A courtesy card may only be issued under the following conditions:

(A) Holders of courtesy cards shall not be permitted to open or operate a place of business for the purpose of conducting funerals, embalming bodies, or cremating in the State of West Virginia; and

(B) Holders of courtesy cards shall not be permitted to maintain an office or agency in this state for the purpose of conducting funerals, embalming bodies, or cremating in the State of West Virginia;

(3) A violation of §30-6-8(c)(2) of this code shall be sufficient cause for the secretary to immediately revoke or cancel the courtesy card of the violator.

### **§30-6-9. Funeral director license requirements Apprenticeship.**

~~(a) The board shall issue a license to practice funeral directing to an applicant who meets the following requirements:~~

- ~~(1) Holds an embalmer's license issued by the board; and~~
- ~~(2) Has paid all the appropriate fees.~~

~~(b) A license to practice funeral directing issued by the board prior to July 1, 2002, shall for all purposes be considered a license issued under this section: *Provided*, That a person holding a license issued prior to July 1, 2002, must renew the license pursuant to the provisions of this article.~~

(a) The Secretary of State shall issue a registration to be an apprentice to a funeral services licensee to an applicant who meets the following requirements:

- (1) Is of good moral character and temperate habits;
- (2) Is 18 years of age or older;

(3) Is a citizen of the United States or eligible for employment in the United States;

(4) Has a high school diploma or its equivalent;

(5) Has completed one of the education requirements for a funeral service licensee as set out in §30-6-6(5) of this code;

(6) Is not attending school and will not be attending school during the apprenticeship period; and

(7) Has paid the appropriate fees.

(b) The secretary may set the requirements for an apprenticeship, including the manner in which it shall be served and the length of time, which shall not be more than one year.

(c) No funeral services licensee shall be permitted to register or have registered more than five apprentices under his or her license at the same time.

**§30-6-10. Funeral service license requirements Funeral establishment license requirements.**

~~(a) Commencing July 1, 2003, the board shall issue a license to practice embalming and funeral directing, which license shall be known as a funeral service license, to an applicant who meets the following requirements:~~

~~(1) Is of good moral character;~~

~~(2) Is eighteen years of age or over;~~

~~(3) Is a citizen of the United States or is eligible for employment in the United States;~~

~~(4) Holds a high school diploma or its equivalent;~~

~~(5) Has completed one of the education requirements for an embalmer's license, set out in subdivision (5), subsection (a), section eight of this article; and~~

~~(6) Has paid all the appropriate fees.~~



~~(b) A license to practice embalming and funeral directing issued by the board prior to July 1, 2003, shall for all purposes be considered a license issued under this section.~~

~~(c) A person holding a license to practice embalming and funeral directing issued prior to July 1, 2003, must after July 1, 2003, renew his or her license pursuant to the provisions of this section.~~

~~(d) After July 1, 2003, wherever the terms ‘license to practice embalming and funeral directing’ or ‘embalming and funeral directing license’ are used in the code, the term ‘funeral service license’ shall apply.~~

(a) Every funeral establishment in West Virginia shall be licensed prior to opening a funeral establishment for business to the public. The secretary shall issue a license to operate a funeral establishment to an applicant who meets the following requirements:

(1) The place of business has been approved by the secretary as having met all the requirements and qualifications to be a funeral establishment as are required by this article and legislative rules promulgated pursuant thereto;

(2) Notify the secretary, in writing, at least 30 days before the proposed opening date, so there can be an inspection of the funeral establishment;

(3) Show proof that the funeral establishment passed an annual inspection;

(4) Show that the funeral establishment employs a licensee in charge;

(5) Show that the licensee in charge will manage the funeral establishment and be responsible for all business conducted and services performed therein;

(6) Pay all the appropriate fees; and

(7) Complete such other requirements as specified by the secretary.

(b) Every separate funeral establishment shall be operated under the supervision and management of a licensee in charge. Each funeral establishment shall display in all advertising the name of the licensee in charge of the establishment. All funeral establishments shall prominently display within the funeral establishment the license of the licensee in charge.

(c) Each funeral establishment license shall be valid for only one funeral establishment to be located at a specific street address. There shall be a separate license issued and a separate fee assessed to operate additional funeral establishments by the same applicant. The funeral establishment license shall be prominently displayed within the funeral establishment.

(d) The holder of a funeral establishment license who ceases to operate the funeral establishment at the location specified in the application shall, within 20 days thereafter, surrender the funeral establishment license to the secretary, and the license shall be canceled by the secretary. In the event of the death of an individual who was the holder of a funeral establishment license, it shall be the duty of the holder's personal representative to surrender the funeral establishment license within 120 days of qualifying as the personal representative.

(e) If a licensee or certificate holder in charge ceases to be employed by a funeral establishment, then the holder of the funeral establishment license shall notify the secretary within 30 days of the cessation. Within 30 days after such notification, the holder of a funeral establishment license shall execute a new application for a funeral establishment license specifying the name of the new licensee in charge. A funeral establishment is prohibited from operating more than 30 days without a licensee in charge.

(f) A licensee or certificate holder whose funeral service license has been revoked or a holder of a license or certificate to operate a funeral establishment whose license to operate has been revoked shall not operate, either directly or indirectly, or hold any

interest in any funeral establishment or crematory for so long as the funeral service license or license or certificate to operate a funeral establishment is revoked: *Provided*, That a holder of a license or certificate to operate a funeral establishment whose license or certificate to operate has been revoked is not prohibited from leasing any property owned by him or her for use as a funeral establishment, so long as the property owner does not participate in the control or profit of the funeral establishment except as lessor of the premises for a fixed rental not dependent upon earnings.

(g) Failure to comply with any of these provisions shall be grounds for revocation of a funeral establishment license.

### **§30-6-11. Crematory operator certificate requirements.**

~~(a) All crematory operators shall be certified by the board. The board shall issue a certificate to be a crematory operator to an applicant who meets the following requirements:~~

~~(1) Has completed a class, authorized by the board, on cremation and operating a crematory;~~

~~(2) Has paid all the appropriate fees; and~~

~~(3) Has completed such other requirements as prescribed by the board.~~

~~(b) All persons currently operating crematories shall by January 1, 2003, register with the board. By July 1, 2003, all persons currently operating crematories shall obtain a certificate to operate a crematory, pursuant to the provisions of this section.~~

~~(c) All certificates must be renewed biennially upon or before July 1.~~

~~(d) After July 1, 2003, all licensed crematories must have a certified crematory operator in charge.~~

secretary, who shall issue a crematory certificate to an applicant who meets the following requirements:

(1) The place of business has been approved by the secretary as having met all the requirements and qualifications to be a crematory as are required by this article;

(2) The crematory conforms with all local building codes;

(3) The crematory meets all applicable environmental standards;

(4) Notify the secretary, in writing, at least 30 days before the proposed opening date so there can be an inspection of the crematory;

(5) Show proof that the crematory passed the inspection;

(6) Have a certified crematory operator in charge;

(7) Pay all the appropriate fees; and

(8) Complete such other requirements as specified by the secretary.

(b) Every separate crematory shall be operated under the supervision and management of a certificate holder in charge. Each crematory shall display in all advertising the name of the certificate holder in charge of the establishment. All crematories shall prominently display within the funeral establishment the certificate of the certificate holder in charge.

(c) Each crematory certificate shall be valid for only one crematory to be located at a specific street address. There shall be a separate certificate issued and a separate fee assessed to operate additional crematories by the same applicant. The crematory certificate shall be prominently displayed within the crematory.

(d) The holder of a crematory certificate who ceases to operate the crematory at the location specified in the application shall, within 20 days thereafter, surrender the crematory certificate to the secretary, and the license shall be canceled by the secretary. In the event of the death of an individual who was the holder of a crematory certificate the holder's personal representative shall

surrender the crematory certificate within 120 days of qualifying as the personal representative.

(e) If a certified crematory operator in charge ceases to be employed by a crematory, then the holder of the crematory certificate shall notify the secretary within 30 days of the cessation. Within 30 days after such notification, the holder of a crematory certificate shall execute a new application for a crematory certificate specifying the name of the new certified crematory operator in charge. A crematory is prohibited from operating more than 30 days without a certified crematory operator in charge.

(f) A holder of a crematory certificate whose certificate to operate has been revoked or a holder of a crematory certificate whose certificate has been revoked shall not operate, either directly or indirectly, or hold any interest in any crematory or funeral establishment: *Provided*, That a holder of a crematory certificate whose certificate has been revoked is not prohibited from leasing any property owned by him or her for use as a crematory, so long as the property owner does not participate in the control or profit of the crematory except as lessor of the premises for a fixed rental not dependent upon earnings.

(g) Failure to comply with any of these provisions shall be grounds for revocation of a crematory license.

**§30-6-12. Licenses or equivalent from another state; license or certificate to practice in this state Inspector and inspection requirements.**

~~The board may issue a license to practice embalming and funeral directing or a certificate to be a crematory operator to an applicant of good moral character who holds a valid license or its equivalent to practice from another state if the applicant demonstrates that:~~

~~(1) He or she holds a license or its equivalent to practice in another state which was granted after completion of educational requirements substantially equivalent to those required in this state;~~

~~(2) He or she holds a license or its equivalent to practice in another state which was granted after passing, in that or another state, an examination that is substantially equivalent to the examination required in this state;~~

~~(3) Reciprocal rights are provided by such other state to holders of funeral director's or embalmer's licenses granted in this state. Such reciprocal licenses may be renewed biennially upon payment of the renewal license fee;~~

~~(4) He or she is not currently being investigated by a disciplinary authority of another state, does not have charges pending against his or her license or something equivalent to practice and has never had a license or something equivalent to practice revoked;~~

~~(5) He or she has not previously failed an examination for licensure as an embalmer or funeral director in this state;~~

~~(6) He or she has paid the application fee specified by rule; and~~

~~(7) Has completed such other action as required by the board.~~

(a) The secretary shall appoint one or more persons to serve as inspectors of funeral establishments and crematories.

(b) Each inspector shall inspect a specific region, as designated by the secretary. Any person being employed as an inspector is prohibited from inspecting in the region in which he or she practices.

(c) All inspections shall be conducted in a manner so as not to interfere with the conduct of business within the funeral establishment or crematory. The secretary or an inspector retained by the secretary has the authority to enter, at all reasonable hours, for the purpose of inspecting the premises in which the business of embalming, funeral directing, or cremating is conducted.

(d) All of an inspector's expenses, per diem, and compensation shall be paid out of the receipts of the secretary, but the allowances

shall at no time exceed the receipts of the secretary received pursuant to this article.

(e) The secretary is authorized to set fees for inspections: *Provided*, That there shall be no fee for an annual inspection.

**§30-6-13. Courtesy cards License, certificate, and courtesy card renewal; conditions of renewal.**

~~(a) The board may issue biennial courtesy cards, on July 1, to licensed funeral directors and licensed embalmers in the states bordering on West Virginia, after the:~~

~~(1) Application for a courtesy card is made on a form prescribed by the board;~~

~~(2) Payment of a fee; and~~

~~(3) Adherence to such other requirements as specified by the board.~~

~~(b) A courtesy card may be issued under the following conditions:~~

~~(1) Holders of courtesy cards shall not be permitted to open or operate a place of business for the purpose of conducting funerals, embalming bodies or cremating in the State of West Virginia; and~~

~~(2) Holders of courtesy cards shall not be permitted to maintain an office or agency in this state for the purpose of conducting funerals, embalming bodies or cremating in the State of West Virginia.~~

~~(c) A violation of this section shall be sufficient cause for the board to immediately revoke or cancel the courtesy card of the violator.~~

(a) The secretary shall biennially on July 1, and pursuant to a staggered schedule, renew a funeral service license or a certificate to be a crematory operator to every licensee or certificate holder desiring to continue in active practice or service.

(b) The secretary shall charge a fee for each renewal and a late fee for nonrenewal of a license or certificate.

(c) The secretary shall require as a condition for the renewal of a funeral service license or a certificate to be a crematory operator that each licensee or certificate holder participate in continuing education.

(1) The secretary shall establish continuing education requirements for each licensee or certificate holder to complete during a license period. The secretary shall propose rules for legislative approval in accordance with the provisions of §29A-3-1 et seq. of this code to specify the amount and types of education to be completed and the manner in which licensees, certificate holders, and education providers may apply for approval of courses offered.

(2) Hours of continuing education may be obtained by attending and participating in programs, meetings, seminars, or activities approved by the secretary. It is the responsibility of each licensee or certificate holder to finance his or her costs of continuing education.

(3) Any holder of a funeral services license or certificate holder 65 years or older with at least 10 years' experience is entitled to be issued, after payment of a fee, a funeral service license emeritus or a crematory operator certificate emeritus and is exempt from all continuing education requirements. The emeritus license or certificate shall entitle the holder to all the rights and privileges of the license or certificate previously held by the licensee or certificate holder.

(d) Any person holding a funeral service license or certificate to be a crematory operator who does not desire to continue in active practice shall notify the secretary, in a manner specified by the secretary, and pay a fee, and shall, during such period, be listed by the secretary as being inactive. At such time a person desires to return to active practice, he or she must notify the secretary, in a manner specified by the secretary, and complete all the continuing education requirements.



(e) All funeral establishment licenses and certificates to be a crematory operator shall be renewed biennially, by a staggered schedule, upon or before July 1, and the holder must pay a renewal fee. A holder of a funeral establishment license or certificate that fails to pay fees for either the principal establishment or additional establishments by July 1 of the renewal year is subject to a penalty, a reinstatement fee for each establishment, and the required renewal fee.

(f) All certificates to be a crematory operator must be renewed biennially, by a staggered schedule, upon or before July 1, and the holder must pay a renewal fee. A holder of a crematory certificate that fails to pay fees for either the principal establishment or additional establishments by July 1 of the renewal year is subject to a penalty, a reinstatement fee for each establishment, and the required renewal fee.

(g) Any courtesy card issued pursuant to this article must be renewed annually.

**~~§30-6-14. License and certificate renewal; conditions of renewal~~ Requirements for cremating.**

~~(a) The board shall biennially on July 1, and pursuant to a staggered schedule, renew a license to practice embalming and funeral directing or a certificate to be a crematory operator to every licensee or certificate holder desiring to continue in active practice or service.~~

~~(b) The board shall charge a fee for each renewal and a late fee for nonrenewal of a license or certificate.~~

~~(c) The board shall require as a condition for the renewal of a license to practice embalming and funeral directing or a certificate to be a crematory operator that each licensee participate in continuing education: *Provided*, That any licensed embalmer or funeral director sixty-five years or older with at least ten years experience as a licensed embalmer or licensed funeral director, is entitled to be issued, after payment of a fee, a license as an embalmer emeritus or funeral director emeritus and is exempt from~~

~~all continuing education requirements. The emeritus license shall entitle the holder to all the rights and privileges of the license previously held by the licensee.~~

~~(d) Any person licensed to practice embalming and funeral directing or certified to be a crematory operator who does not desire to continue in active practice shall notify the board, in a manner specified by the board, and pay a fee, and shall, during such period, be listed by the board as being inactive. At such time a person desires to return to active practice, he or she must notify the board, in a manner specified by the board, and complete all the continuing education requirements.~~

(a) A crematory shall obtain written permission prior to cremating a dead human body. The written permission shall be obtained from persons in the following order of precedence:

(1) The deceased, who has expressed his or her wishes regarding the disposal of his or her remains through a last will and testament, an advance directive, or preneed funeral contract, as defined in §47-14-2 of this code;

(2) An individual previously designated by the deceased as the person with the right to control disposition of the deceased's remains in a writing signed and notarized by the deceased: *Provided*, That no person may be designated to serve in such capacity for more than one nonrelative at any one time;

(3) The surviving spouse of the deceased, unless a petition to dissolve the marriage was pending at the time of the decedent's death;

(4) The deceased's next of kin;

(5) A court order;

(6) A public official who is charged with arranging the final disposition of an indigent deceased; or

(7) A representative of an institution who is charged with arranging the final disposition of a deceased who donated his or her body to science.

(b) The written permission shall be on a standard form, prescribed by the secretary, and shall contain the following information:

(1) The identity of the deceased;

(2) The name of the person authorizing the cremation and the relationship, if any, to the deceased;

(3) Permission for the crematory to perform the cremation;

(4) The name of the person who will claim the cremains from the crematory; and

(5) Any other information required by the secretary.

(c) A crematory shall obtain a permit or authorization for cremation from the county medical examiner, the assistant county medical examiner, or the county coroner of the county wherein the death occurred and do such other acts as required by §61-12-9 of this code: *Provided*, That a crematory may obtain a permit or authorization for cremation from the chief medical examiner if:

(1) The crematory is unable to obtain a permit from the county medical examiner, the assistant county medical examiner, or the county coroner of the county wherein the death occurred; or

(2) The crematory has concerns following authorization by county personnel regarding the identity or cause of death of the deceased.

(d) The permit or authorization for cremation shall be on forms prescribed by the chief medical examiner. A permit or authorization for cremation may be done by facsimile.

(e) All crematories shall implement a cremation procedure. The secretary shall, by rule, establish the minimum standards for the cremation procedure, which shall include:

(1) An identification process for bodies;

(2) A tracking process for bodies from the time a body is delivered to a crematory through the time the cremains are claimed by the authorized person;

(3) Obtaining all the required signatures, as specified by the secretary, on the written permission for cremation;

(4) Only cremating one dead human body at a time and prohibiting comingling of cremains;

(5) The specified time period a crematory is required to keep unclaimed cremains;

(6) How to dispose of unclaimed cremains;

(7) A record-keeping process for cremations; and

(8) Any other requirements necessary to effectuate the provisions of this article.

(f) The secretary shall establish requirements for:

(1) The equipment needed to complete the cremation process; and

(2) The containers needed to store the cremains.

**§30-6-15. Continuing education Right of disposition; preneed contract; affidavit on disposition of remains; role of county commission; liability of funeral home.**

~~(a) The board shall conduct annually a school of instruction to apprise funeral directors and embalmers of the most recent scientific knowledge and developments affecting their profession. This school shall qualify as continuing education and shall fulfill as many continuing education required hours as the board specifies. Qualified lecturers and demonstrators may be employed by the board for this purpose. The board shall give notice of the time and place at which the school will be held for all licensed funeral directors and embalmers: *Provided*, That the location of any school~~

~~of continuing education shall accommodate the geographic diversity of the embalmers and funeral directors of this state.~~

~~(b) Hours of continuing education may be obtained by attending and participating in board approved programs, meetings, seminars or activities. It is the responsibility of each licensee to finance his or her costs of continuing education.~~

~~(c) Compliance with the requirements of continuing education, as specified by the board, is a prerequisite for license renewal.~~

(a) Notwithstanding §30-6-14 of this code, a person who is 18 years of age or older and of sound mind, by entering into a preneed funeral contract, as defined in §47-14-2 of this code, may direct the location, manner, and conditions of the disposition of the person's remains and the arrangements for funeral goods and services to be provided upon the person's death. The disposition directions and funeral prearrangements that are contained in a preneed funeral contract are not subject to cancellation to revision unless any resources set aside to fund the preneed funeral contract are insufficient under the terms of the preneed funeral contract to carry out the disposition directions and funeral prearrangements contained in the contract.

(b) As to any matter not addressed in a preneed funeral contract as described in §30-6-15(a) of this code and except as provided in §30-6-15(c) of this code, the right to control the disposition of the remains of a deceased person, the location, manner, and conditions of disposition, and arrangements for funeral goods and services to be provided vests in the following, in the order named, provided that the person is 18 years or older and is of sound mind:

(1) A person designated by the decedent as the person with the right to control the disposition in an affidavit executed by a person who is 18 years of age or older and of sound mind before a notary public in substantially the following form:

I, \_\_\_\_\_, do hereby designate \_\_\_\_\_ with the right to control the disposition of my remains upon my death. I \_\_\_\_\_ have/ \_\_\_\_\_ have not attached

specific directions concerning the disposition of my remains with which the designee shall substantially comply, provided that these directions are lawful and there are sufficient resources in my estate to carry out the directions.

\_\_\_\_\_  
Signed

State of \_\_\_\_\_

County of \_\_\_\_\_

I, \_\_\_\_\_, a Notary Public of said  
 County, \_\_\_\_\_ do \_\_\_\_\_ certify \_\_\_\_\_ that  
 \_\_\_\_\_, as principal whose  
 name is signed to the writing above bearing date on the \_\_\_\_\_ day  
 of \_\_\_\_\_, 20\_\_\_\_, has this day acknowledged the same before  
 me.

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public's;

(2) The surviving spouse of the decedent;

(3) The sole surviving child of the decedent or, if there is more than one child, the majority of the surviving children. However, fewer than one half of the surviving children shall be vested with the rights under this section if they have used reasonable efforts to notify all other surviving children of their instructions and are not aware of any opposition to those instructions on the part of more than one half of all surviving children;

(4) The surviving parent or parents of the decedent. If one of the surviving parents is absent, the remaining parent shall be vested with the rights and duties under this section after reasonable efforts have been unsuccessful in locating the absent surviving parent;

(5) The surviving brother or sister of the decedent or, if there is more than one sibling of the decedent, the majority of the surviving siblings. However, less than the majority of surviving siblings shall be vested with the rights and duties under this section if they have used reasonable efforts to notify all other surviving siblings of their instructions and are not aware of any opposition to those instructions on the part of more than one half of all surviving siblings;

(6) The surviving grandparent of the decedent or, if there is more than one surviving grandparent, the majority of the grandparents. However, fewer than the majority of the surviving grandparents shall be vested with the rights and duties under this section if they have used reasonable efforts to notify all other surviving grandparents of their instructions and are not aware of any opposition to those instructions on the part of more than one half of all surviving grandparents;

(7) The guardian of the decedent at the time of the decedent's death if one had been appointed;

(8) The personal representative of the estate of the decedent;

(9) The person in the classes of the next degree of kinship, in descending order, under the laws of descent and distribution to inherit the estate of the decedent. If there is more than one person of the same degree, any person of that degree may exercise the right of disposition;

(10) If the disposition of the remains of the decedent is the responsibility of the state or a political subdivision of the state, the public officer, administrator, or employee responsible for arranging the final disposition of decedent's remains; or

(11) In the absence of any person under §30-6-15(b)(1) through §30-6-15(b)(10) of this code, any other person willing to assume the responsibilities to act and arrange the final disposition of the decedent's remains, including the funeral director with custody of the body, after attesting in writing that a good faith effort has been

made to no avail to contact the individuals under §30-6-15(b)(1) through §30-6-15(b)(10) of this code.

(c) A person entitled under law to the right of disposition forfeits that right, and the right is passed on to the next qualifying person as listed in §30-6-15(b) of this code, in the following circumstances:

(1) Any person charged with murder or voluntary manslaughter in connection with the decedent's death and whose charges are known to the funeral director. However, if the charges against that person are dismissed or if the person is acquitted of the charges, the right of disposition is returned to the person;

(2) Any person who does not exercise his or her right of disposition within two days of notification of the death of decedent or within three days of decedent's death, whichever is earlier;

(3) If the person and the decedent are spouses and a petition to dissolve the marriage was pending at the time of decedent's death.

(d) Any person signing a funeral service agreement, cremation authorization form, or any other authorization for disposition shall be deemed to warrant the truthfulness of any facts set forth therein, including the identity of the decedent whose remains are to be buried, cremated, or otherwise disposed of, and the party's authority to order the disposition. A funeral home has the right to rely on that funeral service agreement or authorization and shall have the authority to carry out the instructions of the person or persons the funeral home reasonably believes holds the right of disposition. The funeral home has no responsibility to independently investigate the existence of any next of kin or relative of the decedent where a means of disposition is fully set forth in a preneed funeral contract or other written directive of the deceased in accordance with this section. If there is more than one person in a class who are equal in priority and the funeral home has no knowledge of any objection by other members of that class, the funeral home may rely on and act according to the instructions of the first person in the class to make funeral and disposition



arrangements, if no other person in that class provides written objections to the funeral home.

(e) No funeral establishment or funeral director who relies in good faith upon the instructions of a preneed funeral contract, written directive of the deceased, or an individual claiming the right of disposition in accordance with this section shall be subject to criminal or civil liability or subject to disciplinary action under this section for carrying out the disposition of the remains in accordance with those instructions.

**§30-6-16. Inspector and inspection requirements Review of applications by Secretary of State; refusal to issue or renew; suspension or revocation of license; disciplinary action.**

~~(a) All inspectors employed by the board to inspect funeral establishments and crematories, pursuant to the provisions of this article, shall have a West Virginia embalmer's license and a West Virginia funeral director's license.~~

~~(b) Each inspector shall inspect a specific region, as designated by the board. Any person being employed as an inspector is prohibited from inspecting in the region in which he or she practices. If there is only one inspector, a board member, who is not from the region where the inspector practices, is authorized to inspect the facilities in the region where the inspector practices.~~

~~(c) All inspections shall be conducted in a manner so as not to interfere with the conduct of business within the funeral establishment or crematory. The board has the authority to enter, at all reasonable hours, for the purpose of inspecting the premises in which the business of embalming, funeral directing or cremating is conducted.~~

~~(d) All of an inspector's expenses, per diem and compensation shall be paid out of the receipts of the board, but the allowances shall at no time exceed the receipts of the board.~~

~~(e) The board is authorized to set fees for inspections: *Provided*, That there shall be no fee for an annual inspection.~~

(a) The secretary shall refuse to issue or renew a license, certificate, or registration if the applicant fails to satisfy any of the requirements set forth for licensure, certification, or registration in this article.

(b) The secretary may refuse to issue, refuse to renew, suspend, revoke, or limit any license, certificate, registration or practice privilege of a licensee, certificate or registration holder for any of the following reasons:

(1) Fraud or deceit in obtaining or maintaining a license or certificate;

(2) Failure by any licensee, or certificate, or registration holder to maintain compliance with requirements for issuance or renewal of a license, certificate, or registration or to timely notify the secretary as required in this article;

(3) Dishonesty, fraud, professional negligence in the performance of services, or a willful departure from accepted standards and professional conduct;

(4) Violation of any provision of this article or any rule, including the violation of any professional standard or rule of professional conduct, or public health laws;

(5) Conviction of a felony or any crime of dishonesty or fraud under the laws of the United States or this state, or conviction of any similar crime under the laws of any other state if the underlying act or omission involved would have constituted a crime under the laws of this state;

(6) Any conduct adversely affecting upon the licensee's or certificate or registration holder's fitness to perform professional services;

(7) The use of false, misleading, or unethical advertising by any licensee, or certificate or registration holder, or applicant for a license or certificate of registration;

(8) Upon satisfactory proof that a funeral services licensee, or a certified crematory operator has taken undue advantage of his or her patrons or has committed a fraudulent act in the conduct of business;

(9) Solicitation of business by the licensee, or certificate or registration holder, or any agents, assistants, or employees, whether such solicitation occurs after death or while death is impending, as specified by the secretary: *Provided*, That this subdivision does not prohibit proper advertising;

(10) If a licensee, or certificate or registration holder, knowingly permits a person not licensed, not certified, or not registered to engage in the profession of embalming, funeral directing, or cremation;

(11) If a licensee, or certificate or registration holder, knowingly permits a person not licensed, not certified, or not registered to use his or her license number or numbers for the purpose of practicing, or discharging any of the duties of the professions of embalming, funeral directing, or cremation;

(12) Employment by the licensee or certificate holder of persons as cappers, steerers, or solicitors, or other such persons to obtain funeral or cremation business;

(13) Employment, directly or indirectly, of any apprentice, agent, assistant, embalmer, employee or other person, on part or full time, or on commission, for the purpose of calling upon individuals or institutions by whose influence dead human bodies may be turned over to a particular funeral director, funeral establishment, or crematory;

(14) The buying of business by the licensee, or certificate or registration holder, or any agents, assistants, or employees, or the direct or indirect payment or offer of payment of a commission by the licensee, or certificate or registration holder, or any agent, assistants, or employees, for the purpose of securing business;

(15) Gross immorality; and

(16) Chronic or persistent inebriety or addiction to alcohol, narcotics, or other substance.

**§30-6-17. Apprenticeship Written complaint procedure; notice; requirement to investigate.**

~~(a) After January 1, 2003, the board shall issue a registration to be an apprentice funeral director or apprentice embalmer to an applicant who meets the following requirements:~~

~~(1) Is of good moral character and temperate habits;~~

~~(2) Is eighteen years of age or over;~~

~~(3) A citizen of the United States or be eligible for employment in the United States;~~

~~(4) Has a high school diploma or its equivalent;~~

~~(5) Has completed one of the education requirements for an embalmer's license, as set out in subdivision (5), subsection (a), section eight of this article;~~

~~(6) Is not attending school and will not be attending school during the apprenticeship period; and~~

~~(7) Has paid the appropriate fees.~~

~~(b) Any person that commences an apprenticeship prior to January 1, 2003, may continue to serve such apprenticeship and is not subject to the requirements set forth in this section, but is subject to board approval.~~

~~(c) The board may set the requirements for an apprenticeship, including the manner in which it shall be served and the length of time, which shall not be more than one year.~~

~~(d) No licensed funeral director or licensed embalmer shall be permitted to register or have registered more than five apprentices under his or her license at the same time.~~

(a) The Secretary of State shall establish a means for members of the public to submit complaints concerning persons or establishments licensed or certified by the Secretary of State pursuant to the provisions of this article. Those means shall include, but not be limited to, electronic, written, and telephonic means.

(b) Upon receipt of a written complaint filed against any licensee, or certificate or registration holder, the secretary shall provide a copy of the complaint to the licensee, or certificate or registration holder, who shall be given a reasonable opportunity to submit a written response to the allegations. Prior to a determination that probable cause exists, the secretary may withhold the name of the complaining party.

(c) The secretary shall investigate the complaint and may initiate the investigation without waiting until receiving a response from the party identified in the complaint. If the secretary finds upon investigation that probable cause exists that the licensee, or certificate or registration holder, has violated any provision of this article or the rules promulgated hereunder, then the secretary shall serve the licensee or registration holder, with a written statement of charges and a notice specifying the date, time, and place of the hearing.

**§30-6-18. Funeral establishment license requirements Hearing procedure.**

~~(a) Every funeral establishment in West Virginia shall be licensed prior to opening a funeral establishment for business to the public. The board shall issue a license to operate a funeral establishment to an applicant who meets the following requirements:~~

~~(1) The place of business has been approved by the board as having met all the requirements and qualifications to be a funeral establishment as are required by this article;~~

~~(2) Notify the board, in writing, at least thirty days before the proposed opening date, so there can be an inspection of the funeral establishment;~~

~~(3) Show proof that the funeral establishment passed the inspection;~~

~~(4) Show that the funeral establishment has employed a licensee in charge;~~

~~(5) Show that the licensee in charge is a licensed funeral director;~~

~~(6) Show that the licensee in charge will manage the funeral establishment and be responsible for all business conducted and services performed therein;~~

~~(7) Pay all the appropriate fees; and~~

~~(8) Complete such other requirements as specified by the board.~~

~~(b) All funeral establishment licenses must be renewed biennially, by a staggered schedule, upon or before July 1, and pay a renewal fee.~~

~~(c) Each funeral establishment license shall be valid for only one funeral establishment to be located at a specific street address. There shall be a separate license issued and a separate fee assessed to operate additional funeral establishments by the same applicant.~~

~~(d) A holder of a funeral establishment license that fails to pay fees for either the principal establishment or additional establishments by July 1, of the renewal year is subject to a penalty, a reinstatement fee for each establishment and the required renewal fee.~~

~~(e) The holder of a funeral establishment license who ceases to operate the funeral establishment at the location specified in the application shall, within twenty days thereafter, surrender the funeral establishment license to the board and the license shall be~~

~~canceled by the board. In the event of the death of an individual who was the holder of a funeral establishment license, it shall be the duty of the holder's personal representative to surrender the funeral establishment license within one hundred twenty days of qualifying as the personal representative.~~

~~(f) If a licensee in charge ceases to be employed by a funeral establishment, then the holder of the funeral establishment license shall notify the board within thirty days of the cessation. Within thirty days after such notification, the holder of a funeral establishment license shall execute a new application for a funeral establishment license specifying the name of the new licensee in charge. A funeral establishment is prohibited from operating more than thirty days without a licensee in charge.~~

~~(g) A licensee whose embalmer's or funeral director's license has been revoked or a holder of a license to operate a funeral establishment whose license to operate has been revoked shall not operate, either directly or indirectly, or hold any interest in any funeral establishment or crematory: *Provided*, That a holder of a license to operate a funeral establishment whose license to operate has been revoked is not prohibited from leasing any property owned by him or her for use as a funeral establishment, so long as the property owner does not participate in the control or profit of the funeral establishment except as lessor of the premises for a fixed rental not dependent upon earnings.~~

~~(h) Failure to comply with any of these provisions shall be grounds for revocation of a funeral establishment license.~~

~~(i) A license to operate a funeral establishment issued by the board prior to July 1, 2002, shall for all purposes be considered a license issued under this section: *Provided*, That a funeral establishment holding a license issued prior to July 1, 2002, must renew the license pursuant to this section.~~

(a) The Secretary of State shall afford any applicant an opportunity to be heard in person or by counsel when a determination is made to deny, revoke, or suspend an applicant's license, certificate or application for license or certificate.

including a renewal of a license or certificate. The applicant has 15 days from the date of receiving written notice of the Secretary of State's adverse determination to request a hearing on the matter of denial, suspension, or revocation. The action of the Secretary of State in granting, renewing, or in refusing to grant or to renew a license or certificate is subject to review by the Circuit Court of Kanawha County or other court of competent jurisdiction.

(b) If the secretary proposes to suspend, revoke, limit, take other disciplinary action, or refuse to renew any license, certificate, or registration, the secretary shall give written notice of the action, including a statement of charges setting forth the reasons for the action, and notice of the date, time, and place for a hearing.

(c) The secretary may, without first holding a hearing, act under the following circumstances:

(1) The secretary is authorized to suspend or revoke a certificate, license, registration, or authority to practice prior to a hearing if the person's continuation in practice constitutes an immediate danger to the public; or

(2) After due diligence, if the secretary cannot locate a person licensed or certified under the provisions of this chapter within 60 days of a complaint being filed against the licensee or certificate holder, then the secretary may suspend the license, certificate, registration or authority of the person without holding a hearing. If, after additional due diligence and 30 days after the suspension of the person's license, certificate, registration, or authority, the secretary still cannot locate the person licensed under the provisions of this article, then the secretary may revoke the license, certificate, registration, or authority of the person without holding a hearing.

(d) The secretary shall have authority to issue subpoenas for the attendance of witnesses and the production of records and tangible evidence, administer oaths, and preside at hearings, and to employ, or contract for, an administrative hearing examiner to carry out these functions on the secretary's behalf.



(e) A hearing on a statement of charges shall be held in accordance with the provisions for hearing set forth in §29A-5-1 et seq. of this code and procedures specified by rule by the secretary.

(f) No sanction may be imposed against a licensee or certificate holder and no license or certificate may be revoked, suspended, or subject to sanction unless the secretary finds by a preponderance of evidence, after hearing or by consent of the licensee or certificate holder, that the licensee or certificate holder has engaged in conduct prohibited by the provisions of this article.

(g) Following a hearing, the Secretary of State shall issue his or her decision, which shall be in writing and shall set forth the reasons for the decision.

(h) Disciplinary action includes, but is not limited to, a reprimand, censure, probation, suspension of license, administrative fine not to exceed \$1,000 per day per violation, and mandatory attendance at continuing education seminars. In addition to other sanctions imposed, the secretary may require a licensee, or certificate or registration holder to pay the costs of the proceeding if the licensee, or certificate or registration holder is in violation of any provision of this article or the rules promulgated hereunder.

(i) Any licensee, or certificate or registration holder, adversely affected by any decision of the secretary entered after a hearing, may obtain judicial review of the decision in accordance with §29A-5-4 of this code and may appeal any ruling resulting from judicial review in accordance with §29A-5-4 of this code.

(j) Pursuant to the provisions of §29A-5-1 of this code, the secretary may enter into informal disposition of any contested case or investigation by stipulation, agreed settlement, consent order, or default. Further, the secretary may suspend a final determination and place a licensee on probation if the secretary has found the licensee to be in violation of standards of practice or provisions of this article.

(k) If the secretary has suspended, revoked, or refused to renew a license, certificate, or registration, the licensee, or certificate or registration holder, shall be afforded an opportunity to demonstrate the qualifications to resume practice. The application for reinstatement shall be in writing and subject to the procedures specified by the secretary by rule.

**§30-6-19. ~~Funeral establishment to be managed by a licensee in charge; license displayed~~ Unlawful acts.**

~~(a) Every separate funeral establishment in this state offering the services set forth in this article shall be operated under the supervision and management of a licensee in charge who is licensed as a funeral director in this state.~~

~~(b) Each separate funeral establishment in this state offering the services set forth in this article shall have its own license, which license shall be prominently displayed within the funeral establishment.~~

~~(c) All funeral establishments shall display in all advertising the name of the licensee in charge of the establishment.~~

~~(d) All funeral establishments shall prominently display within the funeral establishment the license of the licensee in charge.~~

~~(e) A licensee in charge shall supervise each separate establishment.~~

(a) It is unlawful for any person not licensed or certified under the provisions of this article to practice or offer to practice embalming, funeral directing, cremation, or to operate a funeral establishment or crematory in this state.

(b) Any person who knowingly violates any provision of this article is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$2,500 or confined in the county or regional jail not more than one year, or both fined and imprisoned.

**§30-6-20. ~~Crematory license requirements~~ Injunction; criminal proceedings.**

~~(a) Every crematory shall be licensed in West Virginia. The board shall issue a crematory license to an applicant who meets the following requirements:~~

~~(1) The place of business has been approved by the board as having met all the requirements and qualifications to be a crematory as are required by this article;~~

~~(2) The crematory conforms with all local building codes;~~

~~(3) The crematory meets all applicable environmental standards;~~

~~(4) Notify the board, in writing, at least thirty days before the proposed opening date so there can be an inspection of the crematory;~~

~~(5) Show proof that the crematory passed the inspection;~~

~~(6) Have a certified crematory operator in charge;~~

~~(7) Pay all the appropriate fees; and~~

~~(8) Complete such other requirements as specified by the board.~~

~~(b) All crematory licenses must be renewed biennially, by a staggered schedule, upon or before July 1, and pay a renewal fee.~~

~~(c) Each crematory license shall be valid for only one crematory to be located at a specific street address. There shall be a separate license issued and a separate fee assessed to operate additional crematories by the same applicant.~~

~~(d) A holder of a crematory license that fails to pay fees for either the principal crematory or additional crematories by July 1, of the renewal year is subject to a penalty, a reinstatement fee for each crematory and the required renewal fee.~~

~~(e) The holder of a crematory license who ceases to operate the crematory at the location specified in the application shall, within twenty days thereafter, surrender the crematory license to the board~~

~~and the license shall be canceled by the board. In the event of the death of an individual who was the holder of a crematory license, it shall be the duty of the holder's personal representative to surrender the crematory license within one hundred twenty days of qualifying as the personal representative.~~

~~(f) A holder of a certificate to operate a crematory whose certificate to operate has been revoked or a holder of a crematory license whose license has been revoked shall not operate, either directly or indirectly, or hold any interest in any crematory or funeral establishment: *Provided*, That a holder of a crematory license whose license has been revoked is not prohibited from leasing any property owned by him or her for use as a crematory, so long as the property owner does not participate in the control or profit of the crematory except as lessor of the premises for a fixed rental not dependent upon earnings.~~

~~(g) Failure to comply with any of these provisions shall be grounds for revocation of a crematory license.~~

~~(h) All persons that operate crematories shall by January 1, 2003, register with the board. By July 1, 2003, all persons that operate crematories shall obtain a crematory license, pursuant to the provisions of this section.~~

~~(i) All crematory licenses must be renewed biennially upon or before July 1.~~

~~(j) After July 1, 2003, all licensed crematories must have a certified crematory operator in charge.~~

~~(k) If a certified crematory operator in charge ceases to be employed by a crematory, then the holder of the crematory license shall notify the board within thirty days of the cessation. Within thirty days after such notification, the holder of a crematory license shall execute a new application for a crematory license specifying the name of the new certified crematory operator in charge. A crematory is prohibited from operating more than thirty days without a certified crematory operator in charge.~~

(a) When, as a result of an investigation under this article or otherwise, the secretary or any other interested person believes that any person: (1) Has engaged, is engaging, or is about to engage in the practice of embalming, funeral directing, or cremating without a license or certificate; (2) has operated, is operating, or is about to operate a funeral establishment or crematory; or (3) is in violation of any of the provisions of this article, the secretary or any other interested person may make application to any court of competent jurisdiction for an order enjoining the acts or practices and, upon a showing that the person has engaged or is about to engage in any act or practice, an injunction, restraining order, or another appropriate order may be granted by the court without bond.

(b) When, as a result of an investigation under this article or otherwise, the secretary has reason to believe that a person has knowingly violated the provisions of this article, the secretary may bring its information to the attention of the Attorney General, United States Attorney, local prosecuting attorney, or other appropriate law-enforcement officer. Appropriate criminal proceedings may thereafter be instituted by the Attorney General, in coordination with the local prosecuting attorney, the United States Attorney, or the law-enforcement officer.

**§30-6-21. Requirements for cremating Single act evidence of practice.**

~~(a) A crematory shall obtain written permission prior to cremating a dead human body. The written permission shall be obtained from persons authorized by the board as specified in rules.~~

~~(b) The written permission shall be on a standard form, prescribed by the board, and shall contain the following information:~~

~~(1) The identity of the deceased;~~

~~(2) The name of the person authorizing the cremation and the relationship, if any, to the deceased;~~

~~(3) Permission for the crematory to perform the cremation;~~

~~(4) The name of the person who will claim the cremains from the crematory; and~~

~~(5) Any other information required by the board.~~

~~(c) A crematory shall obtain a permit or authorization for cremation from the county medical examiner, the assistant county medical examiner or the county coroner of the county wherein the death occurred and do such other acts as required by section nine, article twelve, chapter sixty one of this code: *Provided*, That a crematory may obtain a permit or authorization for cremation from the chief medical examiner if:~~

~~(1) The crematory is unable to obtain a permit from the county medical examiner, the assistant county medical examiner or the county coroner of the county wherein the death occurred; or~~

~~(2) The crematory has concerns following authorization by county personnel regarding the identity or cause of death of the deceased.~~

~~(d) The permit or authorization for cremation shall be on forms prescribed by the chief medical examiner. A permit or authorization for cremation may be done by facsimile.~~

~~(e) All crematories shall implement a cremation procedure. The board, by rules, shall establish the cremation procedure which shall include:~~

~~(1) An identification process for bodies;~~

~~(2) A tracking process for bodies from the time a body is delivered to a crematory through the time the cremains are claimed by the authorized person;~~

~~(3) Obtaining all the required signatures, as specified by the board, on the written permission for cremation;~~

~~(4) Only cremating one human body at a time and prohibiting comingling of cremains;~~

~~(5) The specified time period a crematory is required to keep unclaimed cremains;~~

~~(6) How to dispose of unclaimed cremains;~~

~~(7) A record keeping process for cremations; and~~

~~(8) Any other requirements necessary to effectuate the provisions of this article.~~

~~(f) The board shall establish requirements for:~~

~~(1) The equipment needed to complete the cremation process; and~~

~~(2) The containers needed to store the cremains.~~

In any action brought or any proceeding initiated under this article, evidence of the commission of a single act prohibited by this article is sufficient to justify a penalty, injunction, restraining order, or conviction without evidence of a general course of conduct.

**§30-6-22. Disposition of body of deceased person; penalty**  
**Inapplicability of article.**

~~(a) No public officer, employee, physician or surgeon, or other person having a professional relationship with the deceased, shall send, or cause to be sent to an embalmer, funeral director or crematory operator the body of a deceased without first inquiring the desires of the deceased who has designated his or her wishes regarding the disposal of their remains through a last will and testament, an advance directive or preneed funeral contract, as defined in section two, article fourteen, chapter forty five of this code; the surviving spouse of the deceased, unless a petition to dissolve the marriage was pending at the time of decedent's death; and, an individual previously designated by the deceased as the person with the right to control disposition of the deceased's remains in a writing signed and notarized by the deceased: *Provided*, That no person may be designated to serve in such capacity for more than one nonrelative at any one time. If there is~~

~~no last will and testament, advance directive or preneed funeral contract, surviving spouse, or designated person, then the authority and direction of any next of kin or person who may be chargeable with the funeral expenses of the deceased shall be used as to the disposal of the body of the deceased. The provisions of this subsection are not applicable if the remains of the decedent are subject to disposition pursuant to subsection (b) of this section.~~

~~(b) Notwithstanding any provision of this code to the contrary, a United States Department of Defense Record of Emergency Data Form (DD Form 93) executed by a declarant who dies while serving in a branch of the United States Military as defined in 10 U. S. C. §1481 constitutes a valid form of declaration instrument and governs the disposition of the declarant's remains. The person named in the form as the person authorized to direct disposition of the remains may arrange for the final disposition of the declarant's last remains.~~

~~(c) Any person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$500, nor more than \$1,000, or imprisoned not less than ten days nor more than ninety days, or both.~~

The provisions of this article do not apply to or interfere with:

(1) The duties of an officer of any local or state board of health who, in compliance with local or state board of health rules, may be charged with the duty of preparation for burial of a dead human body when death was caused by a virulent, communicable disease;

(2) The duties of an officer of a medical college, county medical society, anatomical association, or other recognized person carrying out his or her responsibilities of dealing with indigent dead human bodies who are held subject for anatomical study; or

(3) The customs or rites of any religious sect in the burial of its dead: *Provided*, That embalming shall only be performed by a funeral services license holder.



**§30-6-22a. Right of disposition; preneed contract; affidavit on disposition of remains; role of county commission; liability of funeral home.**

[Repealed.]

**§30-6-23. Refusal to issue or renew, suspension or revocation of license; disciplinary action.**

[Repealed.]

**§30-6-24. Complaints; investigations.**

[Repealed.]

**§30-6-25. Hearing and judicial review.**

[Repealed.]

**§30-6-26. Reinstatement.**

[Repealed.]

**§30-6-27. Unlawful acts.**

[Repealed.]

**§30-6-28. Injunctions.**

[Repealed.]

**§30-6-29. Criminal proceedings; penalties.**

[Repealed.]

**§30-6-30. Single act evidence of practice.**

[Repealed.]

**§30-6-31. Inapplicability of article.**

[Repealed.];

And,

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

**Eng. Com. Sub. for Senate Bill 288**—A Bill to repeal §30-6-22a, §30-6-23, §30-6-24, §30-6-25, §30-6-26, §30-6-27, §30-6-28, §30-6-29, §30-6-30, and §30-6-31 of the Code of West Virginia, 1931, as amended; and to amend and reenact §30-6-1, §30-6-2, §30-6-3, §30-6-4, §30-6-5, §30-6-6, §30-6-7, §30-6-8, §30-6-9, §30-6-10, §30-6-11, §30-6-12, §30-6-13, §30-6-14, §30-6-15, §30-6-16, §30-6-17, §30-6-18, §30-6-19, §30-6-20, §30-6-21, and §30-6-22 of said code, all relating to regulation of cremation, embalming, and funeral service directing; defining terms; terminating the Board of Funeral Service Examiners; transferring the functions of the board to the Secretary of State; specifying timeline and duties for the transfer of functions and property; providing special provisions and authority to Secretary of State to facilitate transfer; providing rule-making authority for Secretary of State; continuing existing rules previously promulgated by the board; authorizing Secretary of State to request repeal of rules previously promulgated by the board; establishing timeline for promulgation of rules by Secretary of State in 2018; authorizing the promulgation of emergency rules; transferring control of a special revenue account utilized by Board of Funeral Service Examiners to the Secretary of State; providing for the transfer of assets and liabilities to new account; providing for periodic sweep of funds into General Revenue Fund; eliminating outdated and obsolete language; authorizing Secretary of State to grant funeral service license; updating requirements for funeral service license; continuing certificates to operate a crematory; authorizing Secretary of State to grant certificate to operate a crematory; updating requirements for certificate to operate a crematory; updating language related to license and certificate reciprocity and courtesy card holders to give authority to Secretary of State; authorizing Secretary of State to enter into reciprocity agreements; authorizing Secretary of State to issue registration to be an apprentice; updating requirements for licensure of funeral establishments; authorizing Secretary of State to issue funeral establishment license; updating requirements for licensure of crematories; authorizing Secretary of State to issue crematory

license; modifying requirements for inspectors and inspections; authorizing Secretary of State to appoint inspectors; updating requirements for renewal of licenses, certificates, courtesy cards, and registrations; eliminating requirement for Board of Funeral Service Examiners to provide continuing education; modifying order of persons authorized to give written permission for cremation; updating language concerning preneed affidavit; requiring Secretary of State to refuse to issue a license, certificate, renewal, or registration if certain requirements are not met; authorizing Secretary of State to take action against licensee, certificate holder, registrant, or applicant under certain circumstances; requiring Secretary of State establish means for public to submit complaints; requiring Secretary of State to investigate all complaints received; setting procedures for investigations; specifying powers and procedures for conducting hearings and rendering disposition of contested cases; granting the authority to suspend or revoke an authorization to practice without a prior hearing under certain circumstances; setting burden of proof; providing right of appeal from determination of Secretary of State; authorizing informal disposition; making violations of article a criminal act; establishing criminal penalties; authorizing Secretary of State or interested person to seek injunctions for violations of article; providing for referral of criminal matters to appropriate authorities; permitting criminal actions to be brought by Attorney General, United States Attorney, or local prosecuting attorney; providing that a single act is evidence of violation; providing for certain inapplicability of article; and correcting references and updating terms throughout.

On motion of Senator Ferns, the following amendment to the House of Delegates amendments to the bill was reported by the Clerk:

**Eng. Com. Sub. for Senate Bill 288**—A Bill to repeal §30-6-22a, §30-6-23, §30-6-24, §30-6-25, §30-6-26, §30-6-27, §30-6-28, §30-6-29, §30-6-30, and §30-6-31 of the Code of West Virginia, 1931, as amended; to amend and reenact §9-5-9 of said code; and to amend and reenact §30-6-1, §30-6-2, §30-6-3, §30-6-4, §30-6-5, §30-6-6, §30-6-7, §30-6-8, §30-6-9, §30-6-10, §30-6-11, §30-6-

12, §30-6-13, §30-6-14, §30-6-15, §30-6-16, §30-6-17, §30-6-18, §30-6-19, §30-6-20, §30-6-21, and §30-6-22 of said code, all relating to regulation of cremation, embalming, and funeral service directing; defining terms; terminating the Board of Funeral Service Examiners; transferring the functions of the board to the Secretary of State; specifying timeline and duties for the transfer of functions and property; providing special provisions and authority to Secretary of State to facilitate transfer; providing rule-making authority for Secretary of State; continuing existing rules previously promulgated by the board; authorizing Secretary of State to request repeal of rules previously promulgated by the board; establishing timeline for promulgation of rules by Secretary of State in 2018; authorizing the promulgation of emergency rules; creating special revenue account; eliminating special revenue account utilized by Board of Funeral Service Examiners and transferring funds; providing for periodic sweep of funds into General Revenue Fund; eliminating outdated and obsolete language; authorizing Secretary of State to grant funeral service license; updating requirements for funeral service license; reclassifying certificate to operate crematory as license; authorizing Secretary of State to grant license to operate crematory; updating requirements for license to operate crematory; updating language related to license reciprocity and courtesy card holders to give authority to Secretary of State; authorizing Secretary of State to enter into reciprocity agreements; authorizing Secretary of State to issue registration to be an apprentice; updating requirements for licensure of funeral establishments; authorizing Secretary of State to issue funeral establishment license; updating requirements for licensure of crematories; authorizing Secretary of State to issue crematory license; modifying requirements for inspectors and inspections; authorizing Secretary of State to appoint inspectors; updating requirements for renewal of licenses, courtesy cards, and registrations; eliminating requirement for Board of Funeral Service Examiners to provide continuing education; modifying order of persons authorized to give written permission for cremation; updating language concerning preneed affidavit; requiring Secretary of State to refuse to issue license, renewal, or registration if certain requirements not met; authorizing Secretary of State to take action against licensee, registrant, or applicant under certain

circumstances; requiring Secretary of State establish means for public to submit complaints; requiring Secretary of State to investigate all complaints received; setting procedures for investigations; specifying powers and procedures for conducting hearings and rendering disposition of contested cases; granting the authority to suspend or revoke an authorization to practice without a prior hearing under certain circumstances; setting burden of proof; providing right of appeal from determination of Secretary of State; authorizing informal disposition; making violations of article a criminal act; establishing criminal penalties; authorizing Secretary of State or interested person to seek injunctions for violations of article; providing for referral of criminal matters to appropriate authorities; permitting criminal actions to be brought by Attorney General in coordination with the local prosecuting attorney, United States Attorney, or law-enforcement officer; providing that single act is evidence of violation; providing for certain inapplicability of article; modifying code references as it relates to direct cremation or direct burial expenses for indigent persons; and correcting references and updating terms throughout.

Senator Mann requested a ruling from the Chair as to whether he should be excused from voting under Rule 43 of the Rules of the Senate as he is a funeral director.

The Chair replied that any impact on Senator Mann would be as a member of a class of persons and that he would be required to vote.

The question being on the adoption of Senator Ferns' amendment to the House of Delegates amendments to the bill (Eng. Com. Sub. for S. B. 288).

At the request of Senator Ferns, and by unanimous consent, Senator Ferns' amendment to the House of Delegates amendments to the bill was withdrawn.

Thereafter, at the request of Senator Ferns, unanimous consent being granted, the bill (Eng. Com. Sub. for S. B. 288) was referred to the Committee on Rules.

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

**Eng. Com. Sub. for Com. Sub. for Senate Bill 355,**  
Dissolving IS&C Division under Office of Technology.

On motion of Senator Ferns, the bill was taken up for immediate consideration.

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

On page two, section four, line seven, by striking out the word “design,” and inserting in lieu thereof the word “design<sub>2</sub>”;

On page five, section four, line seventy-nine, by striking out the words “chapter 29A” and inserting in lieu thereof “§29A-1-1 *et seq.*”;

On page six, section four, line ninety-five, after the word “agencies” by inserting a comma;

On page six, section four, line one hundred thirteen, after the word “Finance.” by inserting the following: The Chief Technology Officer shall provide an annual report to the Governor and the Joint Committee on Government and Finance on the status of the plan on or before each December 31, with goals and objectives for the ensuing year.;

On page seven, section four, line one hundred thirty-two, by striking out the words “government to government” and inserting in lieu thereof the words “government-to-government”;

On page twelve, section four-e, line eleven, by striking out “§11-2B-1” and inserting in lieu thereof “§11B-2-1”;

On page twelve, section eight, line one, after the word “judiciary” by inserting the words “or any state Constitutional officer designated in §6-7-2 of this code”;

On page thirteen, section eight, line six, after the word “to” by inserting the word “the”;

And,

On page thirteen, section eight, line seven, by striking out the words “telecommunications services provided pursuant to §5A-6-4d of this code or the”.

On motion of Senator Ferns, the following amendment to the House of Delegates amendments to the bill (Eng. Com. Sub. for Com. Sub. for S. B. 355) was reported by the Clerk and adopted:

**Eng. Com. Sub. for Com. Sub. for Senate Bill 355**—A Bill to repeal §5A-7-1, §5A-7-2, §5A-7-3, §5A-7-4, §5A-7-4a, §5A-7-5, §5A-7-6, §5A-7-7, §5A-7-8, §5A-7-9, §5A-7-10, and §5A-7-11 of the Code of West Virginia, 1931, as amended; to amend and reenact §5A-6-4 and §5A-6-8 of said code; and to amend said code by adding thereto two new sections, designated §5A-6-4d and §5A-6-4e, all relating to dissolving the Information Services and Communications Division; repealing article related to Information Services and Communications Division; authorizing Chief Technology Officer to provide training and other services; authorizing Chief Technology Officer provide information services; authorizing Chief Technology Officer to assess fees for services provided; requiring Chief Technology Officer provide fixed schedule of fees for providing information services; setting forth procedure to be followed if spending unit contests schedule; requiring the Chief Technology Officer to oversee telecommunications services to state spending units; requiring the Chief Technology Officer to supervise and maintain the central mailing office; directing the deposit of any moneys received for services; continuing special revenue account for administration of telecommunications services; directing Chief Technology Officer to review receipt of charges received from members; setting forth grounds for Chief Technology Officer to challenge charges with vendor and process for doing so; requiring Office of Technology apportion charges among spending units and bill spending units; requiring Office of Technology pay uncontested amounts due for telecommunications services; requiring state spending units pay

statements from Office of Technology; authorizing the secretary to direct the transfer of funds into the special revenue account for unpaid telecommunications services; authorizing the secretary to assess a penalty with notice on spending units for unpaid amounts for telecommunications services; authorizing Chief Technology Officer to invoice spending units for amounts paid on behalf of the spending unit; providing a process for state spending units to contest amounts due; authorizing the Secretary of the Department of Administration to make a final decision on contested amounts due; authorizing Chief Technology Officer to discontinue telecommunication services to spending unit that fails to comply with provisions of article; authorizing a proportional fee be assessed against spending units; defining terms; granting rule-making authority; making technical corrections; authorizing a special fund to receive moneys for services provided by the agency; transferring Information Services and Communication Fund to Office of Technology; closing Chief Technology Officer Administration Fund and transferring any remaining balance; authorizing the Chief Technology Officer to grant waivers for certain services required by statute; and exempting constitutional officers from requirement to utilize certain services offered by Office of Technology.

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

Engrossed Committee Substitute for Committee Substitute for Senate Bill 355, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Arvon and Rucker—2.



So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 355) passed with its Senate amended title.

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

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

**Eng. Senate Bill 468**, Changing date and recipients for submission of Auditor's annual report.

On motion of Senator Ferns, the bill was taken up for immediate consideration.

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

On page one, section seven, line three, by striking out the word "February 1" and inserting in lieu thereof the word "January 15".

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

Engrossed Senate Bill 468, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Arvon and Rucker—2.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 468) passed with its title.

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

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

**Eng. Com. Sub. for Senate Bill 625**, Creating WV Volunteer Fire and Rescue Act of 2018.

On motion of Senator Ferns, the bill was taken up for immediate consideration.

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

On page four, section two, line two, by striking out the words “in the performance of, or as a” and inserting in lieu thereof the words “as a proximate”;

On page five, section two, line twenty-three, by striking out “\$100,000” and inserting in lieu thereof “\$50,000”;

On page five, section two, lines twenty-seven and twenty-eight, by striking out the words “who died in the performance of duty” and inserting in lieu thereof the words “killed as a proximate result of the performance of his or her duties”;

On page seven, section three-d, line nineteen, after the word “materials” by inserting the words “or extended search and rescue and water rescue incidents”;

On page seven, section three-d, line twenty-five, by striking out “30” and inserting in lieu thereof “90”;

On page seven, section three-d, lines twenty-nine through thirty-two, by striking out all of subdivision (4);

On pages eight and nine, by striking out all of section twenty-five;

On page nine, before the chapter heading, by inserting the following:

## **CHAPTER 8. MUNICIPAL CORPORATIONS.**

### **ARTICLE 15. FIRE FIGHTING; FIRE COMPANIES AND DEPARTMENTS; CIVIL SERVICE FOR PAID FIRE DEPARTMENTS.**

#### **§8-15-3. Municipalities empowered and authorized to contract for prevention and extinguishment of fires beyond the corporate limits.**

(a) Any municipality may contract to render services in the prevention and extinguishment of fires upon property located within the state. A municipality may contract beyond its immediate boundary limit for fire service protection if fire protection is provided in accordance with and under a rural fire protection district plan based upon the fire suppression rating schedule approved by the state Insurance Commissioner. All rural fire protection district plans shall be approved by the state Fire Commission. No rural fire protection district plan providing for a municipality to contract beyond its boundary may infringe upon an existing fire department's response area without the written consent of the fire department providing fire services for that area.

No contract entered into under the authority of this section may operate to impose any greater obligation or liability upon the municipality than that with respect to property within its corporate limits under an approved rural fire protection district plan. Nothing contained in this section may be construed as requiring any municipality to contract to render such services. A municipality providing fire services under contract to any property outside its corporate limits may offer fire service under contract to any

property within the county if the property owner requests the protection.

Any contract entered into under the authority of this section, on or after July 1, 1969, shall require the ~~property~~ owner of served property located outside the corporate limits of the serving municipality to pay as consideration for said services an annual payment, determined as provided in the remainder of this subsection. If the municipality does not impose a fire service fee on the users of such service within the municipality as authorized in section thirteen, article thirteen of this chapter, the annual payment shall be equivalent to ~~eighty~~ thirty-three percent of the annual tax levied for current municipal purposes upon property within said municipality of like assessed valuation to the property under contract. If the municipality does impose a fire service fee on the users of such service within the municipality, as authorized in said section, the annual payment shall be based upon the area of structures used or intended to be used for residential or general business purposes, and may not include charges for buildings used or intended to be used for the production, storage or housing of agricultural products, as defined in section two, article one-b, chapter nineteen of this code, or a building used or intended to be used for the storage of nonflammable products, and shall otherwise be equivalent to the amount of fire service fee which would be imposed if the property under contract were located within the municipality. ~~plus at least fifty percent of the annual tax levied for current municipal purposes upon property within said municipality of like assessed valuation to the property under contract~~ No contract entered into under the authority of this section, and nothing herein contained, may be construed as requiring or permitting any municipality to install or maintain any special additional apparatus or equipment beyond that necessary for the protection of property within its corporate limits.

(b) The annual payments due under any such contract are payable on or before October 1, of each calendar year in which such contract remains in effect, or upon such day as may be hereinafter provided as the due date of the first installment of ad valorem taxes. If any annual payment is in default for a period of

more than thirty days, it shall bear interest at the same rate as that provided for delinquent property taxes and shall be a lien upon the property under contract if a notice of such lien is recorded in the proper deed of trust book in the office of the clerk of the county commission of the county in which such property or the major portion thereof is located. Such lien is void at the expiration of two years after such defaulted annual payment became due, unless within such two-year period a civil action seeking equitable relief to enforce the lien was instituted by the municipality. The municipality may by civil action collect any annual payment and the interest thereon at any time within five years after such payment became due; and upon default in any annual payment, the municipality may cancel the contract involved.

(c) Any contract made under the authority of this section shall inure to the benefit of and be binding upon the successors in title of the person making the same contract; and such person, upon conveying the property subject to such contract, is no longer liable under such contract, except as to annual payments which were due prior to the conveyance and which remain unpaid.

(d) Any property owner may cancel any such contract with respect to the property of such owner upon giving a thirty-day written notice to the municipality, if the owner is not in default with respect to any annual payment due thereunder, except that if such notice is given subsequent to July 1, of any calendar year, the next succeeding annual payment shall be made by the property owner as soon as the amount thereof is ascertainable. Upon cancellation as aforesaid, the municipality shall deliver to the property owner a recordable release discharging such owner and such property from any further lien or obligation with respect to the annual payments. The annual payments due under any such contract shall be made to the officials as the municipality, in the contract, designates to receive them, who likewise may receive notice of cancellation and execute upon behalf of the municipality the release for which provision is hereinbefore made.

(e) No provision of this section or section thirteen of this article may be construed to authorize a municipality to impose a fire service fee or any other fee for services in the prevention and

extinguishment of fires upon property located outside the boundaries of the municipality in the absence of a written contract entered into under the authority of this section.”;

On page nineteen, section eight, line one, after the word “report” by inserting the words “to the Joint Committee on Government and Finance”;

On page twenty, section eight, line ten, by striking out the words “study and prepare a report” and inserting in lieu thereof the words “study, prepare and submit a report to the Joint Committee on Government and Finance”;

On pages twenty-six through twenty-nine, by striking out all of section thirty-three;

On page thirty, section thirty-b, line eleven, after the word “to” by inserting the words “the Joint Committee on Government and Finance and”;

And,

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

**Eng. Com. Sub. for Senate Bill 625**—A Bill to amend and reenact §5A-3-8 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §5A-3-8a; to amend and reenact §5H-1-2 of said code; to amend and reenact §7-1-3d of said code; to amend and reenact §8-15-3 of said code; to amend and reenact §16-4C-6 and §16-4C-8 of said code; to amend said code by adding thereto two new sections, designated §16-4C-8a and §16-4C-24; to amend said code by adding thereto a new section, designated §17-2A-8d; to amend said code by adding thereto three new sections, designated §29-3-5e, §29-3-5f and §29-3-8; to amend and reenact §29-3-12 of said code; and to amend said code by adding thereto a new section, designated §33-3-33b, all relating to fire and other emergency hazards generally; requiring Director of Purchasing Division make facilities and services of the division available to fire departments and companies and certain emergency medical services agencies;

authorizing director to provide for implementation by legislative rules or other agreement; authorizing payment of death benefits to survivors of firefighter, emergency medical services, or law-enforcement provider who dies as a proximate result of the performance of his or her duties; providing for written designation of beneficiary to be made with State Fire Marshal or Commissioner of the Bureau for Public Health; requiring any county fire prevention units to be formed and recognized under the regulations of the State Fire Commission for local fire departments; increasing authorized reimbursement rate amount; providing exception for incidents or accidents involving hazardous materials or extended search and rescue and water rescue incidents; requiring payment of amounts owed as reimbursement within 90 days; authorizing written agreements between fire department or company and responsible party; modifying provisions relating to fire fees imposed on nonresidents of a municipality who are users of that municipality's fire service; capping the amount of the fees which can be imposed; excluding charges for certain buildings; requiring contract to impose fees for services provided to property outside municipal boundaries; authorizing Commissioner of the Bureau for Public Health to establish one or more statewide contracts for equipment and supplies utilized by emergency medical services agencies; requiring statewide contracts be made available to certain emergency medical services agencies; authorizing development of uniform standards for equipment and supplies used by emergency medical services agencies; giving legislative rule-making authority to Commissioner of the Bureau for Public Health to implement provisions; requiring Commissioner of the Bureau for Public Health to recognize and give full credit for all continuing education credits approved or recognized by state or nationally recognized accrediting body; establishing courtesy certification program for certified emergency medical service personnel in states bordering West Virginia; relieving courtesy certification applicants from requirement to comply with state certification standards; authorizing rulemaking to implement courtesy certification program; providing for biennial renewal of courtesy certification; authorizing revocation of courtesy certification under certain conditions; establishing special revenue fund known as Emergency Medical Services Equipment and Training Fund; authorizing use

of fund for grants to equip emergency medical service providers and train emergency medical services personnel; requiring Commissioner of the Bureau for Public Health establish grant program for equipment and training of emergency medical services providers and personnel; setting eligibility and certain priorities for grant program; granting rule-making authority to implement grant program; authorizing Commissioner of Division of Highways enter into reimbursement agreements with certain fire departments for services provided relating to tree or debris removal from state highways and rights-of-way; setting conditions for and defining scope of reimbursement; retaining authority of commissioner to properly remove and dispose of cleared trees, debris, or other obstacles; granting legislative rule-making authority to implement reimbursement program; setting minimum provisions for legislative rule; authorizing State Fire Marshal establish one or more statewide contracts for equipment and supplies utilized by fire companies and departments; requiring statewide contracts be made available to certain fire companies and departments as well as any other agency or subdivision with a need for those equipment or supplies; authorizing development of uniform standards for equipment and supplies used by fire companies and departments; giving legislative rule-making authority to State Fire Commission to implement provisions; establishing courtesy certification program for certified firefighters in states bordering West Virginia as volunteer firefighters; relieving courtesy certification applicants from requirement to comply with state certification standards for volunteer firefighters; authorizing rulemaking to implement courtesy certification program; providing for biennial renewal of courtesy certification; authorizing revocation of courtesy certification under certain conditions; establishing special revenue fund known as Fire Service Equipment and Training Fund; authorizing use of fund for grants to equip volunteer and part-volunteer fire companies and departments and their members, and train volunteer and part-volunteer firefighters; requiring State Fire Marshal establish grant program for equipment and training of volunteer and part-volunteer fire companies and departments and volunteer firefighters; setting eligibility and certain factors for State Fire Marshal to consider in making grants; granting rule-making authority to implement grant program; requiring State Fire



Marshal prepare certain reports and make certain recommendations; requiring study and report from Insurance Commissioner regarding issues related to workers' compensation for volunteer and part-volunteer fire departments; eliminating obsolete language; and making technical corrections.

On motion of Senator Ferns, the following amendments to the House of Delegates amendments to the bill (Eng. Com. Sub. for S. B. 625) were reported by the Clerk and considered simultaneously:

On page one, section two, subsection (e), by striking out "\$50,000" and inserting in lieu thereof "\$100,000";

On page one, section two, subsection (e), by striking out the word "killed" and inserting in lieu thereof the words "who died";

On page one, section three-d, subsection (c), subdivision (3), by striking out "90" and inserting in lieu thereof "75";

On page one, section three-d, after subdivision (3), by inserting a new subdivision, designated subdivision (4), to read as follows:

(4) If payment for services rendered has not been received within 90 days from the date of response, and if a payment schedule has not been established, a fire department or company may proceed in magistrate court or in other appropriate court action to recover from the responsible party all fees associated with the response, including attorney fees and court costs.;

On page four, article fifteen, section three, subsection (e), by striking out the words "section thirteen of this article" and inserting in lieu thereof the words "§8-13-13 of this code";

On page four, after the article heading, by inserting the following:

**§33-3-33. Surcharge on fire and casualty insurance policies to benefit volunteer and part-volunteer fire departments and emergency medical services; Public Employees Insurance Agency and municipal pension plans; special fund created; allocation of proceeds; effective date.**

(a) For the purpose of providing additional revenue for volunteer fire departments, part-volunteer fire departments, and emergency medical services providers for operations, equipment, training, and workers' compensation coverage, and certain retired teachers and the teachers retirement reserve fund, there is hereby authorized and imposed on and after July 1, ~~1992~~ 2018, on the policyholder of any fire insurance policy or casualty insurance policy issued by any insurer, authorized or unauthorized, or by any risk retention group, a policy surcharge equal to one percent of the taxable premium for each such policy. ~~After June 30, 2005, the surcharge shall be imposed as specified in subdivisions (2) and (3) of this subsection. For purposes of this section, casualty insurance may not include insurance on the life of a debtor pursuant to, or in connection with, a specific loan or other credit transaction or insurance on a debtor to provide indemnity for payments becoming due on a specific loan or other credit transaction while the debtor is disabled as defined in the policy. The policy surcharge may not be subject to premium taxes, agent commissions, or any other assessment against premiums.~~

~~(2) After June 30, 2005, through December 31, 2005, for the purpose of providing additional revenue for volunteer fire departments, part-volunteer fire departments and to provide additional revenue to the Public Employees Insurance Agency and municipal pension plans, there is hereby authorized and imposed on and after July 1, 2005, on the policyholder of any fire insurance policy or casualty insurance policy issued by any insurer, authorized or unauthorized, or by any risk retention group, a policy surcharge equal to one percent of the taxable premium for each such policy.~~

~~(3) After December 31, 2005, for the purpose of providing additional revenue for volunteer fire departments and part-volunteer fire departments, there is hereby authorized and imposed on the policyholder of any fire insurance policy or casualty insurance policy issued by any insurer, authorized or unauthorized, or by any risk retention group, a policy surcharge equal to fifty five one hundredths of one percent of the taxable premium for each such policy.~~

~~(4) For purposes of this section, casualty insurance may not include insurance on the life of a debtor pursuant to or in connection with a specific loan or other credit transaction or insurance on a debtor to provide indemnity for payments becoming due on a specific loan or other credit transaction while the debtor is disabled as defined in the policy. The policy surcharge may not be subject to premium taxes, agent commissions or any other assessment against premiums.~~

(b) The policy surcharge shall be collected and remitted to the Commissioner by the insurer, or in the case of surplus lines coverage, by the surplus lines licensee, or if the policy is issued by a risk retention group, by the risk retention group. The amount required to be collected under this section shall be remitted to the Commissioner on a quarterly basis on or before the twenty-fifth day of the month succeeding the end of the quarter in which they are collected, except for the fourth quarter for which the surcharge shall be remitted on or before March 1 of the succeeding year.

(c) Any person failing or refusing to collect and remit to the Commissioner any policy surcharge and whose surcharge payments are not postmarked by the due dates for quarterly filing is liable for a civil penalty of up to \$100 for each day of delinquency, to be assessed by the Commissioner. The Commissioner may suspend the insurer, broker, or risk retention group until all surcharge payments and penalties are remitted in full to the Commissioner.

(d)(1) All money from the policy surcharge shall be collected by the Commissioner who shall disburse the money received from the surcharge as follows:

(1) Fifty-five percent of the moneys received shall be deposited into a special account in the State Treasury, designated the Fire Protection Fund. The net proceeds of this portion of the tax and the interest thereon, after appropriation by the Legislature, shall be distributed quarterly on the first day of the months of January, April, July, and October to each volunteer fire company or department on an equal share basis by the State Treasurer. ~~After June 30, 2005, the money received from the surcharge shall be~~

~~distributed as specified in subdivisions (2) and (3) of this subsection.~~

~~(2)(A) After June 30, 2005, through December 31, 2005, all money from the policy surcharge shall be collected by the Commissioner who shall disburse one half of the money received from the surcharge into the Fire Protection Fund for distribution as provided in subdivision (1) of this subsection.~~

~~(B) The remaining portion of moneys collected shall be transferred into the fund in the state Treasury of the Public Employees Insurance Agency into which are deposited the proportionate shares made by agencies of this state of the Public Employees Insurance Agency costs of those agencies, until November 1, 2005. After the October 31, 2005, through December 31, 2005, the remain portion shall be transferred to the special account in the state Treasury, known as the Municipal Pensions and Protection Fund.~~

(2) Twenty percent of the moneys received shall be deposited into the Volunteer Fire Department Workers' Compensation Subsidy Program, established pursuant to §12-4-14a of this code.

(3) Fifteen percent of the moneys received shall be deposited into the Fire Service Equipment and Training Fund, established pursuant to §29-3-5f of this code.

(4) Ten percent of the moneys received shall be deposited into the Emergency Medical Services Equipment and Training Fund, established pursuant to §16-4C-24 of this code.

~~(3) After December 31, 2005, all money from the policy surcharge shall be collected by the Commissioner who shall disburse all of the money received from the surcharge into the Fire Protection Fund for distribution as provided in subdivision (1) of this subsection.~~

(5) Before each distribution date to volunteer fire companies or departments, the State Fire Marshal shall report to the State Treasurer the names and addresses of all volunteer and part-volunteer fire companies and departments within the state which

meet the eligibility requirements established in §8-15-8a of this code.

(e) The allocation, distribution, and use of revenues provided in the Fire Protection Fund are subject to the provisions of §8-15-8a and §8-15-8b of this code.;

And,

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

**Eng. Com. Sub. for Senate Bill 625**—A Bill to amend and reenact §5A-3-8 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §5A-3-8a; to amend and reenact §5H-1-2 of said code; to amend and reenact §7-1-3d of said code; to amend and reenact §8-15-3 of said code; to amend and reenact §16-4C-6 and §16-4C-8 of said code; to amend said code by adding thereto two new sections, designated §16-4C-8a and §16-4C-24; to amend said code by adding thereto a new section, designated §17-2A-8d; to amend said code by adding thereto three new sections, designated §29-3-5e, §29-3-5f and §29-3-8; to amend and reenact §29-3-12 of said code; to amend and reenact §33-3-33 of said code; and to amend said code by adding thereto a new section, designated §33-3-33b, all relating to creating the West Virginia Volunteer Fire and Rescue Act of 2018; requiring Director of Purchasing Division make facilities and services of the division available to fire departments and companies and certain emergency medical services agencies; authorizing director to provide for implementation by legislative rules or other agreement; authorizing payment of death benefits to survivors of firefighter, emergency medical services, or law-enforcement provider who dies as a proximate result of the performance of his or her duties; increasing death benefits to be paid; providing for written designation of beneficiary to be made on forms prescribed by State Fire Marshal or Commissioner of the Bureau for Public Health; requiring any county fire prevention units to be formed and recognized under the regulations of the State Fire Commission for local fire departments; increasing authorized reimbursement rate amount; providing exception for incidents or

accidents involving hazardous materials or extended search and rescue and water rescue incidents; requiring payment of amounts owed as reimbursement within 75 days; authorizing written agreements between fire department or company and responsible party; permitting fire company or department to proceed to recover costs if payment or agreement not reached within 90 days; modifying provisions relating to fire fees imposed on nonresidents of a municipality who are users of that municipality's fire service; capping the amount of the fees that can be imposed; excluding charges for certain buildings; requiring contract to impose fees for services provided to property outside municipal boundaries; authorizing Commissioner of the Bureau for Public Health to establish one or more statewide contracts for equipment and supplies utilized by emergency medical services agencies; requiring statewide contracts be made available to certain emergency medical services agencies; authorizing development of uniform standards for equipment and supplies used by emergency medical services agencies; giving legislative rule-making authority to Commissioner of the Bureau for Public Health to implement provisions; requiring Commissioner of the Bureau for Public Health to recognize and give full credit for all continuing education credits approved or recognized by state or nationally recognized accrediting body; establishing courtesy certification program for certified emergency medical service personnel in states bordering West Virginia; relieving courtesy certification applicants from requirement to comply with state certification standards; authorizing rulemaking to implement courtesy certification program; providing for biennial renewal of courtesy certification; authorizing revocation of courtesy certification under certain conditions; establishing special revenue fund known as Emergency Medical Services Equipment and Training Fund; authorizing use of fund for grants to equip emergency medical service providers and train emergency medical services personnel; requiring Commissioner of the Bureau for Public Health establish grant program for equipment and training of emergency medical services providers and personnel; setting eligibility and certain priorities for grant program; granting rule-making authority to implement grant program; authorizing Commissioner of Division of Highways enter into reimbursement agreements with certain fire departments for

services provided relating to tree or debris removal from state highways and rights-of-way; setting conditions for and defining scope of reimbursement; retaining authority of commissioner to properly remove and dispose of cleared trees, debris, or other obstacles; granting legislative rule-making authority to implement reimbursement program; setting minimum provisions for legislative rule; authorizing State Fire Marshal establish one or more statewide contracts for equipment and supplies utilized by fire companies and departments; requiring statewide contracts be made available to certain fire companies and departments as well as any other agency or subdivision with a need for those equipment or supplies; authorizing development of uniform standards for equipment and supplies used by fire companies and departments; giving legislative rule-making authority to State Fire Commission to implement provisions; establishing courtesy certification program for certified firefighters in states bordering West Virginia to serve as volunteer firefighters; relieving courtesy certification applicants from requirement to comply with state certification standards for volunteer firefighters; authorizing rulemaking to implement courtesy certification program; providing for biennial renewal of courtesy certification; authorizing revocation of courtesy certification under certain conditions; establishing special revenue fund known as Fire Service Equipment and Training Fund; authorizing use of fund for grants to equip volunteer and part-volunteer fire companies and departments and their members, and train volunteer and part-volunteer firefighters; requiring State Fire Marshal establish grant program for equipment and training of volunteer and part volunteer fire companies and departments and volunteer firefighters; setting eligibility and certain factors for State Fire Marshal to consider in making grants; granting rule-making authority to implement grant program; requiring State Fire Marshal prepare certain reports and make certain recommendations; increasing surcharge on fire and casualty insurance policies; exempting certain casualty insurance policies from surcharge; prohibiting premium taxes, agent commissions, and other assessments from being charged against surcharge; designating where funds collected from surcharge are to be deposited; requiring study and report from Insurance Commissioner regarding issues related to workers' compensation

for volunteer and part-volunteer fire departments; eliminating obsolete language; and making technical corrections.

Senator Boso requested a ruling from the Chair as to whether he should be excused from voting under Rule 43 of the Rules of the Senate as he serves as a volunteer firefighter.

The Chair replied that any impact on Senator Boso would be as a member of a class of persons and that he would be required to vote.

The question being on the adoption of Senator Ferns' amendments to the House of Delegates amendments to the bill, the same was put and prevailed.

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

Engrossed Committee Substitute for Senate Bill 625, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Rucker—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 625) passed with its Senate amended title.

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

A message from the Clerk of the House of Delegates announced the amendment by that body, passage as amended, to



take effect from passage, and requested the concurrence of the Senate in the House of Delegates amendment, as to

**Eng. Senate Bill 633**, Expiring funds from Insurance Commission Fund and appropriating funds to Consolidated Medical Services Fund.

On motion of Senator Ferns, the bill was taken up for immediate consideration.

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

On page two, line two, after the word “by” by inserting the words “increasing an existing item of appropriation and by”.

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

Engrossed Senate Bill 633, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President—33.

The nays were: None.

Absent: Rucker—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 633) passed with its title.

Senator Ferns moved that the bill take effect from passage.

On this question, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda,

Palumbo, Plymale, Prezioso, Romano, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Rucker—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 633) takes effect from passage.

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

At the request of Senator Trump, and by unanimous consent, Senator Trump announced a meeting of the committee of conference as to Engrossed Committee Substitute for Committee Substitute for Senate Joint Resolution 3 (*Judicial Budget Oversight Amendment*).

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

**Eng. Com. Sub. for House Bill 4428**, Allowing training hours earned through public school education or apprenticeship to count towards an applicant's occupational certification.

On motion of Senator Ferns, the bill was taken up for immediate consideration.

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

On page one, by striking out all of article thirty-three and inserting in lieu thereof the following:

**ARTICLE 2B. AREA VOCATIONAL PROGRAM.****§18-2B-9. Governor's Workforce Credential.**

(a) The Governor's Workforce Credential is a joint initiative between the Governor, the State Board and the State Superintendent aimed at preparing students to enter the workforce with industry ready skills and abilities that meet business and industry expectations. This credential creates a way for employers to identify potential employees who are prepared to enter the workforce and understand the industry accepted expectations of such employees. The credential honors those students who are able to meet or exceed rigorous requirements within their Career and Technical Education programs.

(b) The State Superintendent shall annually award the Governor's Workforce Credential to students in their senior year who meet the requirements to receive the credential as set forth in State Board policy.;

On page one, section fifteen-g, after the words "public school" by changing the period to a colon and inserting the following proviso: *Provided, however*, That no such student may displace a public school student.;

And,

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

**Eng. Com. Sub. for House Bill 4428**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-15g; to amend said code by adding thereto a new section, designated §18-2B-9; to amend said code by adding thereto a new article, designated §21-1E-1, §21-1E-2, §21-1E-3, §21-1E-4, and §21-1E-5; and to amend said code by adding thereto a new article designated §30-1E-1, §30-1E-2, §30-1E-3, and §30-1E-4, all relating to addressing workforce needs; requiring county boards of education to permit students who are homeschooled or attend private schools to enroll and take classes at the county's vocational schools under certain conditions;

defining and setting forth purpose of Governor's Workforce Credential and providing for State Superintendent to award Credential to students in senior year who meet requirements set forth in State Board policy; requiring standards and procedures for applying career technical training acquired in public schools, apprenticeships and training programs toward occupational testing, certification and/or licensure; establishing purpose; providing definitions; requiring rules providing standards and procedures be proposed by Commissioner of Labor and by licensing boards and commissions; requiring certain career and education related information be provided to high school students; and requiring Commissioner of Labor rule to include guidelines for collection and dissemination of information in manner easily accessible to both students and their parents.

On motion of Senator Ferns, the Senate refused to concur in the foregoing House amendments to the Senate amendments to the bill (Eng. Com. Sub. for H. B. 4428) and requested the House of Delegates to recede therefrom.

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

The Senate again proceeded to the fifth order of business.

Senator Boso, from the committee of conference on matters of disagreement between the two houses, as to

**Eng. Senate Bill 282**, Exempting the West Virginia State Conservation Committee from Purchasing Division Requirements.

Submitted the following report, which was received:

Your committee of conference on the disagreeing votes of the two houses as to the amendments of the House to Engrossed Senate Bill 282, having met, after full and free conference, have agreed to recommend and do recommend to their respective houses, as follows:

That both houses agree to recede from their respective positions as to the amendment of the House of Delegates on page

two, section three, line thirty-three, and that both houses further agree to an amendment on page two, section three, line thirty-three, after the word “Services:” to read as follows:

*And provided further*, That the provisions of this subdivision shall not apply to contracts for any natural disaster recovery activities entered into by the West Virginia State Conservation Committee or the West Virginia Conservation Agency.;

And,

That both houses recede from their respective positions as to the title of the bill and agree to the same as follows:

**Eng. Senate Bill 282**—A Bill to amend and reenact §5A-3-3 of the Code of West Virginia, 1931, as amended, relating to exempting the State Conservation Committee and the Conservation Agency from the Purchasing Division requirements for contracts related to natural disaster recovery activities and joint funding agreements with the United States Geological Survey.

Respectfully submitted,

Gregory L. Boso, *Chair*, Mark R. Maynard, Corey Palumbo,  
*Conferees on the part of the Senate.*

Roger Hanshaw, *Chair*, George Ambler, Andrew D. Byrd,  
*Conferees on the part of the House of Delegates.*

On motions of Senator Boso, severally made, the report of the committee of conference was taken up for immediate consideration and adopted.

Engrossed Senate Bill 282, as amended by the conference report, was then put upon its passage.

On the passage of the bill, as amended, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano,

Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Rucker—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 282) passed with its conference amended title.

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

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

A message from the Clerk of the House of Delegates announced that that body had agreed to the appointment of a committee of conference of three from each house on the disagreeing votes of the two houses, as to

**Eng. House Bill 4629**, Relating to broadband enhancement and expansion policies generally.

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

Delegates Hanshaw, Zatezalo, and Isner.

A message from the Clerk of the House of Delegates announced that that body had agreed to the appointment of a committee of conference of three from each house on the disagreeing votes of the two houses, as to

**Eng. Com. Sub. for House Bill 4447**, Providing for a uniform and efficient system of broadband conduit installation.

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

Delegates Shott, Hanshaw, and Byrd.

A message from the Clerk of the House of Delegates announced that that body had agreed to the appointment of a committee of conference of three from each house on the disagreeing votes of the two houses, as to

**Eng. Com. Sub. for Com. Sub. for Senate Joint Resolution 3, Judicial Budget Oversight Amendment.**

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

Delegates Shott, Hanshaw, and Byrd.

The Senate proceeded to the seventh order of business.

**Senate Concurrent Resolution 64, Designating Sunday, May 6, 2018, as World Moyamoya Awareness Day.**

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

**Senate Concurrent Resolution 65, US Army SP4 Wilbur Allen Smith Memorial Bridge.**

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

**Senate Concurrent Resolution 66, Robert “Glen” Schoonover Memorial Bridge.**

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

**Senate Concurrent Resolution 67, Requesting study on improving WV students’ scores on educational tests.**

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

The Senate proceeded to the eighth order of business.

**Eng. Com. Sub. for House Bill 4345**, Relating to limitations on permits for growers, processors and dispensaries of medical cannabis.

On third reading, coming up in regular order, with the unreported Judiciary committee amendment pending, and with the right having been granted on Thursday, March 8, 2018, for amendments to be received on third reading, was reported by the Clerk.

At the request of Senator Trump, as chair of the Committee on the Judiciary, and by unanimous consent, the unreported Judiciary committee amendment to the bill was withdrawn.

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

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

## **CHAPTER 12. PUBLIC MONEYS AND SECURITIES.**

### **ARTICLE 1. STATE DEPOSITORIES.**

#### **§12-1-2. Depositories for demand deposits; categories of demand deposits; competitive bidding for disbursement accounts; maintenance of deposits by State Treasurer; definition of spending unit.**

(a) The State Treasurer shall designate the state and national banks and the state and federal savings and loan associations in this state meeting the requirements of this chapter as depositories for all state funds placed in demand deposits: Provided, That the State Treasurer may designate a credit union only for the banking functions necessary for the West Virginia Medical Cannabis Act, pursuant to §16A-1-1 et seq. of this code.

(b) (1) Demand deposit accounts shall consist of receipt and disbursement accounts. Receipt accounts are accounts in which are



deposited moneys belonging to or due the State of West Virginia or any official, department, board, commission, or agency of the state.

(2) Disbursement accounts are accounts from which are paid moneys due from the State of West Virginia or any official, department, board, commission, political subdivision, or agency of the state to any political subdivision, person, firm, or corporation, except moneys paid from investment accounts.

(3) Investment accounts are accounts established by the West Virginia Investment Management Board, the West Virginia Board of Treasury Investments, or the State Treasurer for the buying and selling of securities for investment purposes.

(c) The State Treasurer shall propose rules for legislative approval, in accordance with the provisions of §29A-3-1 *et seq.* of this code, concerning depositories for receipt accounts prescribing the selection criteria, procedures, compensation, and any other contractual terms it considers to be in the best interests of the state giving due consideration to: (1) The activity of the various accounts maintained in the depositories; (2) the reasonable value of the banking services rendered or to be rendered the state by the depositories; and (3) the value and importance of the deposits to the economy of the communities and the various areas of the state affected by the deposits.

(d) The State Treasurer shall select depositories for disbursement accounts through competitive bidding by eligible banks in this state. If none of the eligible banks in this state are able to provide the needed services, then the State Treasurer may include eligible banks outside this state in the competitive bidding process. The State Treasurer shall propose rules for legislative approval in accordance with the provisions of article three, chapter twenty-nine-a of this code, prescribing the procedures and criteria for the bidding and selection. The State Treasurer shall, in the invitations for bids, specify the approximate amounts of deposits, the duration of contracts to be awarded and any other contractual terms the State Treasurer considers to be in the best interests of the

state, consistent with obtaining the most efficient service at the lowest cost.

The amount of money needed for current operation purposes of the state government, as determined by the State Treasurer, shall be maintained at all times in the State Treasury, in cash, in short term investments not to exceed five days or in disbursement accounts with financial institutions designated as depositories in accordance with the provisions of this section. No state officer or employee shall make or cause to be made any deposits of state funds in financial institutions which have not been designated as depositories.

(e) Except as otherwise provided in this code, only banks and state and federal savings and loan associations designated by the State Treasurer as depositories may accept deposits of state funds. Only the Legislature and the State Treasurer may determine whether funds are state funds and only the State Treasurer may approve the opening of an account or processing of a transaction with a financial institution: *Provided, That the State Treasurer may designate a credit union to receive state funds only as they relate to the West Virginia Medical Cannabis Act, pursuant to §16A-1-1 et seq. of this code.*

(f) Boards, commissions and spending units with authority pursuant to this code to deposit moneys in a financial institution without approval of the State Treasurer shall retain that authority and are not required to have the State Treasurer designate a financial institution as a depository: *Provided, That boards, commissions and spending units with moneys deposited in financial institutions not approved for that purpose by the State Treasurer shall submit a report on those moneys annually to the Legislative Auditor and the State Treasurer.*

(g) The provisions of this section shall not apply to the proceeds from the sale of general obligation bonds or bonds issued by the School Building Authority, the Parkways, Economic Development and Tourism Authority, the Housing Development Fund, the Economic Development Authority, the Infrastructure and

Jobs Development Council, the Water Development Authority, or the Hospital Finance Authority.

(h) As used in this chapter, “spending unit” means a department, agency, board, commission, or institution of state government for which an appropriation is requested, or to which an appropriation is made by the Legislature.

### **§12-1-3. Depositories for interest earning deposits; qualifications.**

Any state or national bank or any state or federal savings and loan association, or a credit union designated by the State Treasurer to receive state funds only as they relate to the West Virginia Medical Cannabis Act, pursuant to §16A-1-1 *et seq.* of this code. in this state shall, upon request made to the State Treasurer, be designated as an eligible depository for interest earning deposits of state funds if such bank or state or federal savings and loan association meets the requirements set forth in this chapter. For purposes of this article, the term “interest earning deposits” includes certificates of deposit or other financial institution products. The State Treasurer shall make and apportion such interest earning deposits and shall prescribe the interest rates, terms and conditions of deposits, all in accordance with the provisions of §12-6-1 *et seq.* and §12-6A-1 *et seq.* of this code: *Provided*, That state or federal savings and loan associations insured by an agency of the federal government shall be eligible for such deposits not in excess of the amount insured by any agency of the federal government.

## **CHAPTER 16A. MEDICAL CANNABIS ACT.**

### **ARTICLE 2. DEFINITIONS.**

#### **§16A-2-1. Definitions.**

(a) The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

(1) “Act” means the West Virginia Medical Cannabis Act and the provisions contained in §60A-1-101 *et seq.* of this code.

(2) “Advisory board” means the advisory board established under §16A-11-1 *et seq.* of this code.

(3) “Bureau” mean the Bureau for Public Health within the West Virginia Department of Health and Human Resources.

(4) “Caregiver” means the individual designated by a patient, or, if the patient is under 18 years of age, an individual under §16A-5-1 *et seq.* of this code, to deliver medical cannabis.

(5) “Certified medical use” means the acquisition, possession, use, or transportation of medical cannabis by a patient, or the acquisition, possession, delivery, transportation, or administration of medical cannabis by a caregiver, for use as part of the treatment of the patient’s serious medical condition, as authorized in a certification under this act, including enabling the patient to tolerate treatment for the serious medical condition.

(6) “Change in control” means the acquisition, by a person or group of persons acting in concert, of a controlling interest in an applicant or permittee either all at one time or over the span of a 12-consecutive-month period.

(7) “Commissioner” means the Commissioner of the Bureau for Public Health.

(8) “Continuing care” means treating a patient for ~~at least six months in the course of~~ which the practitioner has completed a full assessment of the patient’s medical history and current medical condition, including an in-person consultation with the patient, and is able to document and make a medical diagnosis based upon the substantive treatment of the patient.

(9) “Controlling interest” means:

(A) For a publicly traded entity, voting rights that entitle a person to elect or appoint one or more of the members of the board of directors or other governing board or the ownership or beneficial

holding of five percent or more of the securities of the publicly traded entity.

(B) For a privately held entity, the ownership of any security in the entity.

(10) “Dispensary” means a person, including a natural person, corporation, partnership, association, trust, or other entity, or any combination thereof, which holds a permit issued by the bureau to dispense medical cannabis. The term does not include a health care medical cannabis organization under §16A-13-1 *et seq.* of this code.

(11) “Family or household member” means the same as defined in §48-27-204 of this code.

(12) “Financial backer” means an investor, mortgagee, bondholder, note holder, or other source of equity, capital, or other assets, other than a financial institution.

(13) “Financial institution” means a bank, a national banking association, a bank and trust company, a trust company, a savings and loan association, a building and loan association, a mutual savings bank, a credit union, or a savings bank.

(14) “Form of medical cannabis” means the characteristics of the medical cannabis recommended or limited for a particular patient, including the method of consumption and any particular dosage, strain, variety and quantity or percentage of medical cannabis or particular active ingredient.

(15) “Fund” means the Medical Cannabis Program Fund established in section §16A-9-2 of this code.

(16) “Grower” means a person, including a natural person, corporation, partnership, association, trust, or other entity, or any combination thereof, which holds a permit from the bureau under this act to grow medical cannabis. The term does not include a health care medical cannabis organization under §16A-13-1 *et seq.* of this code.

(17) “Grower/processor” means either a grower or a processor.

(18) “Identification card” means a document issued under §16A-5-1 *et seq.* of this code that authorizes access to medical cannabis under this act.

(19) “Individual dose” means a single measure of medical cannabis.

(20) “Medical cannabis” means cannabis for certified medical use as set forth in this act.

(21) “Medical cannabis organization” means a dispensary, grower, or processor. The term does not include a health care medical cannabis organization under §16A-13-1 *et seq.* of this code.

(22) “Patient” means an individual who:

(A) Has a serious medical condition;

(B) Has met the requirements for certification under this act; and

(C) Is a resident of this state.

(23) “Permit” means an authorization issued by the bureau to a medical cannabis organization to conduct activities under this act.

(24) “Physician” or “practitioner” means a doctor of allopathic or osteopathic medicine who is fully licensed pursuant to the provisions of either §30-3-1 *et seq.* or §30-14-1 *et seq.* of this code to practice medicine and surgery in this state.

(25) “Post-traumatic stress disorder” means a diagnosis made as part of continuing care of a patient by a medical doctor, licensed counselor, or psychologist.

~~(26) “Practitioner” means a physician who is registered with the bureau under article four of this chapter.~~

~~(27)~~ (26) “Prescription drug monitoring program” means the West Virginia Controlled Substances Monitoring Program under §60A-9-1 *et seq.* of this code.

~~(28)~~ (27) “Principal” means an officer, director, or person who directly owns a beneficial interest in or ownership of the securities of an applicant or permittee, a person who has a controlling interest in an applicant or permittee or who has the ability to elect the majority of the board of directors of an applicant or permittee or otherwise control an applicant or permittee, other than a financial institution.

~~(29)~~ (28) “Processor” means a person, including a natural person, corporation, partnership, association, trust, or other entity, or any combination thereof, which holds a permit from the bureau under this act to process medical cannabis. The term does not include a health care medical cannabis organization under §16A-13-1 *et seq.* of this code.

~~(30) “Registry” means the registry established by the bureau for practitioners~~

~~(31)~~ (29) “Serious medical condition” means any of the following, as has been diagnosed as part of a patient’s continuing care:

(A) Cancer;

(B) Positive status for human immunodeficiency virus or acquired immune deficiency syndrome;

(C) Amyotrophic lateral sclerosis;

(D) Parkinson’s disease;

(E) Multiple sclerosis;

(F) Damage to the nervous tissue of the spinal cord with objective neurological indication of intractable spasticity;

(G) Epilepsy;

(H) Neuropathies;

(I) Huntington's disease;

(J) Crohn's disease;

(K) Post-traumatic stress disorder;

(L) Intractable seizures;

(M) Sickle cell anemia;

(N) Severe chronic or intractable pain; ~~of neuropathic origin or severe chronic or intractable pain in which conventional therapeutic intervention and opiate therapy is contraindicated or has proved ineffective as determined as part of continuing care or~~

(O) Terminally ill.

~~(32)~~ (30) "Terminally ill" means a medical prognosis of life expectancy of approximately one year or less if the illness runs its normal course.

### **ARTICLE 3. MEDICAL CANNABIS PROGRAM.**

#### **§16A-3-1. Establishment of program.**

(a) A medical cannabis program for patients suffering from serious medical conditions is established. The program shall be implemented and administered by the bureau. The bureau shall:

(1) Issue permits to medical cannabis organizations to authorize them to grow, process, or dispense medical cannabis and ensure their compliance with this act.

~~(2) Register practitioners and ensure their compliance with this act~~

~~(3)~~ (2) Have regulatory and enforcement authority over the growing, processing, sale, and use of medical cannabis in this state.

~~(4)~~ (3) Establish and maintain an electronic database to include activities and information relating to medical cannabis



organizations, certifications, and identification cards issued, ~~practitioner registration~~ and electronic tracking of all medical cannabis as required under this act to include:

(A) ~~Insurance~~ Provisions to ensure that medical cannabis is not diverted or otherwise used for unlawful purposes by a practitioner or medical cannabis organization.

(B) Ability to establish the authenticity of identification cards.

(C) Recording recommended forms of medical cannabis, if any, provided in a certification filed by the practitioner.

(D) Monitoring all growth, transfer, possession, processing, testing, and dispensing of medical cannabis in this state.

(E) The tracking system under §16A-7-1 *et seq.* of this code must include information under §16A-8-1 *et seq.* of this code and any other information required by the bureau to be used by the bureau and dispensaries to enable a dispensary to lawfully provide medical cannabis. The tracking system and database shall be capable of providing information in real time. The database shall be capable of receiving information from a dispensary regarding the disbursement of medical cannabis to patients and caregivers. This information shall be immediately accessible to the bureau and other dispensaries to inhibit diversion and ensure compliance with this act.

~~(5)~~ (4) Maintain a directory of patients and caregivers approved to use or assist in the administration of medical cannabis within the bureau's database.

~~(6)~~ (5) Develop a four-hour training course for physicians regarding the latest scientific research on medical cannabis, including the risks and benefits of medical cannabis and other information deemed necessary by the bureau. ~~Successful completion of the course shall be approved as continuing education credits as determined by:~~

~~(A) The State Board of Medicine.~~

~~(B)~~ The State Board of Osteopathic Medicine

~~(7)~~ (6) Develop ~~a two-hour~~ an eight-hour course for the principals and employees of a medical cannabis organization who either have direct contact with patients or caregivers or who physically handle medical cannabis. Employees must successfully complete the course no later than 90 days after commencing employment. Principals must successfully complete the course prior to commencing initial operation of the medical cannabis organization. The subject matter of the course shall include the following:

(A) Methods to recognize and report unauthorized activity, including diversion of medical cannabis for unlawful purposes and falsification of identification cards.

(B) Proper handling of medical cannabis and recordkeeping.

(C) The latest scientific research on medical cannabis, including the risk and benefits of medical cannabis.

~~(C)~~ (D) Any other subject required by the bureau.

~~(8)~~ (7) Develop enforcement procedures, including announced and unannounced inspections of facilities of the grower/processors and dispensaries, and all records of the medical cannabis organizations.

~~(9)~~ (8) Establish a program to authorize the use of medical cannabis to conduct medical research relating to the use of medical cannabis to treat serious medical conditions, including the collection of data and the provision of research grants.

~~(10)~~ (9) Establish and maintain public outreach programs about the medical cannabis program, including:

(A) A dedicated telephone number for patients, caregivers and members of the public to obtain basic information about the dispensing of medical cannabis under this act.

(B) A publicly accessible Internet website with similar information.

~~(11)~~ (10) Collaborate as necessary with other state agencies or contract with third parties as necessary to carry out the provisions of this act.

~~(12)~~ (11) Determine the number and type of medical cannabis products to be produced by a grower/processor and dispensed by a dispensary.

~~(13)~~ (12) Develop recordkeeping requirements for all books, papers, any electronic database or tracking system data and other information of a medical cannabis organization. Information shall be retained for a minimum period of four years unless otherwise provided by the bureau.

~~(14)~~ (13) Restrict the advertising and marketing of medical cannabis, which shall be consistent with the federal rules and regulations governing prescription drug advertising and marketing.

(14) Upon a recommendation of the advisory board, the bureau may authorize growers to subcontract with third-parties located within the state to grow medical cannabis; Provided, That a grower may subcontract with no more than two persons or entities.

(b) The bureau shall propose ~~rules for legislative promulgation~~ rules pursuant to the provisions of §29A-3-1 *et seq.* of this code as may be necessary to carry out and implement the provisions of this act. The bureau shall also have the power to propose and promulgate emergency rules under said article as may be necessary to carry out and implement the provisions of this act.

(c) The bureau may study and examine whether allowing medical cannabis in dry leaf or plant form to be dispensed and used by patients would further alleviate the symptoms of serious medical conditions, and the results of any such study or examination shall be reported to the Joint Committee on Government and Finance.

**§16A-3-3. Unlawful use of medical cannabis.**

(a) Except as provided in §16A-3-2, §16A-7-4, §16A-13-1 *et seq.* or §16A-14-1 *et seq.* of this code:

(1) The use of medical cannabis is unlawful and shall, in addition to any other penalty provided by law, be deemed a violation of the Uniform Controlled Substances Act under chapter 60A of this code; and

~~(b)~~ (2) It shall be unlawful to:

~~(1)~~ (A) Smoke medical cannabis.

~~(2)~~ (B) Except as provided under subsection ~~(e)~~ (b) of this section, incorporate medical cannabis into edible form or sell in edible form.

~~(3)~~ (C) Grow medical cannabis unless the grower/processor has received a permit from the bureau under this act.

~~(4)~~ (D) Grow or dispense medical cannabis unless authorized as a health care medical cannabis organization under §16A-13-1 *et seq.* of this code.

~~(5)~~ (E) Dispense medical cannabis unless the dispensary has received a permit from the bureau under this act.

~~(e)~~ (b) *Edible medical cannabis.* — Nothing in this act shall be construed to preclude the incorporation of medical cannabis into edible form by a patient or a caregiver in order to aid ingestion of the medical cannabis by the patient.

**§16A-3-4. Confidentiality.**

(a) *Patient information.* — The bureau shall maintain a confidential list of patients and caregivers to whom it has issued identification cards. All information obtained by the bureau relating to patients, caregivers, and other applicants shall be confidential and not subject to public disclosure under §29B-1-1 *et seq.* of this code, including specifically the following:

(1) Individual identifying information about patients and caregivers.

(2) Certifications issued by practitioners.

(3) Information on identification cards.

(4) Information provided by the West Virginia State Police under §16A-5-2 of this code.

(5) Information relating to the patient's serious medical condition.

(b) *Public information.* — The following records are public records and shall be subject to the Freedom of Information Act, under §29B-1-1 *et seq.* of this code:

(1) Applications for permits submitted by medical cannabis organizations; and

~~(2) The names, business addresses and medical credentials of practitioners authorized to provide certifications to patients to enable them to obtain and use medical cannabis in this state. All other practitioner registration information shall be confidential and exempt from public disclosure under the Freedom of Information Act~~

~~(3)~~ (2) Information relating to penalties or other disciplinary actions taken against a medical cannabis organization or practitioner by the bureau for violation of this act.

#### **ARTICLE 4. PRACTITIONERS.**

##### **§16A-4-1. Registration.**

[Repealed.]

##### **§16A-4-2. Practitioner restrictions.**

(a) *Practices prohibited.* — The following shall apply with respect to practitioners:

(1) A practitioner may not accept, solicit, or offer any form of remuneration from or to a prospective patient, patient, prospective caregiver, caregiver, or medical cannabis organization, including an employee, financial backer, or principal, to certify a patient, other than accepting a fee for service with respect to the examination of the prospective patient to determine if the prospective patient should be issued a certification to use medical cannabis.

(2) A practitioner may not hold a direct or economic interest in a medical cannabis organization.

(3) A practitioner may not advertise the practitioner's services as a practitioner who can certify a patient to receive medical cannabis.

(b) *Unprofessional conduct.* — A practitioner who violates subsection (a) of this section shall not be permitted to issue certifications to patients. ~~and shall be removed from the registry.~~

(c) *Discipline.* — In addition to any other penalty that may be imposed under this act, a violation of subsection (a) of this section or §16A-4-3(f) of this code shall be deemed unprofessional conduct under the West Virginia Medical Practice Act, and shall subject the practitioner to discipline by the West Virginia Board of Medicine and West Virginia Board of Osteopathic Medicine, as appropriate.

### **§16A-4-3. Issuance of certification.**

(a) *Conditions for issuance.* — A certification to use medical cannabis may be issued by a practitioner to a patient if all of the following requirements are met:

(1) The practitioner has ~~been approved by the bureau for inclusion in the registry and~~ has a valid, unexpired, unrevoked, unsuspended license to practice medicine in this state at the time of the issuance of the certification.

(2) The practitioner has determined that the patient has a serious medical condition as defined in §16A-2-1 of this code and has included the condition in the patient's health care record.

(3) The patient is under the practitioner's continuing care for the serious medical condition.

(4) In the practitioner's professional opinion and review of past treatments, the practitioner determines the patient ~~is likely to~~ may receive therapeutic or palliative benefit from the use of medical cannabis. ~~and other treatments, including treatments involving opioids, have proven ineffective or otherwise are contraindicated.~~

(5) The practitioner has determined that the patient has no past or current medical condition(s) or medication use that would constitute a contraindication for the use of cannabis.

(6) The practitioner has determined that the patient is experiencing serious pathophysiological discomfort, disability or dysfunction that may be attributable to a serious medical condition and may possibly benefit from cannabis treatment when current medical research exhibits a moderate or higher probability of efficacy.

(7) The practitioner has educated the patient about cannabis and its safe use.

(b) *Contents.* — The certification shall include:

(1) The patient's name, date of birth, and address.

(2) The specific serious medical condition of the patient.

(3) A statement by the practitioner that the patient has a serious medical condition and the patient is under the practitioner's continuing care for the serious medical condition.

(4) The date of issuance.

(5) The name, address, telephone number, and signature of the practitioner.

(6) Any requirement or limitation concerning the appropriate form of medical cannabis and limitation on the duration of use, if applicable, including whether the patient is terminally ill.

(c) *Consultation.*

(1) A practitioner shall review the prescription drug monitoring program prior to:

(A) Issuing a certification to determine the controlled substance history of a patient.

(B) Recommending a change of amount or form of medical cannabis.

(2) The practitioner shall consider and give due consideration to other controlled substances the patient may be taking prior to certifying medical cannabis.

(d) *Other access by practitioner.* — A practitioner may access the prescription drug monitoring program to do any of the following:

(1) Determine whether a patient may be under treatment with a controlled substance by another physician or other person.

(2) Allow the practitioner to review the patient's controlled substance history as deemed necessary by the practitioner.

(3) Provide to the patient, or caregiver on behalf of the patient if authorized by the patient, a copy of the patient's controlled substance history.

(e) *Duties of practitioner.* — The practitioner shall:

(1) Provide the certification to the patient.

(2) Provide a copy of the certification to the bureau, which shall place the information in the patient directory within the bureau's electronic database. The bureau shall permit electronic submission of the certification.



(3) File a copy of the certification in the patient's health care record.

(f) *Prohibition.* — A practitioner may not issue a certification for the practitioner's own use or for the use of a family or household member.

#### **§16A-4-5. Duration.**

Receipt and possession of medical cannabis by a patient or caregiver from a dispensary may not exceed ~~a 30-day supply of individual doses~~ such amount as shall be determined and established by rules adopted by the bureau to be appropriate for a 30-day period, by the appropriate measure of volume, weight, or concentration level. During the last seven days of any 30-day period during the term of the identification card, a patient may obtain and possess a 30-day supply for the subsequent 30-day period. Additional 30-day supplies may be provided in accordance with this section for the duration of the authorized period of the identification card unless a shorter period is indicated on the certification.

### **ARTICLE 6. MEDICAL CANNABIS ORGANIZATIONS.**

#### **§16A-6-3. Granting of permit.**

(a) The bureau may grant or deny a permit to a grower, processor, or dispensary. In making a decision under this subsection, the bureau shall determine that:

(1) The applicant will maintain effective control of and prevent diversion of medical cannabis.

(2) The applicant will comply with all applicable laws of this state.

(3) The applicant is a resident of this state, as defined in §29-22B-327 of this code, or is organized under the law of this state. If the applicant is a corporation, partnership, association, trust, or other entity, or any combination thereof, at least a total of 51 percent of the interests of such entity is owned by current residents.

and such current residents have all been residents of this state for seven consecutive years prior to the date of application.

(4) The applicant is ready, willing, and able to properly carry on the activity for which a permit is sought.

(5) The applicant possesses the ability to obtain in an expeditious manner sufficient land, buildings, and equipment to properly grow, process, or dispense medical cannabis.

(6) It is in the public interest to grant the permit.

(7) The applicant, including the financial backer or principal, is of good moral character and has the financial fitness necessary to operate.

(8) The applicant is able to implement and maintain security, tracking, recordkeeping and surveillance systems relating to the acquisition, possession, growth, manufacture, sale, delivery, transportation, distribution, or the dispensing of medical cannabis as required by the bureau.

(9) The applicant satisfies any other conditions as determined by the bureau.

(b) ~~*Nontransferability*~~ *Transferability*. — A permit issued under this chapter shall be ~~nontransferable~~ transferable, but only after 24 months from the date of issuance and subject to review and approval by the bureau, to any party that meets the minimum requirements to receive a permit as an original applicant.

(c) *Privilege* — The issuance or renewal of a permit shall be a revocable privilege.

~~(d) *Regions* — the bureau shall establish a minimum of three regions within this state for the purpose of granting permits to grower/processors and dispensaries and enforcing this act. The bureau shall approve permits for growers, processors and dispensaries in a manner which will provide an adequate amount of medical cannabis to patients and caregivers in all areas of this~~

~~state. The bureau shall consider the following when issuing a permit:~~

~~(1) Regional population.~~

~~(2) The number of patients suffering from serious medical conditions.~~

~~(3) The types of serious medical conditions.~~

~~(4) Access to public transportation.~~

~~(5) Approval by local health departments.~~

~~(6) Whether the county has disallowed the location of a grower, processor or dispensary.~~

~~(7) Any other factor the bureau deems relevant.~~

#### **§16-6-4. Notice.**

[Repealed]

#### **§16A-6-6. Fees and other requirements.**

The following apply:

(1) For a grower or processor:

(A) An initial application fee in the amount of \$5,000 shall be paid. The fee is nonrefundable.

(B) A fee for a permit as a grower/processor in the amount of \$50,000 shall be paid. The permit shall be valid for one year. Applicants shall submit the permit fee at the time of submission of the application. The fee shall be returned if the permit is not granted.

(C) A renewal fee for the permit as a grower/processor in the amount of \$5,000 shall be paid and shall cover renewal for all locations. The renewal fee shall be returned if the renewal is not granted.

(D) An application to renew a permit must be filed with the bureau not more than six months nor less than four months prior to expiration.

(E) All fees shall be paid by certified check, ~~or~~ money order or electronic funds transfer.

(2) For a dispensary:

(A) An initial application fee in the amount of \$2,500 shall be paid. The fee is nonrefundable.

(B) A permit fee for a dispensary shall be \$10,000 for each location. The period of the permit is one year. An applicant shall submit the permit fee at the time of submission of the application. The fee shall be returned if the application is not granted.

(C) A renewal fee for the permit as a dispensary in the amount of \$2,500 shall be paid. The fee shall be returned if the renewal is not granted and shall cover renewal for all locations.

(D) An application to renew a permit must be filed with the bureau not more than six months nor less than four months prior to expiration.

(E) All fees shall be paid by certified check, ~~or~~ money order or electronic funds transfer.

(3) A fee of \$250 shall be required when amending the application to indicate relocation within this state or the addition or deletion of approved activities by the medical cannabis organization.

(4) Fees payable under this section shall be deposited into the fund.

#### **§16A-6-12. Persons convicted prohibited.**

(a) The following individuals may not hold volunteer positions or positions with remuneration in or be affiliated with a medical cannabis organization, including a clinical registrant under §16A-14-1 *et seq.* of this code, in any way if the individual has been

convicted of any felony criminal offense related to the sale or possession of illegal drugs, narcotics, or controlled substances, convicted of any misdemeanor or felony offense contained in the Bribery and Corrupt Practices Act, §61-5A-1 et seq. of this code or substantially similar laws of other states or the federal government, convicted of any misdemeanor or felony offense involving fraud, deceit, crimes against the government or crimes of dishonesty, or conspiracy thereof to commit any of the foregoing offenses:

- (1) Financial backers.
- (2) Principals.
- (3) Employees.

(b) If an individual seeking to hold a volunteer position or position with remuneration in or be affiliated with a dispensary is otherwise prohibited under subsection (a) of this section, such individual may seek a waiver from the bureau in order to hold such a position with a dispensary. The allowance of the waiver, including any additional restrictions or conditions as part of the waiver, shall be in the discretion of the bureau: Provided, That under no circumstances may a person prohibited under subsection (a) of this section serve as a principal, financial backer, or manager who oversees conduct of the dispensary.

### **§16A-6-13. Limitations on permits.**

(a) The following limitations apply to approval of permits for growers, processors, and dispensaries, subject to the limitations in subsection (b) of this section:

(1) The bureau shall issue a minimum of 20 permits for growers, 20 permits for processors and 50 permits for dispensaries: Provided, That the bureau in consultation with the advisory board shall set limits on the number of permits for each, based upon patient need and demand and public safety. The bureau may not issue permits to more than ten 50 growers: Provided, That each grower may have up to two locations per permit.

~~(2) The bureau may not issue permits to more than ten 50 processors.~~

~~(3) The bureau may not issue permits to more than thirty 165 dispensaries, with no more than five in any region~~

(2)(4) The bureau may not issue more than two individual dispensary permits to one person.

(3)(5) The bureau may not issue more than one individual grower permit to one person.

(4)(6) The bureau may not issue more than one individual processor permit to one person.

(5)(7) A dispensary may only obtain medical cannabis from a grower or processor holding a valid permit under this act.

(6)(8) A grower or processor may only provide medical cannabis to a dispensary holding a valid permit under this act.

~~(7)(9) A grower or a processor may not be a dispensary. A grower may be a processor, and a processor may be a grower. Growers and processors may be dispensaries. Dispensaries may be growers and processors.~~

(b) Before a permit may be issued, the bureau shall obtain the following:

(1) A written approval from the board of health for the county in which the permit is to be located and operate business.

(2) A written statement from the county commission for the county in which the permit is to be located and conduct business that the county has not voted, pursuant to §16A-7-6 of this code to disapprove a medical cannabis organization to be located or operate within the county.

## **ARTICLE 7. MEDICAL CANNABIS CONTROLS.**

### **§16A-7-5. Prices.**

The bureau and the Tax Division of the Department of Revenue shall monitor the price of medical cannabis sold by growers, processors, and by dispensaries, including a per-dose price. If the bureau and the Tax Division of the Department of Revenue determine that the prices are unreasonable or excessive, the bureau may implement a cap on the price of medical cannabis being sold for a period of six months. The cap may be amended during the six-month period. If the bureau and the Tax Division of the Department of Revenue determine that the prices become unreasonable or excessive following the expiration of a six-month cap, additional caps may be imposed for periods not to exceed six months.

## **ARTICLE 8. DISPENSARIES.**

### **§16A-8-1. Dispensing to patients and caregivers.**

(a) *General rule.* — A dispensary that has been issued a permit under §16A-6-1 *et seq.* of this code may lawfully dispense medical cannabis to a patient or caregiver upon presentation to the dispensary of a valid identification card for that patient or caregiver. The dispensary shall provide to the patient or caregiver a receipt, as appropriate. The receipt shall include all of the following:

- (1) The name, address, and any identification number assigned to the dispensary by the bureau.
- (2) The name and address of the patient and caregiver.
- (3) The date the medical cannabis was dispensed.
- (4) Any requirement or limitation by the practitioner as to the form of medical cannabis for the patient.
- (5) The form and the quantity of medical cannabis dispensed.

(b) *Requirements.* — ~~A dispensary shall have a physician or a pharmacist onsite at all times during the hours the dispensary is open to receive patients and caregivers. A physician or a pharmacist shall, prior to assuming duties under this paragraph~~ All principals and employees of a dispensary shall successfully

complete the course established in §16A-3-1(a) of this code. A physician may not issue a certification to authorize patients to receive medical cannabis or otherwise treat patients at ~~the~~ a dispensary.

(c) *Filing with bureau.* — Prior to dispensing medical cannabis to a patient or caregiver, the dispensary shall file the receipt information with the bureau utilizing the electronic tracking system. When filing receipts under this subsection, the dispensary shall dispose of any electronically recorded certification information as provided by rule.

(d) *Limitations.* — No dispensary may dispense to a patient or caregiver:

(1) A quantity of medical cannabis greater than that which the patient or caregiver is permitted to possess under the certification; or

(2) A form of medical cannabis prohibited by this act.

(e) *Supply.* — When dispensing medical cannabis to a patient or caregiver, the dispensary may not dispense an amount greater than a 30-day supply until the patient has exhausted all but a seven-day supply provided pursuant to §16A-4-5 of this code.

(f) *Verification.* — Prior to dispensing medical cannabis to a patient or caregiver, the dispensary shall verify the information in subsections (e) and (g) of this section by consulting the electronic tracking system included in the bureau's electronic database established under §16A-3-1 of this code and the dispensary tracking system under §16A-7-1 of this code.

(g) *Form of medical cannabis.* — Medical cannabis dispensed to a patient or caregiver by a dispensary shall conform to any requirement or limitation set by the practitioner as to the form of medical cannabis for the patient.

(h) *Safety insert.* — When a dispensary dispenses medical cannabis to a patient or caregiver, the dispensary shall provide to that patient or caregiver, as appropriate, a safety insert. The insert



shall be developed and approved by the bureau. The insert shall provide the following information:

(1) Lawful methods under state law for administering medical cannabis in individual doses.

(2) Any potential dangers stemming from the use of medical cannabis.

(3) How to recognize what may be problematic usage of medical cannabis and how to obtain appropriate services or treatment for problematic usage.

(4) How to prevent or deter the misuse of medical cannabis by minors or others.

(5) Notice that the use of cannabis for medical purposes is not authorized by federal law.

(6) Any other information as determined by the bureau.

(i) *Sealed and labeled package.* — Medical cannabis shall be dispensed by a dispensary to a patient or caregiver in a sealed, properly labeled, and child-resistant package. The labeling shall contain the following:

(1) The information required to be included in the receipt provided to the patient or caregiver, as appropriate, by the dispensary.

(2) The packaging date.

(3) Any applicable date by which the medical cannabis should be used.

(4) A warning stating:

“This product is for medicinal use only. Women should not consume during pregnancy or while breastfeeding except on the advice of the practitioner who issued the certification and, in the case of breastfeeding, the infant’s pediatrician. This product might

impair the ability to drive or operate heavy machinery. Keep out of reach of children.”

(5) The amount of individual doses contained within the package and the species and percentage of tetrahydrocannabinol and cannabidiol.

(6) A warning that the medical cannabis must be kept in the original container in which it was dispensed.

(7) A warning that unauthorized use is unlawful and will subject the person to criminal penalties.

(8) Any other information required by the bureau.

#### **§16A-8-2. Facility requirements.**

(a) *General rule.* —

(1) Except as provided under subsection (c) of this section, a dispensary may only dispense medical cannabis in an indoor, enclosed, secure facility located within this state, as determined by the bureau.

(2) A dispensary may not operate on the same site as a facility used for growing and processing medical cannabis.

(3) A dispensary may not be located within 1,000 feet of the property line of a public, private or parochial school or a daycare center.

(4) A dispensary may, pursuant to bureau conditions and limitations, sell medical devices and instruments which are needed to administer medical cannabis under this act.

(b) *Adjustment or waiver of prohibition.* — The bureau may amend a prohibition under subsection (a)(3) of this section if it is shown by clear and convincing evidence that the amendment is necessary to provide adequate access to patients. An amendment may include additional security, physical plant of a facility or other conditions necessary to protect children.

**ARTICLE 9. TAX ON MEDICAL CANNABIS.****§16A-9-1. Tax on medical cannabis.***(a) Tax imposed.*

(1) For the privilege of engaging or continuing within this state in the business of growing and processing medical cannabis, or purchasing and processing medical cannabis for sale to a dispensary, a tax is imposed on the gross receipts of a grower/processor received from the sale of medical cannabis by a grower/processor to a dispensary, to be paid by the grower/processor, at the rate of 10 percent. The tax shall be charged against and be paid by the grower/processor and shall not be added as a separate charge or line item on any sales slip, invoice, receipt, or other statement or memorandum of the price paid by a dispensary, patient, or caregiver.

(2) For purposes of §16A-9-1 et seq. of this code, the term “gross receipts” means and includes the gross receipts, however denominated and derived by the grower/processor from the sale, distribution, or transfer of medical cannabis to a dispensary, without any deduction on account of the cost of property sold, the cost of materials used to grow or process the medical cannabis, labor costs, taxes, royalties paid in cash or in kind, or otherwise, interest or discount paid, or any other expense however denominated. A dispensary that purchases medical cannabis from a grower/processor that does not have a permit issued by the bureau under this chapter shall pay the tax imposed by this article based on the amount paid to purchase or acquire the medical cannabis from a grower/processor that does not have a permit issued under this chapter.

*(b) Payment of tax and reports.* — A grower/processor shall make quarterly payments under this section for each calendar quarter at the rate prescribed in subsection (a) of this section on the gross receipts for the calendar quarter. The tax shall be due and payable on the 20th day of January, April, July, and October for the preceding calendar quarter ~~on~~ in a form prescribed by the Tax Division of the Department of Revenue. The Tax Commissioner

may require such forms, schedules, and returns, and impose such filing and remittance requirements as may be necessary or convenient for the efficient administration of taxes imposed by this section. The Tax Commissioner may issue such procedural, interpretive, or legislative rules, including emergency rules, as the Tax Commissioner may deem necessary or convenient for the efficient administration of taxes imposed by this section.

(c) *Electronic filing and payment required.* — Taxes imposed by this article shall be paid to the Tax Commissioner by electronic funds transfer unless electronic payment is prohibited by state or federal law. Tax returns required by this section shall be filed electronically with the Tax Commissioner.

(d) *Deposit of proceeds.* — All money received from the tax imposed under this section, including any interest and additions to tax paid under §11-10-1 *et seq.* of this code, shall be deposited into the Medical Cannabis Program Fund.

~~(d)~~ (e) *Exemption.* — Sales of medical cannabis under this chapter shall not be subject to a sales tax the taxes imposed by §11-15-1 *et seq.* and §11-15A-1 *et seq.* of this code.

~~(e)~~ (f) *Information.*

(1) A grower/processor that sells medical cannabis shall provide to the Tax Division of the Department of Revenue information required by the bureau, and any information required by the Tax Commissioner to administer, collect, and enforce the taxes imposed by this section.

(2) Notwithstanding any provision of §11-10-1 *et seq.* of this code to the contrary, the Tax Commissioner and the Commissioner of the Bureau of Public Health may enter into written agreements pursuant to which the Tax Commissioner will disclose to designated employees of the Bureau for Public Health, whether a particular grower, processor, or dispensary is in good standing with the Tax Commissioner, and the Commissioner will disclose to designated employees of the Tax Commissioner information a grower, processor, or dispensary provides to the Commissioner

pursuant to this chapter. Information disclosed pursuant to a written agreement shall remain confidential in the hands of the receiver and shall not be disclosable under §29B-1-1 et seq. of this code.

### **§16A-9-2. Medical Cannabis Program Fund.**

(a) *Fund established* — The Medical Cannabis Program Fund is established as a special fund in the State Treasury. Money in the fund is appropriated as set forth in subsection (c) of this section. Any amount unspent at the end of a fiscal year shall be appropriated to the bureau for its operations.

(b) *Source of funds* — Fees and taxes payable under this act shall be deposited into the fund. The money deposited into the fund may only be used for the purposes set forth in this section. Any interest accrued shall be deposited into the fund.

(c) *Use of proceeds* — Money in the fund is allocated in accordance with the following percentages:

(1) Fifty-five percent of the revenue in the fund shall be allocated to the bureau.

(2) The remaining 45 percent of the revenue in the fund shall be allocated as follows:

(A) Fifty percent shall be allocated to: (i) the repayment of monies appropriated by the Legislature and deposited in Medical Cannabis Program Implementation Fund, a fund established pursuant to §16A-15-10 of this code, to support the implementation of regulatory activities required by this chapter; and (ii) upon the repayment in full of the appropriation advanced by the Legislature pursuant to §16A-15-10 of this code or January 1, 2025, whichever occurs first, fifty percent of the allocation contained in this paragraph shall be deposited in the Fight Substance Abuse Fund created by §60A-9-8 of this code and fifty percent shall be deposited in the Department of Administration — Public Insurance Employees Insurance Agency — Basic Insurance Premium Fund, fund 2180.

(B) Forty percent shall be allocated to the Division of Justice and Community Services for grants to local law-enforcement agencies for training, drug diversion, and other programs focused on crime and addiction, pursuant to and in accordance with the provisions of §15-19A-1 *et seq.* of this code.

(C) Ten percent shall be allocated to the fund created in §30-29-4 of this code to be used for law enforcement professional training and professional development programs.

**§16A-9-3. Tax on medical cannabis crimes and penalties.**

Notwithstanding any provision in §11-9-1 *et seq.* of this code to the contrary, each and every provision of the “West Virginia Tax Crimes and Penalties Act” set forth in §11-9-1 *et seq.* of this code shall apply to the tax imposed by this article with like effect as if said act were applicable only to the tax imposed by this article of this code and were set forth in extenso in this article.

**§16A-9-4. Procedure and administration of the tax on medical cannabis.**

Notwithstanding any provision of §11-10-1 *et seq.* of this code to the contrary, each and every provision of the “West Virginia Tax Procedure and Administration Act” set forth in §11-10-1 *et seq.* of this code, shall apply to the tax imposed by this article with like effect as if said act were applicable only to the tax imposed by this article and were set forth in extenso in this article.

**ARTICLE 11. MEDICAL CANNABIS ADVISORY BOARD.**

**§16A-11-1. Advisory board.**

(a) The Medical Cannabis Advisory Board is established within the bureau. The advisory board shall consist of the following members:

(1) The commissioner or a designee.

(2) The Superintendent of the West Virginia State Police or a designee.

(3) ~~Four~~ Five physicians licensed to practice in the state to be appointed by the State Medical Association with one from each of the following specialized medicine:

(A) Family Practice/Neurologist/General Practitioner;

(B) Pain Management;

(C) Oncologist/Palliative Care;

(D) Psychiatrist; and

(4) One pharmacist licensed to practice in the state, to be designated by the Board of Pharmacy.

(5) One pharmacologist who has experience in the science of cannabis and a knowledge of the uses, effects, and modes of actions of drugs, to be appointed by the Governor.

(6) One member who is a horticulturalist, to be designated by the West Virginia Commissioner of Agriculture.

(7) One member designated by the West Virginia Association of Alcoholism and Drug Counselors.

(8) An attorney licensed in the state who is knowledgeable about medical cannabis laws.

(9) One member appointed by the West Virginia Prosecuting Attorneys Institute.

(10) One member appointed by the Governor, who shall be a patient, a family or household member of a patient, or a patient advocate.

(11) Three osteopathic physicians licensed to practice in this state, appointed by the West Virginia Osteopathic Medical Association.

(b) *Terms.* — Except as provided under subsection (g) of this section, the members shall serve a term of four years or until a

successor has been appointed and qualified, but no longer than six months beyond the four-year period.

(c) *Chair.* — The commissioner, or a designee, shall serve as chair of the advisory board.

(d) *Voting; quorum.* — A majority of the members shall constitute a quorum for the purpose of organizing the advisory board, conducting its business and fulfilling its duties. A vote of the majority of the members present shall be sufficient for all actions of the advisory board unless the bylaws require a greater number.

(e) *Attendance.* — A member of the advisory board who fails to attend three consecutive meetings shall be deemed vacant, unless the commissioner, upon written request from the member, finds that the member should be excused from a meeting for good cause. A member who cannot be physically present may attend meetings via electronic means, including video conference.

(f) *Governance.* — The advisory board shall have the power to prescribe, amend and repeal bylaws governing the manner in which the business of the advisory board is conducted and the manner in which the duties granted to it are fulfilled. The advisory board may delegate supervision of the administration of advisory board activities to an administrative commissioner and other employees of the bureau as the commissioner shall appoint.

(g) *Initial terms.* — The initial terms of members appointed under this article shall be for terms of one, two, three or four years, the particular term of each member to be designated by the commissioner at the time of appointment. All other members shall serve for a term of four years.

(h) *Vacancy.* — In the event that any member appointed under subsection (a) of this section shall die or resign or otherwise become disqualified during the member's term of office, a successor shall be appointed in the same way and with the same qualifications as set forth in this section and shall hold office for



the unexpired term. An appointed member of the advisory board shall be eligible for reappointment.

(i) *Expenses.* — A member shall receive the amount of reasonable travel, hotel, and other necessary expenses incurred in the performance of the duties of the member in accordance with state rules, but shall receive no other compensation for the member's service on the board.

(j) *Duties.* — The advisory board shall have the following duties:

(1) To examine and analyze the statutory and regulatory law relating to medical cannabis within this state.

(2) To examine and analyze the law and events in other states and the nation with respect to medical cannabis.

(3) To accept and review written comments from individuals and organizations about medical cannabis.

(4) To issue two years after the effective date of this section a written report to the Governor, the Senate, and the House of Delegates.

(5) The written report under subdivision (4) shall include recommendations and findings as to the following:

(A) Whether to change the types of medical professionals who can issue certifications to patients.

(B) Whether to change, add, or reduce the types of medical conditions which qualify as serious medical conditions under this act.

(C) Whether to change the form of medical cannabis permitted under this act.

(D) Whether to change, add, or reduce the number of growers, processors, or dispensaries.

(E) How to ensure affordable patient access to medical cannabis.

(F) Whether to permit medical cannabis to be dispensed in dry leaf or plant form for administration by vaporization.

(6) The final written report under this section shall be adopted at a public meeting.

## **ARTICLE 12. OFFENSES RELATED TO MEDICAL CANNABIS.**

### **§16A-12-8. Additional penalties.**

(a) Civil penalties. — In addition to any other remedy available to the bureau, the bureau may assess a civil penalty for a violation of this act, a rule promulgated under this act or an order issued under this act or rule, subject to the following:

(1) The bureau may assess a penalty of not more than \$10,000 for each violation and an additional penalty of not more than \$1,000 for each day of a continuing violation. In determining the amount of each penalty, the bureau shall take the following factors into consideration:

(A) The gravity of the violation.

(B) The potential harm resulting from the violation to patients, caregivers, or the general public.

(C) The willfulness of the violation.

(D) Previous violations, if any, by the person being assessed.

(E) The economic benefit to the person being assessed for failing to comply with the requirements of this act, a rule promulgated under this act or an order issued under this act or rule.

(2) If the bureau finds that the violation did not threaten the safety or health of a patient, caregiver, or the general public and the violator took immediate action to remedy the violation upon

learning of it, the bureau may issue a written warning in lieu of assessing a civil penalty.

(3) A person who aids, abets, counsels, induces, procures, or causes another person to violate this act, a rule promulgated under this act, or an order issued under this act or rule shall be subject to the civil penalties provided under this subsection.

(b) *Sanctions.* —

(1) In addition to the penalties provided in subsection (a) of this section, and any other penalty authorized by law, the bureau may impose the following sanctions:

(A) Revoke or suspend the permit of a person found to be in violation of this act, a rule promulgated under this act, or an order issued under this act or rule.

(B) Revoke or suspend the permit of a person for conduct or activity or the occurrence of an event that would have disqualified the person from receiving the permit.

~~(C) Revoke or suspend the registration of a practitioner for a violation of this act or a rule promulgated or an order issued under this act or for conduct or activity which would have disqualified the practitioner from receiving a registration~~

~~(D)~~ (C) Suspend a permit ~~or registration~~ of a person pending the outcome of a hearing in a case in which the permit or registration could be revoked.

~~(E)~~ (D) Order restitution of funds or property unlawfully obtained or retained by a permittee or registrant.

~~(F)~~ (E) Issue a cease and desist order.

(2) A person who aids, abets, counsels, induces, procures, or causes another person to violate this act shall be subject to the sanctions provided under this subsection.

(c) *Costs of action.* — The bureau may assess against a person determined to be in violation of this act the costs of investigation of the violation.

(d) *Minor violations.* — Nothing in this section shall be construed to require the assessment of a civil penalty or the imposition of a sanction for a minor violation of this act if the bureau determines that the public interest will be adequately served under the circumstances by the issuance of a written warning.

There being no further amendments offered,

Having been engrossed, the bill (Eng. Com. Sub. for H. B. 4345), as just amended, was then read a third time and put upon its passage.

Pending discussion,

The question being “Shall Engrossed Committee Substitute for House Bill 4345 pass?”

On the passage of the bill, the yeas were: Baldwin, Beach, Blair, Boso, Clements, Drennan, Facemire, Ferns, Jeffries, Karnes, Mann, Maroney, Ojeda, Palumbo, Plymale, Prezioso, Romano, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Woelfel, and Carmichael (Mr. President)—26.

The nays were: Arvon, Azinger, Boley, Cline, Gaunch, Maynard, and Weld—7.

Absent: Rucker—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4345) passed.

At the request of Senator Trump, as chair of the Committee on the Judiciary, and by unanimous consent, the unreported Judiciary committee amendment to the title of the bill was withdrawn.

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

**Eng. Com. Sub. for House Bill 4345**—A Bill to repeal §16A-4-1 of the Code of West Virginia, 1931, as amended; to repeal §16A-6-4 of said code; to amend and reenact §12-1-2 and §12-1-3 of said code; to amend and reenact §16A-2-1 of said code; to amend and reenact §16A-3-1, §16A-3-3, and §16A-3-4 of said code; to amend and reenact §16A-4-2, §16A-4-3, and §16A-4-5 of said code; to amend and reenact §16A-6-3, §16A-6-6, §16A-6-12, and §16A-6-13 of said code; to amend and reenact §16A-7-5 of said code; to amend and reenact §16A-8-1 and §16A-8-2 of said code; to amend and reenact §16A-9-1 of said code; to amend said code by adding thereto three new sections, designated §16A-9-2, §16A-9-3, and §16A-9-4; and to amend and reenact §16A-11-1 of said code; to amend and reenact §16A-12-8 of said code, all relating to allowing the State Treasurer to designate a credit union only for the banking functions necessary for the West Virginia Medical Cannabis Act to be designated as an eligible depository; amending and removing definitions; removing the use of the four-hour training course for physicians as continuing education credits under the boards of medicine and osteopathic medicine; increasing the two-hour training course for principals and employees to eight hours and adding requirements for the training; authorizing growers to subcontract with in-state third-parties to grow medical cannabis; removing the Freedom of Information Act exemption for practitioner credentials; repealing the section requiring registration of physicians eligible to issue certifications to patients to use medical cannabis; adjusting certification requirements to reflect the removal of the practitioner registry; removing the requirement that other treatments be ineffective before recommending medical cannabis; clarifying the duration of a dosage that may be dispensed; expanding on the requirement that applicants are required to be residents of this state; permitting transfer of permits under certain circumstances; removing the requirement for separate regions associated with medical cannabis organizations; repealing the section requiring notice be printed in the State Register; adding additional prior convictions that result in a prohibition of being affiliated with a medical cannabis organization; providing that the bureau for public health may study the use of dry leaf and plant forms and report any findings to the legislature; imposing a minimum number of permits for growers, processors, and

dispensaries; allowing the bureau for public health in consultation with the medical cannabis advisory board to alter the number of permits for growers, processors, and dispensaries based on need and public safety; removing the prohibition on growers and processors from being a dispensaries and allowing vertical integration allowing growers, processors, and dispensaries to be growers, processors, or dispensaries; removing the requirement that a dispensary have a physician or pharmacist onsite at all times and clarifying other requirements; clarifying that Tax Division will administer, collect, and enforce medical cannabis tax; allowing Tax Division to promulgate legislative rules and emergency rules; defining “gross receipts”; clarifying imposition of tax; detailing imposition of tax with respect to growers or processors that sell to a dispensary in which they have an economic interest; removing the exemption on medical cannabis from the sales tax; permitting exchange of information; providing that information exchanged is not subject to disclosure under Freedom of Information Act; requiring payment of tax by electronic funds transfer; requiring electronic filing of tax returns; making tax subject to provisions of West Virginia Tax Crimes and Penalties Act and the West Virginia Tax Procedure and Administration Act; restructuring the allocation of money from the Medical Cannabis Program Fund; and adding three doctors of osteopathic medicine to the advisory board; removing the ability of the bureau to sanction the registration of a practitioner.

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

At the request of Senator Ferns, and by unanimous consent, the Senate returned to the fifth order of business.

### **Filed Conference Committee Reports**

The Clerk announced the following conference committee report had been filed at 6:36 p.m. today:

**Eng. Com. Sub. for House Bill 4447**, Providing for a uniform and efficient system of broadband conduit installation.

On motion of Senator Ferns, at 6:38 p.m., the Senate recessed until 7 p.m. tonight.

The Senate reconvened at 7 p.m. tonight.

At the request of Senator Ferns, and by unanimous consent, Senator Ferns announced a meeting of the committee of conference as to Engrossed Committee Substitute for House Bill 4001 (*Relating to eligibility and fraud requirements for public assistance*).

The Senate then resumed business under the fifth order.

### **Filed Conference Committee Reports**

The Clerk announced the following conference committee report had been filed at 7:02 p.m. tonight:

**Eng. Com. Sub. for Com. Sub. for Senate Joint Resolution 3, Judicial Budget Oversight Amendment.**

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

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

**Eng. Com. Sub. for Senate Bill 283, Relating generally to procurement by state agencies.**

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

**Eng. Senate Bill 498, Creating two-year pilot program allowing all-terrain or recreational vehicles in Cabwaylingo State Forest.**

On motion of Senator Ferns, at 7:02 p.m., the Senate recessed until 7:30 p.m. tonight.

The Senate reconvened at 7:50 p.m. tonight and again proceeded to the fifth order of business.

### **Filed Conference Committee Reports**

The Clerk announced the following conference committee report had been filed at 7:50 p.m. tonight:

**Eng. Com. Sub. for Senate Bill 392**, Reconfiguring membership of Emergency Medical Services Advisory Council.

The Clerk announced the following conference committee reports had been filed at 7:51 p.m. tonight:

**Eng. Com. Sub. for House Bill 4001**, Relating to eligibility and fraud requirements for public assistance.

And,

**Eng. House Bill 4629**, Relating to broadband enhancement and expansion policies generally.

On motion of Senator Unger, at 8:03 p.m., the Senate recessed until 8:30 p.m. tonight.

The Senate reconvened at 8:50 p.m. tonight and, at the request of Senator Ferns, and by unanimous consent, proceeded to the consideration of

**Eng. Com. Sub. for House Bill 4607**, Establishing certain criteria for the restricted operation of drones within State Parks, Forests, and Rail Trails.

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

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney,



Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Rucker—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4607) passed.

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

**Eng. Com. Sub. for House Bill 4607**—A Bill to amend and reenact §20-5-2 of the Code of West Virginia, 1931, as amended, relating to the Division of Natural Resources permitting the use of recreational unmanned aircraft systems in state parks, state forests, and on rail trails; requiring persons who intend to operate unmanned aircraft systems to register with the superintendent prior to participating in the use of any unmanned aircraft system; establishing certain criteria for the restricted operation of unmanned aircraft systems within state parks, forests, and rail trails; and clarifying that persons who operate unmanned aircraft systems assume full responsibility and liability.

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

The Senate again proceeded to the eighth order of business, the next bill coming up in numerical sequence being

**Eng. House Bill 4465**, Authorizing the acupuncture board to issue certificates to perform auricular acudetox therapy.

On third reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Gaunch, unanimous consent was granted to offer an amendment to the bill on third reading.

Thereupon, on motion of Senator Gaunch, the following amendment to the bill was reported by the Clerk and adopted:

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

**§30-36-2. Definitions.**

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

(1) “Acupuncture” means a form of health care, based on a theory of energetic physiology, that describes the interrelationship of the body organs or functions with an associated point or combination of points.

(2) “Board” means the West Virginia Acupuncture Board.

(3) “License” means a license issued by the board to practice acupuncture.

(4) “Moxibustion” means the burning of mugwort on or near the skin to stimulate the acupuncture point.

(5) “Practice acupuncture” means the use of oriental medical therapies for the purpose of normalizing energetic physiological functions including pain control, and for the promotion, maintenance, and restoration of health.

(b) (1) “Practice acupuncture” includes:

~~(1)~~ (A) Stimulation of points of the body by the insertion of acupuncture needles;

~~(2)~~ (B) The application of moxibustion; and

(3) (C) Manual, mechanical, thermal, or electrical therapies only when performed in accordance with the principles of oriental acupuncture medical theories.

(2) The practice of acupuncture does not include the procedure of auricular acupuncture when used in the context of a chemical dependency treatment program when the person is trained and approved by the National Acupuncture Detoxification Association or an equivalent certifying body.

Having been engrossed, the bill (Eng. H. B. 4465), as just amended, was then read a third time and put upon its passage.

Pending discussion,

The question being “Shall Engrossed House Bill 4465 pass?”

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Rucker—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 4465) passed with its title.

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

On motion of Senator Ferns, at 8:59 p.m., the Senate recessed for five minutes for the purpose of holding a meeting of the Committee on Rules at the rostrum.

The Senate reconvened at 9:02 p.m. tonight and, at the request of Senator Ferns, and by unanimous consent, returned to the fourth order of business.

Senator Carmichael (Mr. President), from the Committee on Rules, submitted the following report, which was received:

Your Committee on Rules has had under consideration

**Eng. Com. Sub. for Senate Bill 288**, Regulating cremation, embalming and directing of funeral service.

Having been received as a House message and referred to the Committee on Rules in earlier proceedings today;

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

Respectfully submitted,

Mitch Carmichael,  
*Chairman ex officio.*

At the request of Senator Ferns, unanimous consent being granted, the bill (Eng. Com. Sub. for S. B. 288) contained in the preceding report from the Committee on Rules was taken up for immediate consideration.

On motion of Senator Ferns, the following amendment to the House of Delegates amendments to the bill (*shown in the Senate Journal of today, page 3058 to 3115, inclusive*) was again reported by the Clerk:

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

**Eng. Com. Sub. for Senate Bill 288**—A Bill to repeal §30-6-22a, §30-6-23, §30-6-24, §30-6-25, §30-6-26, §30-6-27, §30-6-28, §30-6-29, §30-6-30, and §30-6-31 of the Code of West Virginia, 1931, as amended; to amend and reenact §9-5-9 of said code; and to amend and reenact §30-6-1, §30-6-2, §30-6-3, §30-6-4, §30-6-5, §30-6-6, §30-6-7, §30-6-8, §30-6-9, §30-6-10, §30-6-11, §30-6-12, §30-6-13, §30-6-14, §30-6-15, §30-6-16, §30-6-17, §30-6-18, §30-6-19, §30-6-20, §30-6-21, and §30-6-22 of said code, all relating to regulation of cremation, embalming, and funeral service

directing; defining terms; terminating the Board of Funeral Service Examiners; transferring the functions of the board to the Secretary of State; specifying timeline and duties for the transfer of functions and property; providing special provisions and authority to Secretary of State to facilitate transfer; providing rule-making authority for Secretary of State; continuing existing rules previously promulgated by the board; authorizing Secretary of State to request repeal of rules previously promulgated by the board; establishing timeline for promulgation of rules by Secretary of State in 2018; authorizing the promulgation of emergency rules; creating special revenue account; eliminating special revenue account utilized by Board of Funeral Service Examiners and transferring funds; providing for periodic sweep of funds into General Revenue Fund; eliminating outdated and obsolete language; authorizing Secretary of State to grant funeral service license; updating requirements for funeral service license; reclassifying certificate to operate crematory as license; authorizing Secretary of State to grant license to operate crematory; updating requirements for license to operate crematory; updating language related to license reciprocity and courtesy card holders to give authority to Secretary of State; authorizing Secretary of State to enter into reciprocity agreements; authorizing Secretary of State to issue registration to be an apprentice; updating requirements for licensure of funeral establishments; authorizing Secretary of State to issue funeral establishment license; updating requirements for licensure of crematories; authorizing Secretary of State to issue crematory license; modifying requirements for inspectors and inspections; authorizing Secretary of State to appoint inspectors; updating requirements for renewal of licenses, courtesy cards, and registrations; eliminating requirement for Board of Funeral Service Examiners to provide continuing education; modifying order of persons authorized to give written permission for cremation; updating language concerning preneed affidavit; requiring Secretary of State to refuse to issue license, renewal, or registration if certain requirements not met; authorizing Secretary of State to take action against licensee, registrant, or applicant under certain circumstances; requiring Secretary of State establish means for public to submit complaints; requiring Secretary of State to investigate all complaints received; setting procedures for

investigations; specifying powers and procedures for conducting hearings and rendering disposition of contested cases; granting the authority to suspend or revoke an authorization to practice without a prior hearing under certain circumstances; setting burden of proof; providing right of appeal from determination of Secretary of State; authorizing informal disposition; making violations of article a criminal act; establishing criminal penalties; authorizing Secretary of State or interested person to seek injunctions for violations of article; providing for referral of criminal matters to appropriate authorities; permitting criminal actions to be brought by Attorney General in coordination with the local prosecuting attorney, United States Attorney, or law-enforcement officer; providing that single act is evidence of violation; providing for certain inapplicability of article; modifying code references as it relates to direct cremation or direct burial expenses for indigent persons; and correcting references and updating terms throughout.

Senator Mann requested a ruling from the Chair as to whether he should be excused from voting under Rule 43 of the Rules of the Senate as he is a funeral director.

The Chair replied that any impact on Senator Mann would be as a member of a class of persons and that he would be required to vote.

The question being on the adoption of Senator Ferns' amendment to the House of Delegates amendments to the bill, the same was put and prevailed.

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

Engrossed Committee Substitute for Senate Bill 288, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Smith,

Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Rucker—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 288) passed with its Senate amended title.

Senator Ferns moved that the bill take effect from passage.

On this question, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Rucker—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 288) takes effect from passage.

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

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

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

**Eng. Com. Sub. for Senate Bill 408**, Licensing of nursing homes and assisted living residences.

On motion of Senator Ferns, the bill was taken up for immediate consideration.

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

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

(e) The amount of damages recovered by a resident, in an action brought pursuant to this section, are exempt for purposes of determining initial or continuing eligibility for medical assistance pursuant to §9-5-1 *et seq.* of this code and may neither be taken into consideration nor required to be applied toward the payment or part payment of the cost of medical care or services available pursuant to §9-5-1 *et seq.* of this code.

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

Engrossed Committee Substitute for Senate Bill 408, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Rucker—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 408) passed with its title.



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

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

**Eng. Senate Bill 525**, Relating to certification for emergency medical training - mining.

On motion of Senator Ferns, the bill was taken up for immediate consideration.

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

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

**Eng. Senate Bill 525**—A Bill to repeal §16-4C-6c of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §22A-10-3, relating to emergency medical technicians — mining; transferring certification requirements for emergency medical technician — mining to the chapter governing miners' health, safety and training; eliminating the authority of the director of Miners' Health Safety and Training to authorize providers to administer certification courses and examinations; modifying requirements for training personnel and independent trainers; and making technical corrections.

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

Engrossed Senate Bill 525, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Rucker—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 525) passed with its House of Delegates amended title.

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

The Senate proceeded to the sixth order of business, which agenda includes the making of main motions.

Senator Ferns moved that the Senate reconsider the vote by which in earlier proceedings today it passed

**Eng. Com. Sub. for Senate Bill 625**, Creating WV Volunteer Fire and Rescue Act of 2018.

The bill still being in the possession of the Senate,

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

The vote thereon having been reconsidered,

On motion of Senator Ferns, the Senate reconsidered the vote by which in earlier proceedings today it adopted Senator Ferns' motion that the Senate concur in the House of Delegates amendments, as amended, to the bill (*shown in the Senate Journal of today, pages 3122 to 3136, inclusive*).

The vote thereon having been reconsidered,

The question again being on the adoption of Senator Ferns' motion that the Senate concur in the House of Delegates amendments, as amended, to the bill (Eng. Com. Sub. for S. B. 625).

At the request of Senator Ferns, and by unanimous consent, his aforesaid motion was withdrawn.

On motion of Senator Ferns, the Senate reconsidered the vote by which in earlier proceedings today it adopted Senator Ferns' amendments to the House of Delegates amendments to bill.

The vote thereon having been reconsidered,

The question again being on the adoption of Senator Ferns' amendments to the House of Delegates amendments to the bill.

At the request of Senator Ferns, unanimous consent being granted, Senator Ferns' amendments to the House of Delegates amendments to the bill were withdrawn.

On motion of Senator Ferns, the following amendments to the House of Delegates amendments to the bill (Eng. Com. Sub. for S. B. 625) were reported by the Clerk and considered simultaneously:

On page one, section two, subsection (e), by striking out "\$50,000" and inserting in lieu thereof "\$100,000";

On page one, section two, subsection (e), by striking out the word "killed" and inserting in lieu thereof the words "who died";

On page one, section three-d, subsection (c), subdivision (3), by striking out "90" and inserting in lieu thereof "75";

On page one, section three-d, after subdivision (3), by inserting a new subdivision, designated subdivision (4), to read as follows:

(4) If payment for services rendered has not been received within 90 days from the date of response, and if a payment schedule has not been established, a fire department or company may proceed in magistrate court or in other appropriate court action to

recover from the responsible party all fees associated with the response, including attorney fees and court costs.;

On page four, by striking out all of section three;

And,

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

**Eng. Com. Sub. for Senate Bill 625**—A Bill to amend and reenact §5A-3-8 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §5A-3-8a; to amend and reenact §5H-1-2 of said code; to amend and reenact §7-1-3d of said code; to amend and reenact §16-4C-6 and §16-4C-8 of said code; to amend said code by adding thereto two new sections, designated §16-4C-8a and §16-4C-24; to amend said code by adding thereto a new section, designated §17-2A-8d; to amend said code by adding thereto three new sections, designated §29-3-5e, §29-3-5f and §29-3-8; to amend and reenact §29-3-12 of said code; and to amend said code by adding thereto a new section, designated §33-3-33b, all relating to creating the West Virginia Volunteer Fire and Rescue Act of 2018; requiring Director of Purchasing Division make facilities and services of the division available to fire departments and companies and certain emergency medical services agencies; authorizing director to provide for implementation by legislative rules or other agreement; authorizing payment of death benefits to survivors of firefighter, emergency medical services, or law-enforcement provider who dies as a proximate result of the performance of his or her duties; increasing death benefits to be paid; providing for written designation of beneficiary to be made on forms prescribed by State Fire Marshal or Commissioner of the Bureau for Public Health; requiring any county fire prevention units to be formed and recognized under the regulations of the State Fire Commission for local fire departments; increasing authorized reimbursement rate amount; providing exception for incidents or accidents involving hazardous materials or extended search and rescue and water rescue incidents; requiring payment of amounts owed as reimbursement within 75 days; authorizing written agreements between fire department or

company and responsible party; permitting fire company or department to proceed to recover costs if payment or agreement not reached within 90 days; authorizing Commissioner of the Bureau for Public Health to establish one or more statewide contracts for equipment and supplies utilized by emergency medical services agencies; requiring statewide contracts be made available to certain emergency medical services agencies; authorizing development of uniform standards for equipment and supplies used by emergency medical services agencies; giving legislative rule-making authority to Commissioner of the Bureau for Public Health to implement provisions; requiring Commissioner of the Bureau for Public Health to recognize and give full credit for all continuing education credits approved or recognized by state or nationally recognized accrediting body; establishing courtesy certification program for certified emergency medical service personnel in states bordering West Virginia; relieving courtesy certification applicants from requirement to comply with state certification standards; authorizing rulemaking to implement courtesy certification program; providing for biennial renewal of courtesy certification; authorizing revocation of courtesy certification under certain conditions; establishing special revenue fund known as Emergency Medical Services Equipment and Training Fund; authorizing use of fund for grants to equip emergency medical service providers and train emergency medical services personnel; requiring Commissioner of the Bureau for Public Health establish grant program for equipment and training of emergency medical services providers and personnel; setting eligibility and certain priorities for grant program; granting rule-making authority to implement grant program; authorizing Commissioner of Division of Highways enter into reimbursement agreements with certain fire departments for services provided relating to tree or debris removal from state highways and rights-of-way; setting conditions for and defining scope of reimbursement; retaining authority of commissioner to properly remove and dispose of cleared trees, debris, or other obstacles; granting legislative rule-making authority to implement reimbursement program; setting minimum provisions for legislative rule; authorizing State Fire Marshal establish one or more statewide contracts for equipment and supplies utilized by fire companies and departments; requiring statewide contracts be

made available to certain fire companies and departments as well as any other agency or subdivision with a need for those equipment or supplies; authorizing development of uniform standards for equipment and supplies used by fire companies and departments; giving legislative rule-making authority to State Fire Commission to implement provisions; establishing courtesy certification program for certified firefighters in states bordering West Virginia to serve as volunteer firefighters; relieving courtesy certification applicants from requirement to comply with state certification standards for volunteer firefighters; authorizing rulemaking to implement courtesy certification program; providing for biennial renewal of courtesy certification; authorizing revocation of courtesy certification under certain conditions; establishing special revenue fund known as Fire Service Equipment and Training Fund; authorizing use of fund for grants to equip volunteer and part-volunteer fire companies and departments and their members, and train volunteer and part-volunteer firefighters; requiring State Fire Marshal establish grant program for equipment and training of volunteer and part volunteer fire companies and departments and volunteer firefighters; setting eligibility and certain factors for State Fire Marshal to consider in making grants; granting rule-making authority to implement grant program; requiring State Fire Marshal prepare certain reports and make certain recommendations; requiring study and report from Insurance Commissioner regarding issues related to workers' compensation for volunteer and part-volunteer fire departments; eliminating obsolete language; and making technical corrections.

Following discussion,

The question being on the adoption of Senator Ferns' amendments to the House of Delegates amendments to the bill, the same was put and prevailed.

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

Engrossed Committee Substitute for Senate Bill 625, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Rucker—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 625) passed with its Senate amended title.

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

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

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments, as amended by the House of Delegates, passage as amended, to take effect July 1, 2018, and requested the concurrence of the Senate in the House of Delegates amendment to the Senate amendments, as to

**Eng. Com. Sub. for House Bill 4009**, State Settlement and Recovered Funds Accountability Act.

On motion of Senator Ferns, the bill was taken up for immediate consideration.

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

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

**Eng. Com. Sub. for House Bill 4009**—A Bill to repeal §5-3-5 of the Code of West Virginia, 1931, as amended; and to amend

said code by adding thereto a new article, designated §5-3A-1, §5-3A-2, §5-3A-3, §5-3A-4, §5-3A-5, and §5-3A-6, all relating to creating the state Settlement and Recovered Funds Accountability Act; providing a short title; setting forth legislative findings; directing that recovered funds and assets to be deposited into the State Treasury in the General Revenue Fund of the state, and providing exceptions; directing that certain recovered funds and assets be held in trust to be deposited into a special revenue account in the State Treasury; requiring legislative appropriation of those funds and assets; creating two special revenue funds in the state treasury, known as the Consumer Protection Recovery Fund and the Consumer Protection Restitution Fund; requiring annual transfer of monies exceeding \$7 million in the Consumer Protection Recovery Fund to the General Revenue Fund; providing for disbursement of funds from the Consumer Protection Recovery Fund; requiring transfer of funds from the Consumer Protection Restitution Fund into the Consumer Protection Recovery Fund; authorizing the deposit and expenditure of attorney fees, expenses and costs awarded to the Attorney General from the fund; prohibiting agreements to settlement or agreement terms that are contrary to the provisions of law; requiring reporting by the Attorney General to report annually as to the receipts and expenditures of the funds and the disposition of causes; and repealing provisions requiring the Attorney General to deposit all fees received for representing the state into the General Revenue Fund.

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

Engrossed Committee Substitute for House Bill 4009, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Blair, Boley, Boso, Clements, Cline, Drennan, Ferns, Gaunch, Karnes, Mann, Maroney, Maynard, Palumbo, Smith, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—25.



The nays were: Beach, Facemire, Jeffries, Ojeda, Plymale, Prezioso, Romano, and Stollings—8.

Absent: Rucker—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4009) passed with its House of Delegates amended title.

Senator Ferns moved that the bill take effect July 1, 2018.

On this question, the yeas were: Arvon, Azinger, Baldwin, Blair, Boley, Boso, Clements, Cline, Drennan, Ferns, Gaunch, Karnes, Mann, Maroney, Maynard, Palumbo, Smith, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—25.

The nays were: Beach, Facemire, Jeffries, Ojeda, Plymale, Prezioso, Romano, and Stollings—8.

Absent: Rucker—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4009) takes effect July 1, 2018.

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

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

**Eng. Com. Sub. for House Bill 4150**, Prohibiting telecommunications and IP-enabled voice services from displaying the name or telephone number of the recipient.

On motion of Senator Ferns, the bill was taken up for immediate consideration.

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

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

**Eng. Com. Sub. for House Bill 4150**—A Bill to amend the Code of West Virginia, 1931, as amended, to amend and reenact §46A-6F-501; all relating generally to prohibiting telemarketing companies from transmitting misleading or inaccurate caller identification information; and providing exceptions thereto.

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

Engrossed Committee Substitute for House Bill 4150, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Rucker—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4150) passed with its House of Delegates amended title.

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

At the request of Senator Woelfel, unanimous consent being granted, Senator Woelfel addressed the Senate commending Senator Boso for his work regarding Engrossed Committee

Substitute for Senate Bill 625 (*Creating WV Volunteer Fire and Rescue Act of 2018*).

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

**Eng. Com. Sub. for House Bill 4156**, Establishing the qualifications of full and part time nursing school faculty members.

On motion of Senator Ferns, the bill was taken up for immediate consideration.

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

On page one, after the article heading, by inserting a new section, designated section one, to read as follows:

**§30-7-1. Definitions.**

As used in this article:

(a) “Advanced practice registered nurse” means a registered nurse who has acquired advanced clinical knowledge and skills preparing him or her to provide direct and indirect care to patients as a certified nurse practitioner, certified nurse-midwife, certified registered nurse anesthetist, or clinical nurse specialist, who has completed a board-approved graduate-level education program and who has passed a board-approved national certification examination.

(b) “Board” means the West Virginia Board of Examiners for Registered Professional Nurses;

(c) “Collaborative relationship” means a working relationship, structured through a written agreement, in which an advanced

practice registered nurse may prescribe drugs in collaboration with a qualified physician;

“Direct patient care” means the provision of services to a sick, injured, mentally or physically disabled, elderly or fragile patient that requires some degree of interaction with that patient. Direct patient care may include assessment, treatment, counseling, procedures, self-care, patient education, administration of medication, and implementation of a care plan;

(d) “Practice of registered professional nursing” or “registered professional nursing” means the performance for compensation of any service requiring substantial specialized judgment and skill based on knowledge and application of principles of nursing derived from the biological, physical and social sciences, such as responsible supervision of a patient requiring skill in observation of symptoms and reactions and the accurate recording of the facts, or the supervision and teaching of other persons with respect to such principles of nursing, or in the administration of medications and treatments as prescribed by a licensed physician, a licensed dentist or a licensed advanced practice registered nurse, or the application of such nursing procedures as involve understanding of cause and effect in order to safeguard life and health of a patient and others; and

(e) “Temporary permit” means a permit authorizing the holder to practice registered professional nursing in this state until such permit is no longer effective or the holder is granted a license by the West Virginia State Board of Examiners for Registered Professional Nurses.

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

Engrossed Committee Substitute for House Bill 4156, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan,

Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Rucker—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4156) passed with its Senate amended title.

Senator Ferns moved that the bill take effect from passage.

On this question, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Rucker—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4156) takes effect from passage.

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

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments, as amended by the House of Delegates, passage as amended, to take effect July 1, 2018, and requested the concurrence of the Senate in the House of Delegates amendments to the Senate amendments, as to

**Eng. Com. Sub. for House Bill 4338**, Relating to the powers and authority of the Divisions of Administrative Services, and

Corrections and Rehabilitation of the Department of Military Affairs and Public Safety.

On motion of Senator Ferns, the bill was taken up for immediate consideration.

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

On page seven, section two, by striking out “(f)” and inserting in lieu thereof “(e)”;

On page seven, section two, by striking out “(e)” and inserting in lieu thereof “(f)”;

On page fourteen, section eleven, subsection (e), by striking out “§15A-3-118(b)” and inserting in lieu thereof “§15A-3-11(b)”;

On page sixteen, section twelve, by striking out the words “(c) The commission may establish” and inserting in lieu thereof the words “(d) The commissioner may establish”;

And by relettering the remaining subsections;

On page seventeen, section twelve, subsection (d), subdivision (2), by striking out “§15A-3-12(f)” and inserting in lieu thereof “§15A-3-12(g)”;

On page eighteen, section thirteen, by striking out the word “legislator” and inserting in lieu thereof the word “Legislature”;

On page twenty-five, section two, subsection (a), by striking out the words “under legislative rules, pursuant to §29A-3-1 *et seq.* of this code or policy directives promulgated by the commissioner” and inserting in lieu thereof the words “pursuant to legislative rules promulgated pursuant to §29A-3-1 *et seq.* of this code”;

On page thirty-two, section seven, subsection (e), by striking out “§15A-4-77(a)(5)” and inserting in lieu thereof “§15A-4-7(a)(5)”;

On page forty-three, section sixteen, by striking out the section caption and inserting in lieu thereof a new section caption, to read as follows:

**§15A-4-16. Gifts to or dealings with inmate or resident.:**

On page forty-nine, section twenty, after the word “program.” by inserting the following: A qualified inmate does not include an inmate convicted of a sexual offense or a violent felony.;

And,

On page fifty-four, section one, by striking out the words “(c) The Commissioner” and inserting in lieu thereof the words “(a) The Commissioner”.

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

Engrossed Committee Substitute for House Bill 4338, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Rucker—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4338) passed with its Senate amended title.

Senator Ferns moved that the bill take effect July 1, 2018.

On this question, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire,

Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Rucker—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4338) takes effect July 1, 2018.

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

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

**Eng. Com. Sub. for House Bill 4392**, Relating to Medicaid subrogation liens of the Department of Health and Human Resources.

On motion of Senator Ferns, the bill was taken up for immediate consideration.

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

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

**Eng. Com. Sub. for House Bill 4392**—A Bill to amend and reenact §9-5-11 of the Code of West Virginia, 1931, as amended, relating to Medicaid subrogation liens of the Department of Health and Human Resources; extending the definition of a liable “third-party” to include certain insurers; establishing notice requirements for claims and civil actions; providing authority for the secretary to



negotiate and incentivize Medicaid members to prosecute lawsuits against liable third parties; providing a priority right to the department for subrogation payments; requiring department authorization before finalizing settlement in certain circumstances; establishing the notice, procedure and consent requirements for settlement allocation; establishing procedure in the event the department rejects the proposed allocation; establishing the burden of proof regarding allocation dispute proceedings in court; requiring the trial court to consider the department's interests in maximizing recovery for purposes of the operation of the Medicaid program in an allocation dispute; requiring the trial court decision to reflect findings of fact and conclusions of law; where a final subrogation lien is less than \$1,500 those matters are exempt from the provisions of this section; modifying the penalty for failure of recipient's legal representative to notify the department to include interest, and setting effective date.

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

Engrossed Committee Substitute for House Bill 4392, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Rucker—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4392) passed with its House of Delegates amended title.

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

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

**Eng. Com. Sub. for House Bill 4431**, Establishing the Mountaineer Trail Network Recreation Authority.

On motion of Senator Ferns, the bill was taken up for immediate consideration.

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

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

**Eng. Com. Sub. for House Bill 4431**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §20-14A-1, §20-14A-2, §20-14A-3, §20-14A-4, §20-14A-5, §20-14A-6, §20-14A-7, §20-14A-8, §20-14A-9, §20-14A-10, §20-14A-11, §20-14A-12, and §20-14A-13, all relating generally to the Mountaineer Trail Network Recreation Authority; providing a statement of legislative purpose and findings; defining terms; creating the Mountaineer Trail Network Recreation Authority, which is a public corporation and joint development entity of certain participating counties; providing for appointment of individuals to the board of the authority and the filling of vacancies in the board; prescribing the terms of appointment; requiring quarterly meetings of the board; describing how quorum is established; authorizing the board to promulgate bylaws and rules; providing that the authority is subject to freedom of information act laws; describing the powers and duties of the authority, acting through its board; requiring the board to appoint an executive director; describing powers and duties of the executive director; authorizing employment of staff; requiring

creation of an annual budget; providing for payment of authority expenses; allowing reimbursement of board member expenses; establishing financial review, oversight and audit requirements; requiring reporting and oversight of funds received from the Legislature; requiring a permit to enter and use the trail; establishing prohibited actions by users of recreation area land and providing criminal penalties; limiting the liability of landowners of land used by the Authority with exception of deliberate, willful or malicious acts; setting forth purchasing and bidding procedures for Authority contracts for commodities and services by the Authority; providing criminal penalties for violation of purchasing and bidding requirements; prohibiting certain purchasing contracts with vendors that create conflicts of interest; providing criminal penalties for entering into prohibited purchasing contracts that create purchasing contracts by seeking extraordinary relief to correct violations, void unlawful contracts and protect authority funds; providing a process for four or more adjacent counties in the state to form a separate and distinct regional Mountaineer Trail Network Recreation Authority; providing that a regional Mountaineer Trail Network Recreation Authority must operate in compliance with all requirements applying to the Mountaineer Trail Network Recreation Authority; providing that a regional Mountaineer Trail Network Recreation Authority will promulgate its own rules and bylaws; providing that a regional Mountaineer Trail Network Recreation Authority has the same powers, and duties as of the Mountaineer Trail Network Recreation Authority; providing that all other provisions regarding requirements, limitations, and privileges of a user, the board, participating landowners, or participating counties of the Mountaineer Trail Network Recreation Authority shall apply to a user, the board, a participating landowner, or a participating county of a regional Mountaineer Trail Network Recreation Authority; and providing for severability.

On motion of Senator Ferns, the Senate refused to concur in the foregoing House amendment to the Senate amendments to the bill (Eng. Com. Sub. for H. B. 4431) and requested the House of Delegates to recede therefrom.

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

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

**Eng. Com. Sub. for House Bill 4603**, Providing immunity from civil liability to facilities and employees providing crisis stabilization.

On motion of Senator Ferns, the bill was taken up for immediate consideration.

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

On page one, section one, after the words “or agents” by changing the colon to a period and striking out the proviso.

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

Engrossed Committee Substitute for House Bill 4603, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Rucker—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4603) passed with its Senate amended title.

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

The Senate again proceeded to the fifth order of business.

Senator Trump, from the committee of conference on matters of disagreement between the two houses, as to

**Eng. Com. Sub. for Com. Sub. for Senate Joint Resolution 3, Judicial Budget Oversight Amendment.**

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 Committee Substitute for Senate Joint Resolution 3, having met, after full and free conference, have agreed to recommend and do recommend to their respective houses, that both houses recede from their respective positions as to the amendment of the House, striking out everything after the resolved clause, and agree to the same as follows:

That the question of ratification or rejection of an amendment to the Constitution of the State of West Virginia be submitted to the voters of the state at the next general election to be held in the year 2018, which proposed amendment is that section 51, article VI thereof be amended to read as follows:

## **ARTICLE VI.**

### **§51. Budget and supplementary appropriation bills.**

The Legislature shall not appropriate any money out of the treasury except in accordance with the provisions of this section.

#### **Subsection A — Appropriation Bills**

(1) Every appropriation bill shall be either a budget bill, or a supplementary appropriation bill, as hereinafter provided.

### **Subsection B — Budget Bills**

(2) ~~Within ten days after the convening of the regular session of the Legislature in odd-numbered years, unless such time shall be extended by the Legislature, On the second Wednesday of February in the year 2021 and every fourth year thereafter and on the second Wednesday of January in even-numbered~~ all other years, unless a later time in any year be fixed by the Legislature, the Governor shall submit to the Legislature a budget for the next ensuing fiscal year. The budget shall contain a complete plan of proposed expenditures and estimated revenues for the fiscal year and shall show the estimated surplus or deficit of revenues at the end of each fiscal year. Accompanying each budget shall be a statement showing: (a) An estimate of the revenues and expenditures for the current fiscal year, including the actual revenues and actual expenditures to the extent available, and the revenues and expenditures for the next preceding fiscal year; (b) the current assets, liabilities, reserves, and surplus or deficit of the state; (c) the debts and funds of the state; (d) an estimate of the state's financial condition as of the beginning and end of the fiscal year covered by the budget; and (e) any explanation the Governor may desire to make as to the important features of the budget and any suggestions as to methods for reduction or increase of the state's revenue.

(3) Each budget shall embrace an itemized estimate of the appropriations, in such form and detail as the Governor shall determine or as may be prescribed by law: (a) For the Legislature as certified to the Governor in the manner hereinafter provided; (b) for the executive department; (c) for the judiciary department, as provided by law, certified to the Governor by the Auditor; (d) for payment and discharge of the principal and interest of any debt of the state created in conformity with the constitution, and all laws enacted in pursuance thereof; (e) for the salaries payable by the state under the constitution and laws of the state; and (f) for such other purposes as are set forth in the constitution and in laws made in pursuance thereof.

(4) The Governor shall deliver to the presiding officer of each house the budget and a bill for all the proposed appropriations of the budget clearly itemized and classified, in such form and detail as the Governor shall determine or as may be prescribed by law; and the presiding officer of each house shall promptly cause the bill to be introduced therein, and such bill shall be known as the "Budget Bill". The Governor may, with the consent of the Legislature, before final action thereon by the Legislature, amend or supplement the budget to correct an oversight, or to provide funds contingent on passage of pending legislation, and in case of an emergency, he or she may deliver such an amendment or supplement to the presiding officers of both houses; and the amendment or supplement shall thereby become a part of the budget bill as an addition to the items of the bill or as a modification of or a substitute for any item of the bill the amendment or supplement may affect.

(5) The Legislature shall not amend the budget bill so as to create a deficit but may amend the bill by increasing or decreasing any item therein: *Provided*, That ~~no item relating to the judiciary shall be decreased;~~ the Legislature may not decrease the total general revenue appropriations to the judiciary in the budget bill to an amount that is less than eighty-five percent of the amount of the total general revenue appropriations to the judiciary in the most recently enacted budget without a separate vote of the Legislature approved by a two-thirds vote of the members elected to each house, determined by yeas and nays and entered on the journals. ~~and~~ Except as otherwise provided in this constitution, the salary or compensation of any public officer shall not be increased or decreased during his or her term of office: and *Provided further however*, That the Legislature shall not increase the estimate of revenue submitted in the budget without the approval of the Governor.

(6) The Chief Justice of the Supreme Court of Appeals, the Governor, and such representatives of the executive departments, boards, officers, and commissions of the state expending or applying for state moneys as have been designated by the Governor for this purpose, shall have the right, and when requested by either

house of the Legislature it shall be their duty, to appear and be heard with respect to any budget bill, and to answer inquiries relative thereto.

### **Subsection C — Supplementary Appropriation Bills**

(7) Neither house shall consider other appropriations until the budget bill has been finally acted upon by both houses, and no such other appropriations shall be valid except: in accordance with the provisions following (a) Every such appropriation shall be embodied in a separate bill limited to some single work, object, or purpose therein stated and called therein a supplementary appropriation bill; (b) each supplementary appropriation bill shall provide the revenue necessary to pay the appropriation thereby made by a tax, direct or indirect, to be laid and collected as ~~shall be~~ directed in the bill unless it appears from such budget that there is sufficient revenue available.

### **Subsection D — General Provisions**

(8) If the budget bill shall not have been finally acted upon by the Legislature three days before the expiration of its regular session, the governor shall issue a proclamation extending the session for such further period as may, in his or her judgment, be necessary for the passage of the bill; but no matter other than the bill shall be considered during such an extension of a session except the matters detailed in section 14, article VII of this Constitution and a provision for the cost thereof.

(9) For the purpose of making up the budget, the Governor shall have the power and it shall be his or her duty, to require from the proper state officials, including herein all executive departments, all executive and administrative officers, bureaus, boards, commissions, and agencies expending or supervising the expenditure of, and all institutions applying for state moneys and appropriations, such itemized estimates and other information, in such form and at such times as he or she shall direct. The estimates for the legislative department, certified by the presiding officer of each house, and for the judiciary, as provided by law, certified by the Auditor, shall be transmitted to the Governor in such form and



at such times as he or she shall direct and shall be included in the budget.

(10) The Governor may provide for public hearings on all estimates and may require the attendance at such hearings of representatives of all agencies and all institutions applying for state moneys. After such public hearings he or she may, in his or her discretion, revise all estimates except those for the legislative and judiciary departments.

(11) Every budget bill or supplementary appropriation bill passed by a majority of the members elected to each house of the Legislature shall, before it becomes a law, be presented to the Governor. The Governor may veto the bill, or he or she may disapprove or reduce items or parts of items contained therein. If he or she approves, he or she shall sign it and thereupon, it shall become a law. The bill, items or parts thereof, disapproved or reduced by the Governor, shall be returned with his or her objections to each house of the Legislature.

Each house shall enter the objections at large upon its journal and proceed to reconsider. If, after reconsideration, two thirds of the members elected to each house agree to pass the bill, or such items or parts thereof, as were disapproved or reduced, the bill, items or parts thereof, approved by two thirds of such members, shall become law, notwithstanding the objections of the Governor. In all such cases, the vote of each house shall be determined by yeas and nays to be entered on the journal.

A bill, item or part thereof, which is not returned by the Governor within five days (Sundays excepted) after the bill has been presented to him or her shall become a law in like manner as if he or she had signed the bill, unless the Legislature, by adjournment, prevents such return, in which case it shall be filed in the office of the Secretary of State, within five days after such adjournment, and shall become a law; or it shall be so filed within such five days with the objections of the governor, in which case it shall become law to the extent not disapproved by the Governor.

(12) The Legislature may, from time to time, enact such laws, not inconsistent with this section, as may be necessary and proper to carry out its provisions.

(13) In the event of any inconsistency between any of the provisions of this section and any of the other provisions of the constitution, the provisions of this section shall prevail. But nothing herein shall be construed as preventing the Governor from calling extraordinary sessions of the Legislature, as provided by section nineteen of this article, or as preventing the Legislature at such extraordinary sessions from considering any emergency appropriation or appropriations.

(14) If any item of any appropriation bill passed under the provisions of this section shall be held invalid upon any ground, such invalidity shall not affect the legality of the bill or of any other item of such bill or bills.

*Resolved further*, That in accordance with the provisions of article eleven, chapter three of the Code of West Virginia, 1931, as amended, such amendment is hereby numbered “Amendment No. 1” and designated as the “Judicial Budget Oversight Amendment” and the purpose of the proposed amendment is summarized as follows: “Providing that the total general revenue appropriations to the judiciary may be reduced in the budget bill, and setting forth the required procedures to be followed by the Legislature to enact any decrease in the total general revenue appropriations to the judiciary to an amount that is less than eight-five percent of the amount of the total general revenue appropriations to the judiciary in the most recently enacted budget; providing that when requested by the Legislature, the Chief Justice of the Supreme Court of Appeals must appear and be heard and answer inquiries relative any budget bill; and conforming language relating to the introduction of the budget and matters that may be taken up during extended sessions to more recent amendments to the constitution.;

And,

That both houses recede from their respective positions as to the title of the bill and agree to a new title, to read as follows:

**Eng. Com. Sub. for Com. Sub. for Senate Joint Resolution 3**—Proposing an amendment to the Constitution of the State of West Virginia, amending section 51, article VI thereof, relating to the state budget and related matters; providing that total general revenue appropriations to the judiciary may be decreased in the budget bill; providing that the Legislature may not decrease the total general revenue appropriations to the judiciary in the budget bill to an amount that is less than eighty-five percent of the amount of the total general revenue appropriations to the judiciary in the most recently enacted budget without a separate vote of the Legislature approved by a two-thirds vote of the members elected to each house, determined by yeas and nays and entered on the journals; providing rights and duties of the Chief Justice of the Supreme Court of Appeals relating to appearances before the Legislature and answering inquiries with respect to any budget bill; amending and adding language regarding when the Governor shall submit the budget to the Legislature and matters that may be considered during an extended session to conform the section to more recent amendments to the constitution; making technical corrections to gender related language; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

Respectfully submitted,

Charles S. Trump IV, *Chair*, Ryan W. Weld, Michael A. Woelfel, *Conferees on the part of the Senate*.

John H. Shott, *Chair*, Roger Hanshaw, Andrew D. Byrd, *Conferees on the part of the House of Delegates*.

On motions of Senator Trump, severally made, the report of the committee of conference was taken up for immediate consideration and adopted.

Engrossed Committee Substitute for Committee Substitute for Senate Joint Resolution 3, as amended by the conference report, was then put upon its adoption.

On the adoption of the resolution, as amended, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Rucker and Woelfel—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the resolution (Eng. Com. Sub. for Com. Sub. for S. J. R. 3) adopted with its conference amended title, as follows:

**Eng. Com. Sub. for Com. Sub. for Senate Joint Resolution 3**—Proposing an amendment to the Constitution of the State of West Virginia, amending section 51, article VI thereof, relating to the state budget and related matters; providing that total general revenue appropriations to the judiciary may be decreased in the budget bill; providing that the Legislature may not decrease the total general revenue appropriations to the judiciary in the budget bill to an amount that is less than 85 percent of the amount of the total general revenue appropriations to the judiciary in the most recently enacted budget without a separate vote of the Legislature approved by a two-thirds vote of the members elected to each house, determined by yeas and nays and entered on the journals; providing rights and duties of the Chief Justice of the Supreme Court of Appeals relating to appearances before the Legislature and answering inquiries with respect to any budget bill; amending and adding language regarding when the Governor shall submit the budget to the Legislature and matters that may be considered during an extended session to conform the section to more recent amendments to the constitution; making technical corrections to gender-related language; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

*Resolved by the Legislature of West Virginia, two thirds of the members elected to each house agreeing thereto:*

That the question of ratification or rejection of an amendment to the Constitution of the State of West Virginia be submitted to the voters of the state at the next general election to be held in the year 2018, which proposed amendment is that section 51, article VI thereof be amended to read as follows:

## **ARTICLE VI.**

### **§51. Budget and supplementary appropriation bills.**

The Legislature shall not appropriate any money out of the treasury except in accordance with the provisions of this section.

#### **Subsection A — Appropriation Bills**

(1) Every appropriation bill shall be either a budget bill, or a supplementary appropriation bill, as hereinafter provided.

#### **Subsection B — Budget Bills**

(2) On the second Wednesday of February in the year 2021 and every fourth year thereafter and on the second Wednesday of January in all other years, unless a later time in any year be fixed by the Legislature, the Governor shall submit to the Legislature a budget for the next ensuing fiscal year. The budget shall contain a complete plan of proposed expenditures and estimated revenues for the fiscal year and shall show the estimated surplus or deficit of revenues at the end of each fiscal year. Accompanying each budget shall be a statement showing: (a) An estimate of the revenues and expenditures for the current fiscal year, including the actual revenues and actual expenditures to the extent available, and the revenues and expenditures for the next preceding fiscal year; (b) the current assets, liabilities, reserves, and surplus or deficit of the state; (c) the debts and funds of the state; (d) an estimate of the state's financial condition as of the beginning and end of the fiscal year covered by the budget; and (e) any explanation the Governor may desire to make as to the important features of the budget and

any suggestions as to methods for reduction or increase of the state's revenue.

(3) Each budget shall embrace an itemized estimate of the appropriations, in such form and detail as the Governor shall determine or as may be prescribed by law: (a) For the Legislature as certified to the Governor in the manner hereinafter provided; (b) for the executive department; (c) for the judiciary department, as provided by law, certified to the Governor by the Auditor; (d) for payment and discharge of the principal and interest of any debt of the state created in conformity with the constitution, and all laws enacted in pursuance thereof; (e) for the salaries payable by the state under the constitution and laws of the state; and (f) for such other purposes as are set forth in the constitution and in laws made in pursuance thereof.

(4) The Governor shall deliver to the presiding officer of each house the budget and a bill for all the proposed appropriations of the budget clearly itemized and classified, in such form and detail as the Governor shall determine or as may be prescribed by law; and the presiding officer of each house shall promptly cause the bill to be introduced therein, and such bill shall be known as the "Budget Bill". The Governor may, with the consent of the Legislature, before final action thereon by the Legislature, amend or supplement the budget to correct an oversight, or to provide funds contingent on passage of pending legislation, and in case of an emergency, he or she may deliver such an amendment or supplement to the presiding officers of both houses; and the amendment or supplement shall thereby become a part of the budget bill as an addition to the items of the bill or as a modification of or a substitute for any item of the bill the amendment or supplement may affect.

(5) The Legislature shall not amend the budget bill so as to create a deficit but may amend the bill by increasing or decreasing any item therein: *Provided*, That the Legislature may not decrease the total general revenue appropriations to the judiciary in the budget bill to an amount that is less than 85 percent of the amount of the total general revenue appropriations to the judiciary in the most recently enacted budget without a separate vote of the

Legislature approved by a two-thirds vote of the members elected to each house, determined by yeas and nays and entered on the journals. Except as otherwise provided in this constitution, the salary or compensation of any public officer shall not be increased or decreased during his or her term of office: *Provided, however,* That the Legislature shall not increase the estimate of revenue submitted in the budget without the approval of the Governor.

(6) The Chief Justice of the Supreme Court of Appeals, the Governor, and such representatives of the executive departments, boards, officers, and commissions of the state expending or applying for state moneys as have been designated by the Governor for this purpose, shall have the right, and when requested by either house of the Legislature it shall be their duty, to appear and be heard with respect to any budget bill, and to answer inquiries relative thereto.

### **Subsection C — Supplementary Appropriation Bills**

(7) Neither house shall consider other appropriations until the budget bill has been finally acted upon by both houses, and no such other appropriations shall be valid except: in accordance with the provisions following (a) Every such appropriation shall be embodied in a separate bill limited to some single work, object, or purpose therein stated and called therein a supplementary appropriation bill; (b) each supplementary appropriation bill shall provide the revenue necessary to pay the appropriation thereby made by a tax, direct or indirect, to be laid and collected as directed in the bill unless it appears from such budget that there is sufficient revenue available.

### **Subsection D — General Provisions**

(8) If the budget bill shall not have been finally acted upon by the Legislature three days before the expiration of its regular session, the Governor shall issue a proclamation extending the session for such further period as may, in his or her judgment, be necessary for the passage of the bill; but no matter other than the bill shall be considered during such an extension of a session

except the matters detailed in section 14, article VII of this constitution and a provision for the cost thereof.

(9) For the purpose of making up the budget, the Governor shall have the power and it shall be his or her duty, to require from the proper state officials, including herein all executive departments, all executive and administrative officers, bureaus, boards, commissions, and agencies expending or supervising the expenditure of, and all institutions applying for state moneys and appropriations, such itemized estimates and other information, in such form and at such times as he or she shall direct. The estimates for the legislative department, certified by the presiding officer of each house, and for the judiciary, as provided by law, certified by the Auditor, shall be transmitted to the Governor in such form and at such times as he or she shall direct and shall be included in the budget.

(10) The Governor may provide for public hearings on all estimates and may require the attendance at such hearings of representatives of all agencies and all institutions applying for state moneys. After such public hearings he or she may, in his or her discretion, revise all estimates except those for the legislative and judiciary departments.

(11) Every budget bill or supplementary appropriation bill passed by a majority of the members elected to each house of the Legislature shall, before it becomes a law, be presented to the Governor. The Governor may veto the bill, or he or she may disapprove or reduce items or parts of items contained therein. If he or she approves, he or she shall sign it and thereupon, it shall become a law. The bill, items or parts thereof, disapproved or reduced by the Governor, shall be returned with his or her objections to each house of the Legislature.

Each house shall enter the objections at large upon its journal and proceed to reconsider. If, after reconsideration, two thirds of the members elected to each house agree to pass the bill, or such items or parts thereof, as were disapproved or reduced, the bill, items or parts thereof, approved by two thirds of such members, shall become law, notwithstanding the objections of the Governor.



In all such cases, the vote of each house shall be determined by yeas and nays to be entered on the journal.

A bill, item or part thereof, which is not returned by the Governor within five days (Sundays excepted) after the bill has been presented to him or her shall become a law in like manner as if he or she had signed the bill, unless the Legislature, by adjournment, prevents such return, in which case it shall be filed in the office of the Secretary of State, within five days after such adjournment, and shall become a law; or it shall be so filed within such five days with the objections of the governor, in which case it shall become law to the extent not disapproved by the Governor.

(12) The Legislature may, from time to time, enact such laws, not inconsistent with this section, as may be necessary and proper to carry out its provisions.

(13) In the event of any inconsistency between any of the provisions of this section and any of the other provisions of the constitution, the provisions of this section shall prevail. But nothing herein shall be construed as preventing the Governor from calling extraordinary sessions of the Legislature, as provided by section 19 of this article, or as preventing the Legislature at such extraordinary sessions from considering any emergency appropriation or appropriations.

(14) If any item of any appropriation bill passed under the provisions of this section shall be held invalid upon any ground, such invalidity shall not affect the legality of the bill or of any other item of such bill or bills.

*Resolved further*, That in accordance with the provisions of article eleven, chapter three of the Code of West Virginia, 1931, as amended, such amendment is hereby numbered "Amendment No. 1" and designated as the "Judicial Budget Oversight Amendment" and the purpose of the proposed amendment is summarized as follows: "Providing that the total general revenue appropriations to the judiciary may be reduced in the budget bill, and setting forth the required procedures to be followed by the Legislature to enact any decrease in the total general revenue appropriations to the

judiciary to an amount that is less than 85 percent of the amount of the total general revenue appropriations to the judiciary in the most recently enacted budget; providing that when requested by the Legislature, the Chief Justice of the Supreme Court of Appeals must appear and be heard and answer inquiries relative any budget bill; and conforming language relating to the introduction of the budget and matters that may be taken up during extended sessions to more recent amendments to the constitution.

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

Senator Clements, from the committee of conference on matters of disagreement between the two houses, as to

**Eng. Com. Sub. for Senate Bill 582**, Allowing candidate for political party executive committee serve as election official.

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 582 having met, after full and free conference, have agreed to recommend and do recommend to their respective houses, as follows:

That the House recede from its position as to the amendment on page one, section twenty-eight, line eleven, immediately following the word “committee” by inserting the following: “or delegate to the national convention of a political party”;

That both parties recede from their respective positions as to the amendment on page one, section twenty-eight, line twelve, and that the Senate and the House agree to an amendment as follows:

On page one, section twenty-eight, line twelve, by deleting subsection (4) in its entirety and inserting in lieu thereof the following:

“(4) May not be the parent, child, sibling, or spouse of a candidate on the ballot for any office, other than for district, county,

or state political party executive committee, or an official write-in candidate for any office, other than for district, county, or state political party executive committee, in the precinct where the official serves;”;

And,

That both parties recede from their respective positions as to the title of the bill and agree to the same as follows:

**Eng. Com. Sub. for Senate Bill 582**—A Bill to amend and reenact §3-1-28 of the Code of West Virginia, 1931, as amended, relating to eligibility to be appointed or serve as an election official; permitting candidates for district, county, or state political party executive committee to serve as election officials; and permitting the parent, child, sibling, or spouse of a candidate for district, county, or state political party executive committee, to serve as election officials.

Respectfully submitted,

Charles H. Clements, *Chair*, Michael J. Maroney, Stephen Baldwin, *Conferees on the part of the Senate*.

Charlotte Lane, *Chair*, Moore Capito, Rodney Miller, *Conferees on the part of the House of Delegates*.

Senator Clements, Senate cochair of the committee of conference, was recognized to explain the report.

Thereafter, on motion of Senator Clements, the report was taken up for immediate consideration and adopted.

Engrossed Committee Substitute for Senate Bill 582, as amended by the conference report, was then put upon its passage.

On the passage of the bill, as amended, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Plymale, Prezioso, Romano, Smith,

Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, and Carmichael (Mr. President)—31.

The nays were: Palumbo—1.

Absent: Rucker and Woelfel—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 582) passed with its conference amended title.

Senator Ferns moved that the bill take effect from passage.

On this question, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Plymale, Prezioso, Romano, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, and Carmichael (Mr. President)—31.

The nays were: Palumbo—1.

Absent: Rucker and Woelfel—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 582) takes effect from passage.

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

Senator Boso from the committee of conference on matters of disagreement between the two houses, as to

**Eng. Com. Sub. for Senate Bill 392**, Reconfiguring membership of Emergency Medical Services Advisory Council.

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 392 having met, after full and

free conference, have agreed to recommend and do recommend to their respective houses, as follows:

That both houses recede from their respective positions as to the amendments of House of Delegates, striking out everything after the enacting clause, and agree to the same as follows:

#### **ARTICLE 4C. EMERGENCY MEDICAL SERVICES ACT.**

##### **§16-4C-5. Emergency Medical Services Advisory Council; duties; composition; appointment; meetings; compensation and expenses.**

(a) The Emergency Medical Services Advisory Council, heretofore created and established by former §16-4C-7 of this code, is continued for the purpose of developing, with the commissioner, standards for emergency medical service personnel and for the purpose of providing advice to the Office of Emergency Medical Services and the commissioner with respect to reviewing and making recommendations for, and providing assistance to, the establishment and maintenance of adequate emergency medical services for all portions of this state.

(b) The council shall have the duty to advise the commissioner in all matters pertaining to his or her duties and functions in relation to carrying out the purposes of this article.

(c) The council shall be composed of ~~45~~ 18 members appointed by the Governor by and with the advice and consent of the Senate. The Mountain State Emergency Medical Services Association shall submit to the Governor a list of six names of representatives from its association, and a list of three names shall be submitted to the Governor of representatives of their respective organizations by the County Commissioners' Association of West Virginia, the West Virginia State Firemen's Association, the West Virginia Hospital Association, the West Virginia Chapter of the American College of Emergency Physicians, the West Virginia Emergency Medical Services Administrators Association, the West Virginia Emergency Medical Services Coalition, the Ambulance Association of West Virginia, and the State Department of

Education. The Governor shall appoint from the respective lists submitted two persons who represent the Mountain State Emergency Medical Services Association, one of whom shall be a paramedic and one of whom shall be an emergency medical technician-basic; and one person from the County Commissioners' Association of West Virginia, the West Virginia State Firemen's Association, the West Virginia Hospital Association, the West Virginia Chapter of the American College of Emergency Physicians, the West Virginia Emergency Medical Services Administrators Association, the West Virginia Emergency Medical Services Coalition, the Ambulance Association of West Virginia, and the State Department of Education. In addition, the Governor shall appoint:

(1) One person to represent emergency medical service providers operating within the state;

(2) One person to represent small emergency medical service providers operating within this state; and

~~(3) three persons to represent the general public~~ One person to represent emergency medical services training officers or representatives; and

(4) Two people to represent emergency medical services supervisors or administrators.

(5) Three persons to represent the general public who shall serve in an advisory capacity as non-voting members.

(d) Not more than six of the members may be appointed from any one congressional district.

~~(e)~~ (e) Each term is to be for three years, and no member may serve more than four consecutive terms.

~~(e)~~ (f) The council shall choose its own chairman and meet at the call of the commissioner at least twice a year.

~~(f)~~ (g) The members of the council shall receive compensation and expense reimbursement in an amount not to exceed the same

compensation and expense reimbursement as is paid to members of the Legislature for their interim duties as recommended by the Citizens Legislative Compensation Commission and authorized by law for each day or substantial portion thereof engaged in the performance of official duties.;

And,

That both houses recede from their respective positions as to the title of the bill and agree to a new title, to read as follows:

**Eng. Com. Sub. for Senate Bill 392**—A Bill to amend and reenact §16-4C-5 of the Code of West Virginia, 1931, as amended, relating to the Emergency Medical Services Advisory Council generally; and reconfiguring and increasing the membership of the council by adding three non-voting citizen members and requiring three members to be representative of professional groups.

Respectfully submitted,

Gregory L. Boso, *Chair*, Tom Takubo, Glenn D. Jeffries,  
*Conferees on the part of the Senate.*

Vernon Criss, *Chair*, Patrick Martin, John Williams, *Conferees  
on the part of the House of Delegates.*

On motions of Senator Boso, severally made, the report of the committee of conference was taken up for immediate consideration and adopted.

Engrossed Committee Substitute for Senate Bill 392, as amended by the conference report, was then put upon its passage.

On the passage of the bill, as amended, the yeas were: Arvon, Azingar, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Rucker—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 392) passed with its conference amended title.

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

The Senate again proceeded to the sixth order of business.

Senators Beach, Carmichael (Mr. President), Arvon, Azinger, Baldwin, Blair, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Maroney, Maynard, Ojeda, Plymale, Prezioso, Romano, Rucker, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, and Woelfel offered the following resolution:

**Senate Resolution 68**—Memorializing the life of Stephen L. Cook, former member of the West Virginia Senate and the West Virginia House of Delegates, former Commissioner of Labor and dedicated public servant.

Whereas, Stephen L. Cook was born on December 30, 1941, in Clinton, Iowa, to Vernon and Bernice Cook. He received a B.B.A. and an M.A. in industrial relations and personnel from the University of Iowa; and

Whereas Stephen L. Cook married Carolyn A. Whitney and they moved to Morgantown, WV, in 1967. They had three children, Craig, Matthew, and Stephanie; and

Whereas, Stephen L. Cook served as Commissioner of the West Virginia Department of Labor, from 1977 to 1979. He was a Member of the West Virginia House of Delegates for nine years and was a Member of the West Virginia Senate for the 14th District from 1983 to 1986, serving as Chairman of the Energy Industry and Mining Committee. He was also a Delegate to the Democratic National Convention from West Virginia in 1996, 2000, and 2004; and



Whereas, Stephen L. Cook was also Assistant Business Manager for the West Virginia Laborers' District Council for 16 years, President of Laborers' Local 814, and served for 40 years as an officer and Delegate to the Monongalia-Preston Labor Council; and

Whereas, Stephen L. Cook was a Member of the West Virginia Political Science Association, the Industrial Relations Research Association, the Monongalia County Board of Education, and the West Virginia School Board Association. He also was a faculty member with West Virginia University's Institute for Labor Studies and Research for 23 years; and

Whereas, Sadly, Stephen L. Cook passed away on Friday, March 2, 2018, surrounded by his family. He is survived by his wife, Sharon Kaye (Blonairz) Cook whom he married on August 26, 1995; his brother, Gregory Cook; his sister Vicki (Cook) Baack; sons, Craig Cook, Matthew Cook, and Keith Blonairz; daughters, Stephanie (Cook) Radabaugh and Lisa Blonairz; and grandchildren, Stephanie Cook, Abigail Radabaugh, Jaxon Radabaugh, Marlea Blonairz, and Reina Blonairz; therefore, be it

*Resolved by the Senate:*

That the Senate hereby memorializes the life of Stephen L. Cook, former member of the West Virginia Senate and the West Virginia House of Delegates, former Commissioner of Labor, and dedicated public servant; and, be it

*Further Resolved*, That the Senate extends its most sincere condolences to the family of Senator Stephen L. Cook; and, be it

*Further Resolved*, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the family of Senator Stephen L. Cook.

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

Senator Ojeda offered the following resolution:

**Senate Resolution 69**—Urging Frontier Communications to prioritize negotiations with the Communications Workers of America and conclude a fair labor agreement to improve the lives of constituents and the working families in West Virginia.

Whereas, Over 1,400 Communications Workers of America members are currently fighting for a new contract to maintain their standard of living in contract negotiations with Frontier Communications; and

Whereas, These men and women are Communication Workers of America (CWA) members who have been employed by Frontier. Currently, they are standing road-side, picketing, and fighting for their jobs and encouraging Frontier to act promptly and considerably. The contract negotiations began in May 2017, and expired on March 3rd; and

Whereas, Every day, West Virginia CWA members are on the frontlines, and are committed to provide high quality telecommunication service to customers in communities where they live and work. The company has made a promise to provide high-quality service to customers across the state and these workers have generated profits for Frontier; and

Whereas, These dedicated workers live in West Virginia and want to continue to work in West Virginia; therefore, be it

*Resolved by the Senate:*

That Frontier Communications is hereby urged to prioritize negotiations with the Communications Workers of America and conclude a fair labor agreement to improve the lives of constituents and the working families in West Virginia; and, be it

*Further Resolved,* That the members of the West Virginia Senate stand with our union workers and urge Frontier Communications Chief Executive Officer Daniel McCarthy to negotiate a fair contract for the betterment of the West Virginia working families who depend on Frontier; and, be it

*Further Resolved*, That the Clerk of the West Virginia Senate is hereby requested to forward a copy of this resolution to the union representative of the union employees of Frontier Communication and to the Charleston office of Frontier Communications.

Which, under the rules, lies over one day.

At the request of Senator Plymale, unanimous consent being granted, Senators Plymale, Woelfel, Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Carmichael (Mr. President), Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, and Weld offered the following resolution from the floor:

**Senate Resolution 70**—Recognizing Randy Moss for being inducted into the Pro Football Hall of Fame.

Whereas, Randy Moss was born on February 13, 1977, in Rand, West Virginia, the son of Maxine Moss and Randy Pratt; and

Whereas, Randy Moss was twice named the Evans Award winner as West Virginia's top high school basketball player in 1994 and 1995, and won the Kennedy Award as West Virginia's top high school football player in 1994; and

Whereas, During his career at Marshall University, Randy Moss set the I-AA record for most games with a touchdown reception (914), most consecutive games with a touchdown reception (13), most touchdown passes caught by a freshman (28), and most receiving yards by a freshman (1,709); and

Whereas, Randy Moss, as a freshman, helped lead Marshall to a Division I-AA championship. As a sophomore, he won the Biletnikoff Award as college football's top wide receiver. He holds the Marshall University record for career touchdown receptions with 53, and is fifth in career receiving yards with 3,467; and

Whereas, Randy Moss was selected by the Minnesota Vikings in the first round of the 1998 NFL Draft. As a rookie, he was named a Pro Bowl starter and the NFL Offensive Rookie of the Year. He

set an NFL rookie record with 17 touchdown receptions. He ranks fourth in NFL history in career receiving yards and second in career receiving touchdowns; and

Whereas, Randy Moss was inducted into the Marshall Athletics Hall of Fame in 2009. He entered the Minnesota Vikings Ring of Honor in 2017; and

Whereas, On February 3, 2018, Randy Moss was selected to be inducted into the Pro Football Hall of Fame. His son, Thaddeus Moss, will serve as his presenter at his enshrinement ceremony to be held August 4, 2018; and

Whereas, Randy Moss has used his national platform to participate in, found, and finance many charitable endeavors; and

Whereas, In 2005, Randy Moss launched a Celebrity Charity Invitational Bass Tournament, which paired celebrities and corporate sponsors with pro fishermen to raise money for children with treatable mouth problems, such as cleft palate. The tournament's motto is "fish for a smile"; and

Whereas, In 2008, Randy Moss formed the Links for Learning Foundation, which was established to build learning centers for impoverished student populations in West Virginia; and

Whereas, Randy Moss is a shining example to all West Virginians of what can be accomplish with hard work, dedication, and commitment; therefore, be it

*Resolved by the Senate:*

That the Senate hereby recognizes Randy Moss for being inducted into the Pro Football Hall of Fame; and, be it

*Further Resolved,* That the Senate extends its sincere congratulations to Randy Moss for his induction into the Pro Football Hall of Fame; and, be it

*Further Resolved*, That the Senate extends its most sincere appreciation and gratitude to Randy Moss for his charitable works and dedication to the State of West Virginia; and, be it

*Further Resolved*, That the Clerk is hereby directed to forward a copy of this resolution to Randy Moss.

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

Thereafter, at the request of Senator Woelfel, and by unanimous consent, the remarks by Senator Plymale regarding the adoption of Senate Resolution 70 were ordered printed in the Appendix to the Journal.

At the request of Senator Ferns, unanimous consent being granted, the remarks by Senator Clements regarding the adoption of Senate Resolution 70 were ordered printed in the Appendix to the Journal.

On motion of Senator Ferns, at 10:20 p.m., the Senate recessed for 15 minutes.

The Senate reconvened at 11:01 p.m. tonight and, without objection, returned to the third order of business.

A message from the Clerk of the House of Delegates announced the adoption by that body of the committee of conference report, passage as amended by the conference report with its conference amended title, to take effect from passage, and requested the concurrence of the Senate in the adoption thereof, as to

**Eng. House Bill 4629**, Relating to broadband enhancement and expansion policies generally.

Whereupon, Senator Smith, from the committee of conference on matters of disagreement between the two houses, as to

**Eng. House Bill 4629**, Relating to broadband enhancement and expansion policies generally.

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 4629 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:

**CHAPTER 31G. BROADBAND ENHANCEMENT  
AND EXPANSION POLICIES**

**ARTICLE 1. BROADBAND ENHANCEMENT COUNCIL.**

**§31G-1-10. Pilot Project for cooperatives by political subdivisions.**

[Repealed].

**ARTICLE 2. COOPERATIVE ASSOCIATIONS.**

**§31G-2-1. Definitions.**

As used in this article:

(1) “Cooperative association” or “association” means any corporation organized under this article. Each association shall also comply with the requisite business corporation provisions of chapter thirty-one-d or thirty-one-f of this code, or the nonprofit corporation provisions of chapter thirty-one-e of this code.

(2) “Internet services” means providing access to, and presence on, the internet and other services. Data may be transmitted using several technologies, including dial-up, DSL, cable modem, wireless, or dedicated high-speed interconnects.

(3) “Member” means a member of an association without capital stock and a holder of common stock in an association organized with capital stock.

(4) “Qualified person” means a person who is engaged in the use of internet services, either in an individual capacity, as a political subdivision of this state, or as a business.

(5) “Qualified activity” means using internet services.;

And,

That both houses recede from their respective positions as to the title of the bill and agree to the same as follows:

**Eng. House Bill 4629**—A Bill to repeal §31G-1-10, of the Code of West Virginia, 1931, as amended; to amend and reenact §31G-2-1 of said Code; all relating to broadband enhancement and expansion policies generally; repealing language relating to pilot project for cooperative associations by political subdivisions; and providing that a political subdivision of this state may be a qualified person for the purposes of forming a cooperative association.

Respectfully submitted,

Roger Hanshaw, *Chair*, Mark Zatezalo, Phil Isner, *Conferees on the part of the House of Delegates*.

Randy E. Smith, *Chair*, C. Edward Gaunch, Glenn D. Jeffries, *Conferees on the part of the Senate*.

On motions of Senator Smith, severally made, the report of the committee of conference was taken up for immediate consideration and adopted.

Engrossed House Bill 4629, as amended by the conference report, was then put upon its passage.

On the passage of the bill, as amended, the yeas were: Arvon, Azinger, Baldwin, Beach, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney,

Maynard, Palumbo, Plymale, Romano, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—30.

The nays were: None.

Absent: Blair, Ojeda, Prezioso, and Rucker—4.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 4629) passed with its conference amended title.

Senator Ferns moved that the bill take effect from passage.

On this question, the yeas were: Arvon, Azinger, Baldwin, Beach, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Palumbo, Plymale, Romano, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—30.

The nays were: None.

Absent: Blair, Ojeda, Prezioso, and Rucker—4.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 4629) takes effect from passage.

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

A message from the Clerk of the House of Delegates announced the adoption by that body of the committee of conference report, passage as amended by the conference report with its conference amended title, and requested the concurrence of the Senate in the adoption thereof, as to

**Eng. Com. Sub. for House Bill 4447**, Providing for a uniform and efficient system of broadband conduit installation.



Whereupon, Senator Boso, from the committee of conference on matters of disagreement between the two houses, as to

**Eng. Com. Sub. for House Bill 4447**, Providing for a uniform and efficient system of broadband conduit installation.

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 4447 having met, after full and free conference, have agreed to recommend and do recommend to their respective houses, as follows:

That both houses recede from their respective positions as to the amendment of the Senate, striking out everything after the enacting clause, and agree to the same as follows:

**ARTICLE 2E. DIG ONCE POLICY.**

**§17-2E-1. Legislative findings.**

(a) The Legislature finds that it is in the public interest to accommodate telecommunications facilities on Division of Highways right-of-way when the use of the right-of-way does not adversely affect the safety of the traveling public or impair the highway or its aesthetic quality or conflict with any federal, state, or local laws, rules, regulations, or policies.

(b) The Legislature further finds that a broadband connection is an essential part of developing the state and local economies, enhancing the transportation system and creating a safer and more secure environment for our citizens.

(c) The Legislature further finds that expanding telecommunication facilities will allow the state to participate in the E-Rate Program of funding for digital education in America to provide reliable services opportunities for education and training.

(d) The Legislature further finds that fast, reliable broadband connections enhance telemedical opportunities for our rural

doctors and hospitals, linking them to our major medical centers. Thereby overcoming distance barriers, and improving access to medical services that often are not consistently available in rural communities.

(e) The Legislature further finds that instituting a dig once policy encourages telecommunications carriers to coordinate installation of broadband conduit to minimize costs to the carriers and minimize disruption and inconvenience to the traveling public.

### **§17-2E-2. Definitions.**

In this article, unless the context otherwise requires:

(1) “Broadband conduit” or “conduit” means a conduit, innerduct or microduct for fiber optic cables that support facilities for broadband service.

(2) “Broadband service” has the same meaning as defined in §31G-1-2 of this code.

(3) “Council” means the Broadband Enhancement Council.

(4) “Division” means the Division of Highways.

(5) “Longitudinal access” means access to or the use of any part of a right-of-way that extends generally parallel to the traveled right-of-way.

(6) “Permit” means an encroachment permit issued by the Commissioner of the Division of Highways under the authority of this Code, and pursuant to the “Accommodation of Utilities On Highway Right Of Way and Adjustment and Relocation Of Utility Facilities On Highway Projects Policy”, or equivalent policy, as currently enforced by the Division of Highways, that specifies the requirements and conditions for performing work in a right-of-way.

(7) “Right-of-way” means land, property, or any interest therein acquired or controlled by the West Virginia Division of

Highways for transportation facilities or other transportation purposes or specifically acquired for utility accommodation.

(8) “Telecommunications carrier” means a telecommunications carrier:

(A) As determined by the Public Service Commission of West Virginia; or

(B) That meets the definition of telecommunications carrier with respect to the Federal Communications Commission, as contained in 47 U.S.C. §153.

(9) “Telecommunications facility” means any cable, line, fiber, wire, conduit, innerduct, access manhole, handhole, tower, hut, pedestal, pole, box, transmitting equipment, receiving equipment, power equipment or other equipment, system or device that is used to transmit, receive, produce or distribute a signal for telecommunications purposes via wireline, electronic or optical means.

(10) “Utility facility” has the meaning ascribed to it in §17-2A-17a of this Code.

(11) “Wireless access” means access to and use of a right-of-way for the purpose of constructing, installing, maintaining, using, or operating telecommunications facilities for wireless telecommunications

**§17-2E-3. Use of rights-of-way. Broadband conduit installation in rights of way; permits; agreements; compensation; valuation of compensation.**

(a) Before obtaining a permit for the construction or installation of a telecommunications facility in a right-of-way, a telecommunications carrier must enter into an agreement with the Division consistent with the requirements of this article.

(b) Before granting permitted longitudinal access or wireless access to a right-of-way, the Division of Highways shall

(1) first enter into an agreement with a telecommunications carrier that is competitively neutral and nondiscriminatory as to other telecommunications carriers.

(2) Upon receipt of any required approval or concurrence by the Federal Highway Administration the division may issue a permit granting access under this section: *Provided*, That the Division of Highways shall comply with all applicable federal regulations with respect to approval of an agreement, including but not limited to 23 C.F.R. §710.403 and 23 C.F.R. §710.405. The agreement shall be approved by the Commissioner of Highways in order to be effective and, without limitation:

(A) Specify the terms and conditions for renegotiation of the agreement;

(B) Set forth the maintenance requirements for each telecommunications facility;

(C) Be nonexclusive; and

(D) Be for a term of not more than 30 years.

(b) Unless specifically provided for in an agreement entered into pursuant to §17-2E-3(a) of this code, the Division of Highways may not grant a property interest in a right-of-way pursuant to this article.

(c) A telecommunications carrier shall compensate the Division of Highways for access to a right-of-way for the construction, installation, and maintenance of telecommunication facilities, the use of spare conduit or related facilities of the Division of Highways as part of any longitudinal access or wireless access granted to a right-of-way pursuant to this section. The compensation must be, without limitation:

(1) At fair market value;

(2) Competitively neutral;

(3) Nondiscriminatory;

(4) Open to public inspection;

(5) Calculated based on the geographic region of this state, taking into account the population and the impact on private right-of-way users in the region; and once calculated, set at an amount that encourages the deployment of digital infrastructure within this State;

(6) Paid in monetary compensation or with in-kind compensation, or a combination of monetary compensation and in-kind compensation; and

(7) Paid in a lump-sum payment or in annual installments, as agreed to by the telecommunications carrier and the Division of Highways.

(d) The division may consider adjustments for areas, the Division in conjunction with the Council, determines are underserved or unserved areas of the state and may consider the value to such areas for economic development, enhancing the transportation system, expanding opportunities for digital learning, and telemedicine.

(e) For the purpose of determining the amount of compensation a telecommunications carrier must pay the Division of Highways for the use of spare conduit or excess conduit or related facilities of the Division of Highways as part of any longitudinal access or wireless access granted to a right-of-way pursuant to this section, the division may:

(1) Conduct an analysis once every five years, in accordance with the rules, policies, or guidelines of the Division of Highways, to determine the fair market value of a right-of-way to which access has been granted pursuant to this section; and

(2) If compensation is paid in-kind, determine the fair market value of the in-kind compensation based on the incremental costs for the installation of conduit and related facilities.

(f) The value of in-kind compensation, or a combination of money and in-kind compensation, must be equal to or greater than

the amount of monetary compensation that the Division of Highways would charge if the compensation were paid solely with money.

(g) The provisions of this article shall not apply to the relocation or modification of existing telecommunication facilities in a right-of-way, nor shall these provisions apply to aerial telecommunications facilities or associated apparatus or equipment in a right-of-way. Relocation of telecommunications facilities within rights-of-way for state highways shall be in accordance with the provisions of §17-4-17b of this code.

#### **§17-2E-4. Highway safety.**

(a) The Division of Highways, in its sole discretion, may deny any longitudinal access or wireless access if such access would compromise the safe, efficient, and convenient use of any road, route, highway, or interstate in this state for the traveling public.

(b) Any longitudinal access or wireless access to a right-of-way granted by the Division of Highways pursuant to this article does not abrogate, limit, supersede, or otherwise affect access granted or authorized pursuant to the division's rules, policies, and guidelines related to accommodation of utilities on highways' rights-of-way and adjustment and relocation of utility facilities on highway projects.

#### **§17-2E-5. Telecommunications carrier initiated construction and Joint use.**

(a) The Division of Highways shall provide for the proportionate sharing of costs between telecommunications carriers for joint trenching or trench sharing based on the amount of conduit innerduct space or excess conduit that is authorized in the agreements entered into pursuant to this article. If the division plans to use the trench, it shall pay its proportional share unless it is utilizing the trench as in-kind payment for use of the right-of-way.

(b) Upon application for a permit, the carrier will notify, by email, the West Virginia Broadband Enhancement Council and all

other carriers on record with the West Virginia Broadband Enhancement Council of the application. Other carriers have 30 calendar days to notify the applicant if they wish to share the applicant's trench. This requirement extends to all underground construction technologies.

(c) The carrier shall also meet the following conditions for a permit:

(1) The telecommunications carrier will be required to place, at its sole expense, a Class II legal advertisement, in accordance with §59-3-2(a) of this code, and of a form and content approved by the Division of Highways, in the local project area newspaper, in the Charleston newspaper, on industry and the Division of Highways' websites, and within other pertinent media, announcing the general scope of the proposed installation within the right-of-way and providing competing telecommunications carriers the opportunity to timely express an interest in installing additional telecommunication facilities during the initial installation. The legal advertisement is to run at least two consecutive weeks, and the telecommunications carrier is to notify the division of any interest of other parties received.

(2) If a competing telecommunications carrier expresses interest in participating in the project, an agreement between the two (or more) telecommunications carriers will be executed by those entities, outlining the responsibilities and financial obligations of each, with respect to the installation within the right-of-way. A copy of the executed agreement shall be provided to the Division of Highways.

(3) The telecommunications carrier that placed the legal advertisement is responsible for resolving in good faith all disputes between any competing telecommunications carriers that timely responded to the advertisement and that wishes to install facilities within the same portion of the rights-of-way to be occupied. Should a dispute arise between the initial telecommunications carrier and a competing telecommunications carrier, the initial telecommunications carrier will attempt to mediate the dispute.

Any dispute that is not resolved by the telecommunications carriers shall be adjudicated by the Public Service Commission.

(d) If two or more telecommunications carriers are required or authorized to share a single trench, each carrier in the trench must share the cost and benefits of the trench in a fair, reasonable, competitively neutral, and nondiscriminatory manner. This requirement extends to all underground construction technologies.

(e) The Commissioner of the Division of Highways shall promulgate Rules governing the relationship between the telecommunications carriers, as hereinafter provided in this article.

**§17-2E-6. Monetary and in-kind compensation.**

(a) All monetary compensation collected by the Division of Highways pursuant to this article shall be deposited in the State Road Fund.

(b) In-kind compensation paid to the Division of Highways under an agreement entered into pursuant to this article may include, without limitation:

(1) Conduit or excess conduit;

(2) Innerduct;

(3) Dark fiber;

(4) Access points;

(5) Telecommunications equipment or services;

(6) Bandwidth; and

(7) Other telecommunications facilities as a component of the present value of the trenching.

(c) The Division of Highways shall value any in-kind compensation based on fair market value at the time of installation or review, and may also consider any valuation or cost information provided by the telecommunications carrier.



(d) In-kind compensation paid to the Division of Highways may be disposed of if both of the following conditions are met:

(1) The telecommunications facility received as in-kind payment has not been used within 10 years of its installation; and

(2) The Commissioner of the Division of Highways determines that the division does not have an immediately foreseeable need for the telecommunications facility.

(e) Upon determining that it is appropriate to dispose of the telecommunications facility, the division shall determine its current fair market value. The division shall offer the provider or providers who made the in-kind payment the option to purchase any telecommunications facility obtained from such provider. If the provider or providers do not purchase the telecommunications facility, it shall be offered for public auction in the same manner as the division auctions excess rights-of-way.

**§17-2E-7. Multiple carriers in a single trench.**

(a) If the Division of Highways enters into an agreement with two or more telecommunications carriers, a consortium or other entity whose members, partners or other participants are two or more telecommunications carriers, or, if the division requires or allows two or more telecommunications carriers to share a single trench, the agreements entered into pursuant to this article shall require that the telecommunications carriers share the obligation of compensating the Division of Highways on a fair, reasonable and equitable basis, taking into consideration the proportionate uses and benefits to be derived by each telecommunications carrier from the trench, conduits, and other telecommunications facilities installed under the agreements.

(b) The provisions of §17-2E-7(a) of this code do not prevent the Division of Highways from requiring every participating telecommunications carrier to bear joint and several liability for the obligations owed to the Division of Highways under the agreements.

(c) Any agreement requiring two or more telecommunications carriers to share the obligation of compensating the Division of Highways shall provide the division the right to review and audit the records and contracts of and among the participating carriers to ensure compliance with §17-2E-7(a) of this code.

**§17-2E-8. Existing policies.**

(a) The requirements set forth in this article do not alter existing rules, policies, and procedures relating to other utility facilities within a right-of-way or for accommodating utility facilities or other facilities under the control of the Division of Highways.

(b) The Division of Highways may consider the financial and technical qualifications of a telecommunications carrier when determining specific insurance requirements for contractors authorized to enter a right-of-way to construct, install, inspect, test, maintain, or repair telecommunications facilities with longitudinal access or wireless access to the right-of-way.

(c) If the Division of Highways authorizes longitudinal access, wireless access, or the use of, and access to, conduit or related facilities of the division for construction and installation of a telecommunications facility, the division may require an approved telecommunications carrier to install the telecommunications facility in the same general location as similar facilities already in place, coordinate their planning and work with other contractors performing work in the same geographic area, install in a joint trench when two or more telecommunications carriers are performing installations at the same time and equitably share costs between such carriers.

(d) The placement, installation, maintenance, repair, use, operation, replacement, and removal of telecommunications facilities with longitudinal access or wireless access to a right-of-way or that use or access conduit or related facilities of the division shall be accommodated only when in compliance with this code and Division of Highways rules, policies and guidelines.

(e) Access to a right-of-way must be administered in compliance with the Telecommunications Act of 1996, 47 U.S.C. §151, et seq., as amended.

**§17-2E-9. Rulemaking authority.**

The Commissioner of the Division of Highways may promulgate rules pursuant to the provisions of §29A-3-15 of this code as may be necessary to carry out the purpose of this article, and as may have been specifically delineated within this article.;

And,

That both houses recede from their respective positions as to the title of the bill and agree to the same as follows:

**Eng. Com. Sub. for House Bill 4447**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §17-2E-1, §17-2E-2, §17-2E-3, §17-2E-4, §17-2E-5, §17-2E-6, §17-2E-7, §17-2E-8, and §17-2E-9, all relating to providing a uniform and efficient system of broadband conduit installation coinciding with the construction, maintenance, or improvement of highways and rights-of-way under the oversight of the Division of Highways; making legislative findings; defining terms; providing procedures for broadband conduit installation in rights-of-way; providing for highway safety guidelines; establishing a procedure for joint use between telecommunications carriers; setting forth a procedure for monetary and in-kind compensation; providing a method for Division of Highways to offer excess conduit to a telecommunications carrier; setting forth standards to be utilized in agreements entered into by the Division of Highways and two or more telecommunications carriers in a single trench; providing that existing rules, policies, and procedures of the Division of Highways and United States Code shall control; and providing that the Commissioner of the Division of Highways may promulgate rules.

Respectfully submitted,

John Shott, *Chair*, Roger Hanshaw, Andrew D. Byrd,  
*Conferees on the part of the House of Delegates.*

Gregory L. Boso, *Chair*, Dave Sypolt, Robert H. Plymale,  
*Conferees on the part of the Senate.*

Senator Boso, Senate cochair of the committee of conference, was recognized to explain the report.

Thereafter, on motion of Senator Boso, the report was taken up for immediate consideration and adopted.

Engrossed Committee Substitute for House Bill 4447, as amended by the conference report, was then put upon its passage.

On the passage of the bill, as amended, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Rucker—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4447) passed with its conference amended title.

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

A message from the Clerk of the House of Delegates announced the adoption by that body of the committee of conference report, passage as amended by the conference report with its conference amended title, and requested the concurrence of the Senate in the adoption thereof, as to

**Eng. Com. Sub. for House Bill 4001**, Relating to eligibility and fraud requirements for public assistance.

Whereupon, Senator Maroney, from the committee of conference on matters of disagreement between the two houses, as to

**Eng. Com. Sub. for House Bill 4001**, Relating to eligibility and fraud requirements for public assistance.

Submitted the following report, which was received:

Your committee of conference on the disagreeing votes of the two houses as to the amendments of the Senate to Engrossed Committee Substitute for House Bill 4001 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:

## **CHAPTER 9. HUMAN SERVICES.**

### **ARTICLE 2. COMMISSIONER OF HUMAN SERVICES; POWERS, DUTIES AND RESPONSIBILITIES GENERALLY.**

#### **§9-2-6. Powers of secretary.**

Within limits of state appropriations and federal grants and subject to provisions of state and federal laws and regulations, the secretary, in addition to all other powers, duties, and responsibilities granted and assigned to that office in this chapter and elsewhere by law, is authorized to:

(1) Promulgate, amend, revise and rescind department rules respecting the organization and government of the department and the execution and administration of those powers, duties, and responsibilities granted and assigned by this chapter and elsewhere by law to the department and the secretary.

(2) Promulgate, amend, revise, and rescind department rules and regulations respecting qualifications for receiving the different classes of welfare assistance consistent with or permitted by federal laws, rules and policies, but not inconsistent with state law: *Provided*, That rules and policies respecting qualifications shall permit the expenditure of state funds to pay for care rendered in any birthing center licensed under the provisions of ~~§16-2e-1~~ §16-2E-1, *et seq.* of this code by a licensed nurse midwife or midwife as this occupation is defined in §30-15-7 of this code and which

care is within the scope of duties for such licensed nurse midwife or midwife as permitted by the provisions of section seven of said article.

(3) Obtain by purchase or lease grounds, buildings, office or other space, equipment, facilities and services as may be necessary for the execution and administration of those powers, duties, and responsibilities granted and assigned by this chapter and elsewhere by law to the department and the secretary.

(4) Sign and execute in the name of the state by the State Department of Health and Human Resources any contract or agreement with the federal government or its agencies, other states, political subdivisions of this state, corporations, associations, partnerships, or individuals: *Provided*, That the provisions of §5A-3-1 *et seq.* of this code are followed.

(5) Sign and execute a contract to implement professional health care, managed care, actuarial and health care-related monitoring, quality review/utilization, claims processing, and independent professional consultant contracts for the Medicaid program: *Provided*, That the provisions of §5A-3-1 *et seq.* of this code are followed: *Provided, however*, That a contract awarded under the agency purchasing process from April 1, 2009, to January 2, 2013, remains in full force and effect and the secretary retains sole authority to review, approve, and issue changes to contracts issued under the former purchasing process, and is responsible for challenges, disputes, protests, and legal actions related to such contracts.

(6) Establish such special funds as may be required by the federal Social Security Act, as amended, or by any other Act or Acts of Congress, in order for this state to take full advantage of the benefits and provisions thereof relating to the federal-state assistance and federal assistance programs administered by the department and to make payments into and disbursements out of any such special fund or funds in accordance with the requirements of the federal Social Security Act, as amended, or any other Act or Acts of Congress, and in accordance with applicable state law and the objects and purposes of this chapter. In addition, the State

Department of Health and Human Resources, through the secretary, is hereby authorized to accept any and all gifts or grants, whether in money, land, services or materials, which gift or gifts, if in the form of moneys, shall be placed in a separate fund and expended solely for the purpose of public assistance programs. No part of this special fund shall revert to the General Revenue Funds of this state. No expenses incurred pursuant to this special fund shall be a charge against the General Funds of this state.

(7) Establish within the department an Office of Inspector General for the purpose of conducting and supervising investigations, performing inspections, evaluations, and review, and ~~for the purpose of~~ providing quality control for the programs of the department. The Office of Inspector General shall be headed by the Inspector General who shall report directly to the secretary. Neither the secretary nor any employee of the department may prevent, inhibit, or prohibit the Inspector General or his or her employees from initiating, carrying out, or completing any investigation, ~~quality control~~ inspection, evaluation, review or other activity oversight of public integrity by the Office of the Inspector General. The secretary shall place within the Office of Inspector General any function he or she deems necessary. Qualification, compensation, and personnel practice relating to the employees of the Office of the Inspector General, including that of the position of Inspector General, shall be governed by the classified service provisions of §29-6-1 *et seq.* of this code and rules promulgated thereunder. The Inspector General shall supervise all personnel of the Office of Inspector General.

(8) Provide at department expense a program of continuing professional, technical, and specialized instruction for the personnel of the department.

(9) Pay from available funds all or part of the reasonable expenses incurred by a person newly employed by the department in moving his household furniture, effects, and immediate family from his or her place of residence in this state to his or her place of employment in this state; and to pay from available funds all or part of the reasonable expenses incurred by a department employee in moving his or her household furniture, effects, and immediate

family as a result of a reassignment of the employee which is considered desirable, advantageous to and in the best interests of the state, but no part of the moving expenses of any one such employee shall be paid more frequently than once in 12 months or for any movement other than from one place of employment in this state to another place of employment in this state.

(10) Establish a program to provide reimbursement to employees of the department whose items of personal property, as defined by the department by policy, are damaged during the course of employment or other work-related activity as a result of aggressive behavior by a client or patient receiving services from the department: *Provided*, That such reimbursement is limited to a maximum amount of \$250 per claim.

(11) Establish and maintain such institutions as are necessary for the temporary care, maintenance, and training of children and other persons.

(12) Prepare and submit state plans which will meet the requirements of federal laws, rules governing federal-state assistance and federal assistance and which are not inconsistent with state law.

(13) Organize within the department a Board of Review, consisting of a chairman appointed by the secretary and as many assistants or employees of the department as may be determined by the secretary and as may be required by federal laws and rules respecting state assistance, federal-state assistance, and federal assistance, such Board of Review to have such powers of a review nature and such additional powers as may be granted to it by the secretary and as may be required by federal laws and rules respecting federal-state assistance and federal assistance.

(14) Provide by rules review and appeal procedures within the Department of Health and Human Resources as may be required by applicable federal laws and rules respecting state assistance, federal-state assistance, and federal assistance and as will provide applicants for, and recipients of, all classes of welfare assistance an opportunity to be heard by the Board of Review, a member thereof



or individuals designated by the board, upon claims involving denial, reduction, closure, delay, or other action or inaction pertaining to public assistance.

(15) Provide by rules, consistent with requirements of applicable federal laws and rules, application forms and application procedures for the various classes of public assistance.

(16) Provide locations for making applications for the various classes of public assistance.

(17) Provide a citizen or group of citizens an opportunity to file objections and to be heard upon objections to the grant of any class of public assistance.

(18) Delegate to the personnel of the department all powers and duties vested in the secretary, except the power and authority to sign contracts and agreements.

(19) Make such reports in such form and containing such information as may be required by applicable federal laws and rules respecting federal-state assistance and federal assistance.

(20) Invoke any legal, equitable, or special remedies for the enforcement of the provisions of this chapter.

(21) Require a provider, subgrantee, or other entity performing services on behalf of the department to comply with all applicable laws, rules, and written procedures pertaining to the program for which the entity is providing or coordinating services, including, but not limited to, policy manuals, statements of work, program instructions, or other similar agreements. When submitting a claim for payment, the entity shall certify that it has complied with all material conditions for payment. Knowingly and intentionally submitting a claim or billing for services performed in material violation of any law, rule, policy, or other written agreement shall constitute fraud and the agreement for provision of services shall terminate. The entity shall be required to repay the department for any payment under the program for which the provider was not entitled, regardless of whether the incorrect payment was the result of department error, fraud, or other cause. A demand for repayment

or termination of agreement for provision of services shall be subject to the due process procedures pursuant to §29A-5-1 et seq. of this code. The provisions of this subsection do not apply to fraud in the Medicaid program.

(22) Develop a data analytics pilot program to identify potential fraud and help guide policy objectives to eliminate future fraud. The Secretary shall submit a report containing the pilot program's results and recommendations to the Joint Committee on Government and Finance no later than December 31, 2020.

### **§9-7-2. Definitions.**

For the purposes of this article:

(1) “Assistance” means money payments, medical care, transportation and other goods and services necessary for the health or welfare of individuals, including guidance, counseling, and other welfare services and shall include all items of any nature contained within the definition of “welfare assistance” in §9-1-2 of this ~~chapter~~ code.

(2) “Benefits” means money payments, goods, services, or any other thing of value.

(3) “Board and Care Facility” means a residential setting where two or more unrelated adults receive nursing services or personal care services.

(4) “Claim” means an application for payment for goods or services provided under the medical programs of the Department of Health and Human Resources.

(5) “Entity” means any corporation, association, partnership, limited liability company, or other legal entity.

(6) “Financial Exploitation” means the intentional misappropriation or misuse of funds or assets of another.

“Fraud” means a knowing misrepresentation, knowing concealment, or reckless statement of a material fact.

(7) “Medicaid” means that assistance provided under a state plan implemented pursuant to the provisions of subchapter nineteen, chapter seven, Title 42, United States Code, as that chapter has been and may hereafter be amended.

(8) “Person” means any individual, corporation, association, partnership, proprietor, agent, assignee, or entity.

(9) “Provider” means any individual or entity furnishing goods or services under the medical programs of the Department of Health and Human Resources.

(10) “Unit” means the Medicaid Fraud Control Unit established under §9-7-1 of this ~~article~~ code.

**§9-7-5. Bribery; false claims; conspiracy; criminal penalties; failure to maintain records.**

(a) A person shall not solicit, offer, pay, or receive any unlawful remuneration, including any kickback, rebate or bribe, directly or indirectly, with the intent of causing an expenditure of moneys from the medical services fund established pursuant to §9-4-2 of this ~~chapter~~ code, which is not authorized by applicable laws or rules and regulations.

(b) A person shall not make or present or cause to be made or presented to the Department of Health and Human Resources a claim under the medical programs of the Department of Health and Human Resources knowing the claim to be false, fraudulent, or fictitious.

(c) A person shall not enter into an agreement, combination or conspiracy to obtain or aid another to obtain the payment or allowance of a false, fraudulent, or fictitious claim under the medical programs of the Department of Health and Human Resources.

(d) Any person found to be in violation of §9-7-5 (a), §9-7-5(b) or §9-7-5(c) of this ~~section~~ code is guilty of a felony and, upon conviction, shall be imprisoned in a state correctional facility not

less than one nor more than 10 years or shall be fined not to exceed \$10,000, or both fined and imprisoned.

(e) Any provider who, having submitted a claim for or received a benefit, payment, or allowance under the medical programs of the Department of Health and Human Resources, knowingly fails to maintain such records as are necessary to disclose fully the nature of a good or service for which a claim was submitted or benefit, payment, or allowance was received, or such records as are necessary to disclose fully all income and expenditures upon which rate of payment were based, for a period of at least five years following the date on which payment was received, shall be guilty of a misdemeanor and, upon conviction, may be imprisoned in a state correctional facility not to exceed one year or may be fined up to \$1,000, or both fined and imprisoned. Any person who knowingly destroys such records within five years from the date the benefit, payment, or allowance was received, shall be guilty of a felony, and may be imprisoned in a state correctional facility not less than one nor more than 10 years or may be fined not to exceed \$10,000, or both fined and imprisoned.

**§9-7-6. Civil remedies; statute of limitations.**

~~(a) Any person, firm, corporation, or other entity which willfully, by means of a false statement or representation, or by concealment of any material fact, or by other fraudulent scheme, devise or artifice on behalf of himself, herself, itself, or others, obtains or attempts to obtain benefits or payments or allowances under the medical programs of the Department of Health and Human Resources to which he or she or it is not entitled, or, in a greater amount than that to which he or she or it is entitled, makes or attempts to make, or causes to be made, a claim for benefits, payments, or allowances under the medical programs of the Department of Health and Human Resources, when such person, firm, corporation, or entity knows, or reasonably should have known, such claim to be false, fictitious, or fraudulent, or fails to maintain such records as are necessary shall be liable to the Department of Health and Human Resources in an amount equal to three times the amount of such benefits, payments, or allowances to which he or she or it is not entitled, and shall be liable for the~~

payment of reasonable attorney fees and all other fees and costs of litigation.

(b) No criminal action or indictment need be brought against any person, firm, corporation or other entity as a condition for establishing civil liability hereunder.

(c) A civil action under this section may be prosecuted and maintained on behalf of the Department of Health and Human Resources by the Attorney General and the Attorney General's assistants or a prosecuting attorney and the prosecuting attorney's assistants or by any attorney in contract with or employed by the Department of Health and Human Resources to provide such representation.

(d) Any civil action brought under this section shall be brought within five years from the time the false, fraudulent, or fictitious claim was made. Claims will be judged based on the Medicaid or program rules in existence at the time of the claim submission.

## **ARTICLE 8. ELIGIBILITY AND FRAUD REQUIREMENTS FOR PUBLIC ASSISTANCE.**

### **§9-8-1. Definitions.**

As used in this article:

“Able bodied adult” means a person between the ages of 18 and 49 years of age without dependents and who does not meet any of the exemptions set forth in §9-8-2(a) of this code.

“Applicant” or “recipient” means a person who is applying for, or currently receiving, public assistance in the State of West Virginia from the department.

“Department” means the West Virginia Department of Health and Human Resources.

“Electronic benefit transfer” or “EBT” means any electronic system which allows the department to issue and track benefits via a magnetically encoded payment card.

“Good cause” means circumstances beyond the household’s control, including, but not limited to, illness, illness of another household member requiring the presence of the member, a household emergency, natural disaster, a declared state of emergency due to inclement weather, or the unavailability of transportation.

“Public assistance” means government benefits provided to qualifying individuals on the basis of need to provide basic necessities to individuals and their families. These shall include, but are not limited to, the following:

(A) Supplemental Nutrition Assistance Program, or SNAP;

(B) Medicaid; and

(C) Temporary Assistance to Needy Families, or TANF.

“Secretary” means the Secretary of the West Virginia Department of Health and Human Resources.

“Work” or “working” means:

(A) Work in exchange for money;

(B) Work in exchange for goods or services (“in kind” work);

(C) Unpaid work, verified under standards established by the department in rule; or

(D) Any combination thereof.

### **§9-8-2. Work requirements.**

(a) All able bodied adults may receive Supplemental Nutrition Assistance benefits for only three months in each 36-month period. Recipients are exempt from the time limit if they are employed or are participating and complying with the requirements of a work, education, or volunteer program for at least 20 hours per week. *Provided*, That further exemptions may apply and shall be determined in accordance with federal law. *Provided, however*,

that any such exemptions shall not exceed those granted by federal law.

(b) Beginning October 1, 2018, the department shall discontinue and shall not seek federal waivers granted pursuant to 7 U.S.C. § 2015(o) for Able Bodied Adults Without Dependents (ABAWD) for any county that cannot be demonstrated to have, through data in conformance with U.S. Bureau of Labor Statistics methodology set forth under federal law, a recent 12-month average unemployment rate above 10 percent; a recent 24-month average unemployment rate 20 percent above the national average for the same 24-month period; qualification for extended unemployment benefits; or designation as a “labor surplus area” by the U.S. Department of Labor. These waivers exempt able bodied adults with no children from work requirements for receipt of SNAP benefits. Notwithstanding any provision in this code to the contrary, all counties shall be ineligible for any such waiver effective October 1, 2022.

(c) The department shall submit a report to the Legislative Oversight Committee on Health and Human Resources Accountability, no later than October 1, 2020, on the employment impact of ABAWD requirements in those counties where they were implemented as of October 1, 2018. The report shall include, on a county-by-county basis, information on the number of SNAP recipients subject to work requirements; the number exempted from work requirements and the reasons for exemption; the number of applicants denied benefits due to non-compliance with work requirements; the dollar amount of benefits withheld due to non-compliance; the estimated fiscal impact on SNAP retailers of withholding those benefits; the number of recipients who engaged in work, education, or volunteerism in order to maintain benefits; the efforts made to assist recipients with meeting work requirements in order to maintain benefits; and any such recommendations pertaining to work requirements as the department deems advisable.

(d) If a recipient resides in a county subject to the provisions of this article, an applicant shall be deemed as complying with the

requirements of a work, education, or volunteer program if any of the following requirements are satisfied:

(1) Working at least 20 hours per week, averaged monthly, or 80 hours a month;

(2) Participating in, and complying with, the requirements of a work force training program of 20 hours per week, as determined by the department in rule;

(3) Volunteering 20 hours a week, as determined by the department in rule;

(4) Any combination of working, volunteering and/or participating in a work program for a total of 20 hours per week, as determined by the department in legislative rule; or

(5) Participating in, and complying with, a workfare program as set out in 7 C.F.R. 273.24(a)(3).

(e) As determined by the department, if a recipient would have worked an average of 20 hours per week but missed some work for good cause, the recipient shall be considered to have met the work requirement if the absence from work is temporary and the recipient retains his or her job. Good cause includes circumstances beyond the household's control, such as, but not limited to, illness, illness of another household member requiring the presence of the member, a household emergency, natural disaster, a declared state of emergency due to inclement weather, or the unavailability of transportation.

(f) If the department determines that a waiver, or an amendment to a waiver, is necessary to implement a policy that complies with 7 C.F.R. 273.24, it shall request the waiver or the amendment to the waiver from the United States Department of Agriculture.

(g) The department shall propose legislative rules in accordance with the provisions of this code for a plan for implementation of the requirements set forth in this section in



counties that are subject to the requirements set forth in §9-8-2 (d) of this code.

### **§9-8-3. Income and identity verification.**

(a) By December 31, 2018, the department shall redesign an existing system or establish a new computerized income, asset, and identity eligibility verification system or contract with a third-party vendor to verify eligibility, eliminate the duplication of assistance, and deter waste, fraud, and abuse in each public assistance program which it administers.

(b) The department may contract with a third-party vendor to develop a system to provide a service or verify income, assets, and identity eligibility of applicants to prevent fraud, misrepresentation, and inadequate documentation when determining eligibility for public assistance. This system or service shall be accessed prior to determining eligibility, periodically between eligibility redeterminations, and during eligibility redeterminations and reviews. The department may contract with a vendor to provide information to facilitate reviews of recipient eligibility conducted by the department.

(c) A contract made pursuant to this section may not include a provision that provides the vendor with a monetary incentive for reducing the number of recipients.

(d) Nothing in this article precludes the department from continuing to conduct additional eligibility verification processes currently in practice.

### **§9-8-4. Eligibility verification.**

All applications for benefits must be processed through a system as set forth in this article. Complete applications, including the interview, shall be processed within 10 days of receipt or the maximum period required by federal law. Prior to determining eligibility, the department shall access information for every applicant from federal, state, and other sources: *Provided*, That such access does not violate any federal law.

**§9-8-5. Identity authentication.**

(a) Prior to awarding public assistance, applicants for benefits must complete a computerized identity authentication process to confirm the identity of the applicant. This shall be done with a knowledge-based questionnaire consisting of financial and/or personal questions. The questionnaire must contain questions tailored to assist persons without a bank account or those who have poor access to financial and banking services or who do not have an established credit history. The questionnaire may be submitted online, in-person, or via telephone.

(b) The department shall submit a report to the Legislative Oversight Committee on Health and Human Resources Accountability regarding the feasibility of implementing the photo EBT card option under 7 U.S.C. § 2016(h)(9). The study shall address certain operational issues to ensure that state implementation would be consistent with all federal requirements, and that program access is protected for participating households, including, but not limited to, allowing the recipient to designate permitted users for purposes of utilizing the photo EBT card.

**§9-8-6. Case review.**

(a) If the information obtained from the review provided in this article does not result in the department finding a discrepancy or change in an applicant's or recipient's circumstances affecting eligibility, the department shall not take any further action and shall continue processing the application.

(b) If the review results in a discrepancy, the department shall promptly redetermine eligibility.

**§9-8-7. Notice and right to be heard.**

(a) An applicant shall be given written notice and the opportunity to explain any issues with the application or redetermination as set forth in §9-8-6 of this code. Self-declarations by applicants or recipients shall be accepted as verification of categorical and financial eligibility if no other verification source is available. In cases requiring expedited services an applicant's

statement may be temporarily accepted until such time as verification is possible.

(b) The notice given to the applicant or recipient is required to describe the circumstances of the issue, the manner in which the applicant or recipient may respond, and the consequences of failing to take action. If the applicant does not respond timely as required by federal law, the department shall take appropriate action. The department may request additional information as it finds necessary to reach a decision.

(c) An individual may respond in writing, electronically, or verbally. If an individual responds verbally, staff shall note the time and contents of the response in the individual's file. The response by the individual may:

(1) Disagree with the findings of the department. The department shall reinvestigate the matter if the applicant or recipient disagrees. If the department finds that there has been an error, the department shall take immediate action to correct it. If the department determines that there is no error, the department shall determine the effect of the response on the applicant's or recipient's case and take appropriate action. Written notice of the department's action shall be given to the applicant or recipient; or

(2) Agree with the findings of the department. The department shall determine the effect on the applicant's or recipient's case and take appropriate action. Written notice of the department's action shall be given to the applicant or recipient.

(d) If the applicant fails to respond to the notice, the department shall deny or discontinue assistance for failure to verify information. Eligibility for assistance may not be established or reestablished until the issue has been resolved.

#### **§9-8-8. Referrals for fraud, misrepresentation or inadequate documentation.**

(a) After the case review as set forth in §9-8-6 of this code, the department shall refer cases of suspected fraud to the Office of Inspector General within the department. That office shall take

appropriate action, including civil penalties or referral to an appropriate prosecuting attorney for criminal prosecution.

(b) In cases of substantiated fraud, upon conviction, the state shall review all appropriate legal options. These may include, but are not limited to, removal from other public assistance programs and garnishment of wages or state income tax refunds until the department recovers an equal amount of benefits fraudulently claimed.

(c) The department may refer suspected cases of fraud, misrepresentation, or inadequate documentation to appropriate agencies, divisions, or departments for review of eligibility issues in other public assistance programs. This should also include cases in which an individual is determined to be no longer eligible for the original program.

#### **§9-8-9. Reporting to the Governor and Legislature.**

The department shall prepare an annual report by January 15 each year to the Governor and Legislative Oversight Commission on Health and Human Resources Accountability. The report shall contain information on the effectiveness and general findings of the eligibility verification system, including the number of cases reviewed, the number of case closures, the number of referrals for criminal prosecution, recovery of improper payment, collection of civil penalties, the outcomes of cases referred to the Office of Inspector General, and any savings that have resulted from the system.

#### **§9-8-10. Prohibitions on use of electronic benefit transfer cards.**

(a) To ensure that public assistance program funds are used for their intended purposes, funds available on electronic benefit transfer cards may not be used to purchase alcohol, liquor or imitation liquor, cigarettes, tobacco products, bail, gambling activities, lottery tickets, tattoos, travel services provided by a travel agent, money transmission to locations abroad, sexually oriented adult materials, concert tickets, professional or collegiate

sporting event tickets, or tickets for other entertainment events intended for the general public.

(b) Electronic benefit transfer card transactions are prohibited at all casinos, gaming establishments, tattoo parlors, massage parlors, body piercing parlors, spas, nail salons, lingerie shops, vapor cigarette stores, psychic or fortune-telling businesses, bail bond companies, video arcades, movie theaters, swimming pools, cruise ships, theme parks, dog or horse racing facilities, pari-mutuel facilities, sexually oriented businesses, retail establishments which provide adult-oriented entertainment in which performers disrobe or perform in an unclothed state for entertainment, and businesses or retail establishments where minors under age 18 are not permitted.

(c) Upon enrollment, the department shall provide all applicants with an itemized list of prohibited purchases, including those specified in this section, and make such list available on the department's website.

(d) If a recipient is found to have violated the provisions of this section, the department shall issue a warning in writing to the recipient. The recipient is subject to disqualification of benefits for up to three months following the first offense, for up to one year following the second offense, and a permanent termination of benefits following the third offense, unless expressly prohibited by federal law.

#### **§9-8-11. Tracking out-of-state spending.**

(a) The department shall post on its website and provide to the Joint Committee on Government and Finance a report of Supplemental Nutrition Assistance Program and Temporary Assistance for Needy Families benefit spending on or before January 15 of each year.

(b) The report required by this section shall include:

(1) The dollar amount and number of transactions of Supplemental Nutrition Assistance Program benefits that are accessed or spent out-of-state, by state;

(2) The dollar amount and number of transactions of Temporary Assistance for Needy Families benefits that are accessed or spent out-of-state, by state;

(3) The dollar amount, number of transactions and times of transactions of Supplemental Nutrition Assistance Program benefits that are accessed or spent in-state, by retailer, institution or location; and

(4) The dollar amount, number of transactions and times of Temporary Assistance for Needy Families transactions of benefits that are accessed or spent in-state, disaggregated by retailer, institution, or location.

(c) The report required pursuant to this section shall not identify individual recipients.

#### **§9-8-12. Rulemaking.**

The secretary may promulgate rules for legislative approval in accordance with the provisions of §29A-3-1 *et seq.* of this code which he or she finds necessary to effectuate the provisions of this article.

### **CHAPTER 61. CRIMES AND PUNISHMENT.**

#### **ARTICLE 3. CRIMES AGAINST PROPERTY.**

##### **§61-3-54. Taking identity of another person; penalty.**

Any person who knowingly takes the name, birth date, social security number, or other identifying information of another person, without the consent of that other person, with the intent to fraudulently represent that he or she is the other person for the purpose of making financial or credit transactions in the other person's name, or for the purpose of gaining employment, is guilty of a felony and, upon conviction, shall be punished by confinement in the penitentiary not more than five years, or fined not more than \$1,000, or both: *Provided*, That the provisions of this section do not apply to any person who obtains another person's drivers

license or other form of identification for the sole purpose of misrepresenting his or her age.;

And,

That both house recede from their respective positions as to the title of the bill and agree to a new title as follows:

**Eng. Com. Sub. for House Bill 4001**—A Bill to amend and reenact §9-2-6 of the Code of West Virginia, 1931, as amended; to amend and reenact §9-7-2, §9-7-5, and §9-7-6 of said code; to amend said code by adding thereto a new article, designated §9-8-1, §9-8-2, §9-8-3, §9-8-4, §9-8-5, §9-8-6, §9-8-7, §9-8-8, §9-8-9, §9-8-10, §9-8-11, and §9-8-12; and to amend and reenact §61-3-54 of said code, all relating to investigations, inspections, evaluations, and review conducted by the Department of Health and Human Resources to prevent fraud and abuse; disenrolling providers who commit fraud and requiring repayment; authorizing secretary to develop a data analytics pilot program to identify potential fraud and help guide policy objectives to eliminate future fraud; requiring a report on the pilot project to the Legislature; defining fraud as it relates to Medicaid; creating criminal penalties against providers for failure to keep medical records for a specific time period; authorizing a civil cause of action for fraud when a person or entity knew or reasonably should have known a claim to be false; enlarging the statute of limitations to file health care fraud civil actions; defining terms relating to public assistance; requiring the Department of Health and Human Resources to implement work requirements for applicants of Supplemental Nutrition Assistance Program (SNAP); to limit recipients to 3 months of benefits in any 36-month period unless the recipient is working or participating in a work, educational, or volunteer program for at least 20 hours a week; providing further exemptions to work requirements; requiring discontinuance of a federal waiver in certain counties; requiring a study of the impact of the SNAP work requirements in those counties where they were implemented; eliminating the federal waiver statewide within a certain time-period; requiring a report to the legislature; establishing work requirements; authorizing a waiver to if necessary to implement a policy that complies with federal law; authorizing rulemaking; requiring a

design or establishment of a computerized income, asset, and identity verification system for each public assistance program administered by the Department of Health and Human Resources; allowing for contracting with a third-party vendor; setting out required contract terms; requiring accessing information of various federal, state, and miscellaneous sources for eligibility verification; requiring identity authentication as a condition to receive public assistance; requiring the department to study the feasibility of requiring photos on EBT cards; specifying procedures for case review of public assistance benefits; setting forth notice requirements and right to a hearing; requiring referrals for fraud, misrepresentation, and inadequate documentation; authorizing referrals of suspected cases of fraud for criminal prosecution; requiring report to the Governor and Legislature; setting forth prohibitions on the use of an electronic benefit transfer card; tracking out-of-state spending of SNAP and TANF benefits; providing for rulemaking; and providing a penalty for taking the identity of another person for the purpose of gaining employment.

Respectfully submitted,

John Shott, *Chair*, Ray Hollen, Joe Canestraro, *Conferees on the part of the House of Delegates*.

Michael J. Maroney, *Chair*, Ryan W. Weld, Robert H. Plymale, *Conferees on the part of the Senate*.

On motions of Senator Maroney, severally made, the report of the committee of conference was taken up for immediate consideration.

The question being on the adoption of the report of the committee of conference as to Engrossed Committee Substitute for House Bill 4001.

Following discussion,

The question being on the adoption of the report of the committee of conference as to Engrossed Committee Substitute for House Bill 4001, the same was put and prevailed.



Engrossed Committee Substitute for House Bill 4001, as amended by the conference report, was then put upon its passage.

Pending discussion,

The question being “Shall Engrossed Committee Substitute for House Bill 4001 pass?”

On the passage of the bill, as amended, the yeas were: Arvon, Azinger, Baldwin, Blair, Boley, Clements, Cline, Drennan, Ferns, Gaunch, Karnes, Mann, Maroney, Maynard, Plymale, Smith, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—24.

The nays were: Beach, Boso, Facemire, Jeffries, Ojeda, Palumbo, Prezioso, Romano, and Stollings—9.

Absent: Rucker—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4001) passed with its conference amended title.

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

At the request of Senator Prezioso, and by unanimous consent, Senator Prezioso addressed the Senate commending the minority party caucus and staff.

Thereafter, at the request of Senator Gaunch, unanimous consent being granted, the remarks by Senator Prezioso were ordered printed in the Appendix to the Journal.

At the request of Senator Woelfel, and by unanimous consent, Senator Woelfel addressed the Senate regarding Megan Bailey, a Judith A. Herndon Fellowship Program intern, and Karenann Flouhouse, a Legislative Information Journalism Internship Program intern.

Thereafter, at the request of Senator Trump, unanimous consent being granted, the remarks by Senator Woelfel were ordered printed in the Appendix to the Journal.

The Senate resumed business under the third order.

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

**Eng. Senate Bill 592**, Adding examination of advanced care technician for firefighter paramedic.

On motion of Senator Ferns, the bill was taken up for immediate consideration.

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

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

## **CHAPTER 8. MUNICIPAL CORPORATIONS.**

### **ARTICLE 15. FIRE FIGHTING; FIRE COMPANIES AND DEPARTMENTS; CIVIL SERVICE FOR PAID FIRE DEPARTMENTS.**

§8-15-20A. Special examination for firefighter paramedic and advanced care technician.

(a) A municipality with a firefighter's civil service commission providing an advanced life support ambulance service licensed by the State Health Department may also administer ~~a~~ special ~~examination~~ examinations for the ~~position~~ positions of firefighter paramedic and advanced care technician.

(b) An applicant for the position of firefighter paramedic shall:  
(1) Be a certified paramedic; (2) successfully pass the firefighter

paramedic examination; and (3) meet the requirements of section seventeen of this article.

(c) An applicant for the position of advanced care technician shall: (1) Be a certified advanced care technician; (2) successfully pass the advanced care technician examination; and (3) meet the requirements of §8-15-17 of this code.

~~(e)~~ (d) Any person employed as a firefighter paramedic or advanced care technician under the provisions of this section shall: (1) Maintain paramedic or advanced care technician certification; (2) complete all required fire service training; and (3) comply with all other provisions of this article applicable to the continued employment of firefighters.

~~(d)~~ (e) Every position of firefighter paramedic or advanced care technician, unless filled by promotion, reinstatement, reduction or a current firefighter, shall be filled only in the manner specified in §8-15-20 of this code.

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

### **ARTICLE 4C. EMERGENCY MEDICAL SERVICES ACT.**

#### **§16-4C-6. Powers and duties of commissioner.**

The commissioner has the following powers and duties:

(a) To propose rules for legislative approval in accordance with the provisions of article three, chapter twenty-nine-a of this code: *Provided*, That the rules have been submitted at least thirty days in advance for review by the Emergency Medical Services Advisory Council, who may act only in the presence of a quorum. The rules may include:

(1) Standards and requirements for certification and recertification of emergency medical service personnel, including, but not limited to:

(A) Age, training, testing and continuing education;

(B) Procedures for certification and recertification, and for denying, suspending, revoking, reinstating and limiting a certification or recertification;

(C) Levels of certification and the scopes of practice for each level: Provided, That at a minimum, the commissioner shall certify the levels of emergency medical vehicle operator, emergency medical responder, emergency medical technician, paramedic, mobile critical care paramedic, mobile critical care nurse, and advanced care technician or advanced emergency medical technician;

(D) Standards of conduct; and

(E) Causes for disciplinary action and sanctions which may be imposed.

(2) Standards and requirements for licensure and licensure renewals of emergency medical service agencies, including:

(A) Operational standards, levels of service, personnel qualifications and training, communications, public access, records management, reporting requirements, medical direction, quality assurance and review, and other requirements necessary for safe and efficient operation;

(B) Inspection standards and establishment of improvement periods to ensure maintenance of the standards;

(C) Fee schedules for licensure, renewal of licensure and other necessary costs;

(D) Procedures for denying, suspending, revoking, reinstating or limiting an agency licensure;

(E) Causes for disciplinary action against agencies; and

(F) Administrative penalties, fines and other disciplinary sanctions which may be imposed on agencies;

(3) Standards and requirements for emergency medical service vehicles, including classifications and specifications;

(4) Standards and requirements for training institutions, including approval or accreditation of sponsors of continuing education, course curricula and personnel;

(5) Standards and requirements for a State Medical Direction System, including qualifications for a state emergency medical services medical director and regional medical directors, the establishment of a State Medical Policy and Care Committee and the designation of regional medical command centers;

(6) Provision of services by emergency medical services personnel in hospital emergency rooms;

(7) Authorization to temporarily suspend the certification of an individual emergency medical service provider prior to a hearing or notice if the commissioner finds there is probable cause that the conduct or continued service or practice of any individual certificate holder has or may create a danger to public health or safety: *Provided*, That the commissioner may rely on information received from a physician that serves as a medical director in finding that probable cause exists to temporarily suspend the certification; and

(8) Any other rules necessary to carry out the provisions of this article.

(b) To apply for, receive and expend advances, grants, contributions and other forms of assistance from the state or federal government or from any private or public agencies or foundations to carry out the provisions of this article.

(c) To design, develop and review a Statewide Emergency Medical Services Implementation Plan. The plan shall recommend aid and assistance and all other acts necessary to carry out the purposes of this article:

(1) To encourage local participation by area, county and community officials and regional emergency medical services boards of directors; and

(2) To develop a system for monitoring and evaluating emergency medical services programs throughout the state.

(d) To provide professional and technical assistance and to make information available to regional emergency medical services boards of directors and other potential applicants or program sponsors of emergency medical services for purposes of developing and maintaining a statewide system of services.

(e) To assist local government agencies, regional emergency medical services boards of directors and other public or private entities in obtaining federal, state or other available funds and services.

(f) To cooperate and work with federal, state and local governmental agencies, private organizations and other entities as may be necessary to carry out the purposes of this article.

(g) To acquire in the name of the state by grant, purchase, gift, devise or any other methods appropriate real and personal property as may be reasonable and necessary to carry out the purposes of this article.

(h) To make grants and allocations of funds and property so acquired or which may have been appropriated to the agency to other agencies of state and local government as may be appropriate to carry out the purposes of this article.

(i) To expend and distribute by grant or bailment funds and property to all state and local agencies for the purpose of performing the duties and responsibilities of the agency all funds which it may have so acquired or which may have been appropriated by the Legislature of this state.

(j) To develop a program to inform the public concerning emergency medical services.

(k) To review and disseminate information regarding federal grant assistance relating to emergency medical services.

(l) To prepare and submit to the Governor and Legislature recommendations for legislation in the area of emergency medical services.

(m) To review, make recommendations for and assist in all projects and programs that provide for emergency medical services whether or not the projects or programs are funded through the Office of Emergency Medical Services. A review and approval shall be required for all emergency medical services projects, programs or services for which application is made to receive state or federal funds for their operation after the effective date of this act; and

(n) To take all necessary and appropriate action to encourage and foster the cooperation of all emergency medical service providers and facilities within this state.

**§16-4C-6d. Qualification for examination for license as an emergency medical technician.**

(a) Any person who has served on active duty in the medical corps of any of the Armed Forces of the United States and who has successfully completed the course of instruction required to qualify him or her for rating as an emergency medical technician, hospital corpsman, combat medic, health care specialist or other equivalent rating in his or her particular branch of the Armed Forces, and whose service in the Armed Forces was under honorable conditions, may submit to the West Virginia Office of Emergency Medical Services, a photostatic copy of the certificate issued to him or her certifying successful completion of such course of instruction, a photostatic copy of his or her discharge from the Armed Forces, an application for a certification as an emergency medical technician and the prescribed license fee.

(b) If the certificate and discharge, as evidenced by the photostatic copies thereof, the application and prescribed license fee are in order, and if the veteran meets all of the requirements of this article, the veteran shall be permitted to take the same examination or examinations as are required under this article for applicants who do not apply for a license under the provisions of

§30-24-1 et seq. of this code: *Provided*, That the veteran may be required to attend additional training courses prior to taking the examination if more than thirty years has passed from his or her successful completion of the course of instruction and date of application. If the veteran passes such examination or examinations, he or she shall be licensed as an emergency medical technician and shall thereafter be subject to all of the provisions of this article. If the veteran does not pass such examination or examinations, any provisions of this article relating to reexaminations shall apply to such veteran the same as they apply to a person who does not apply for a license under the provisions §16-4C-1 et seq. of this code.;

And,

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

**Eng. Senate Bill 592**—A Bill to amend and reenact §8-15-20a of the Code of West Virginia, 1931, as amended; to amend and reenact §16-4C-6 of this code; and to amend said code by adding thereto a new section, designated §16-4C-6d, all relating to advanced care technicians and emergency medical technicians; authorizing commissioner of the Bureau of Public Health to certify certain scopes of practice and levels of certification; requiring an applicant to be certified; requiring examination for certification; and providing for qualified veterans to take certification examinations.

On motion of Senator Ferns, the following amendments to the House of Delegates amendments to the bill (Eng. S. B. 592) were reported by the Clerk and adopted:

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

## **CHAPTER 8. MUNICIPAL CORPORATIONS.**

### **ARTICLE 15. FIRE FIGHTING; FIRE COMPANIES AND DEPARTMENTS; CIVIL SERVICE FOR PAID FIRE DEPARTMENTS.**



**§8-15-20a. Special examination for firefighter paramedic and advanced care technician.**

(a) A municipality with a firefighter's civil service commission providing an advanced life support ambulance service licensed by the State Health Department may also administer a special ~~examination~~ examinations for the position positions of firefighter paramedic and either advanced care technician or advanced emergency medical technician.

(b) An applicant for the position of firefighter paramedic shall: (1) Be a certified paramedic; (2) successfully pass the firefighter paramedic examination; and (3) meet the requirements of section seventeen of this article.

(c) An applicant for the position of either advanced care technician or advanced emergency medical technician shall: (1) be a certified advanced care technician; (2) successfully pass either the advanced care technician or the advanced emergency medical technician examination as appropriate; and (3) meet the requirements of §8-15-17 of this code.

~~(e)~~ (d) Any person employed as a firefighter paramedic or either an advanced care technician or advanced emergency medical technician under the provisions of this section shall: (1) Maintain paramedic or either advanced care technician or advanced emergency medical technician certification; (2) complete all required fire service training; and (3) comply with all other provisions of this article applicable to the continued employment of firefighters.

~~(d)~~ (e) Every position of firefighter paramedic or either advanced care technician or advanced emergency medical technician, unless filled by promotion, reinstatement, reduction, or a current firefighter, shall be filled only in the manner specified in §8-15-20 of this code.

**CHAPTER 16. PUBLIC HEALTH.**

**ARTICLE 4C. EMERGENCY MEDICAL SERVICES ACT.**

**§16-4C-6. Powers and duties of commissioner.**

The commissioner has the following powers and duties:

(a) To propose rules for legislative approval in accordance with the provisions of article three, chapter twenty-nine-a of this code: *Provided*, That the rules have been submitted at least thirty days in advance for review by the Emergency Medical Services Advisory Council, who may act only in the presence of a quorum. The rules may include:

(1) Standards and requirements for certification and recertification of emergency medical service personnel, including, but not limited to:

(A) Age, training, testing and continuing education;

(B) Procedures for certification and recertification, and for denying, suspending, revoking, reinstating and limiting a certification or recertification;

(C) Levels of certification and the scopes of practice for each level: *Provided*, That at a minimum, the commissioner shall certify the levels of emergency medical vehicle operator, emergency medical responder, emergency medical technician, paramedic, mobile critical care paramedic, mobile critical care nurse, and either advanced care technician or advanced emergency medical technician;

(D) Standards of conduct; and

(E) Causes for disciplinary action and sanctions which may be imposed.

(2) Standards and requirements for licensure and licensure renewals of emergency medical service agencies, including:

(A) Operational standards, levels of service, personnel qualifications and training, communications, public access, records management, reporting requirements, medical direction, quality

assurance and review, and other requirements necessary for safe and efficient operation;

(B) Inspection standards and establishment of improvement periods to ensure maintenance of the standards;

(C) Fee schedules for licensure, renewal of licensure and other necessary costs;

(D) Procedures for denying, suspending, revoking, reinstating or limiting an agency licensure;

(E) Causes for disciplinary action against agencies; and

(F) Administrative penalties, fines and other disciplinary sanctions which may be imposed on agencies;

(3) Standards and requirements for emergency medical service vehicles, including classifications and specifications;

(4) Standards and requirements for training institutions, including approval or accreditation of sponsors of continuing education, course curricula and personnel;

(5) Standards and requirements for a State Medical Direction System, including qualifications for a state emergency medical services medical director and regional medical directors, the establishment of a State Medical Policy and Care Committee and the designation of regional medical command centers;

(6) Provision of services by emergency medical services personnel in hospital emergency rooms;

(7) Authorization to temporarily suspend the certification of an individual emergency medical service provider prior to a hearing or notice if the commissioner finds there is probable cause that the conduct or continued service or practice of any individual certificate holder has or may create a danger to public health or safety: *Provided*, That the commissioner may rely on information received from a physician that serves as a medical director in

finding that probable cause exists to temporarily suspend the certification; and

(8) Any other rules necessary to carry out the provisions of this article.

(b) To apply for, receive and expend advances, grants, contributions and other forms of assistance from the state or federal government or from any private or public agencies or foundations to carry out the provisions of this article.

(c) To design, develop and review a Statewide Emergency Medical Services Implementation Plan. The plan shall recommend aid and assistance and all other acts necessary to carry out the purposes of this article:

(1) To encourage local participation by area, county and community officials and regional emergency medical services boards of directors; and

(2) To develop a system for monitoring and evaluating emergency medical services programs throughout the state.

(d) To provide professional and technical assistance and to make information available to regional emergency medical services boards of directors and other potential applicants or program sponsors of emergency medical services for purposes of developing and maintaining a statewide system of services.

(e) To assist local government agencies, regional emergency medical services boards of directors and other public or private entities in obtaining federal, state or other available funds and services.

(f) To cooperate and work with federal, state and local governmental agencies, private organizations and other entities as may be necessary to carry out the purposes of this article.

(g) To acquire in the name of the state by grant, purchase, gift, devise or any other methods appropriate real and personal property

as may be reasonable and necessary to carry out the purposes of this article.

(h) To make grants and allocations of funds and property so acquired or which may have been appropriated to the agency to other agencies of state and local government as may be appropriate to carry out the purposes of this article.

(i) To expend and distribute by grant or bailment funds and property to all state and local agencies for the purpose of performing the duties and responsibilities of the agency all funds which it may have so acquired or which may have been appropriated by the Legislature of this state.

(j) To develop a program to inform the public concerning emergency medical services.

(k) To review and disseminate information regarding federal grant assistance relating to emergency medical services.

(l) To prepare and submit to the Governor and Legislature recommendations for legislation in the area of emergency medical services.

(m) To review, make recommendations for and assist in all projects and programs that provide for emergency medical services whether or not the projects or programs are funded through the Office of Emergency Medical Services. A review and approval shall be required for all emergency medical services projects, programs or services for which application is made to receive state or federal funds for their operation after the effective date of this act; ~~and~~

(n) To cooperate with the Department of Administration, Purchasing Division to establish one or more statewide contracts for equipment and supplies utilized by emergency medical services agencies in accordance with §5A-3-1 et seq. of this code:

(1) Any statewide contract established hereunder shall be made available to any emergency medical services agency licensed under

§16-4C-6a of this code that is designated to provide emergency response by one or more county emergency dispatch centers.

(2) The commissioner may develop uniform standards for equipment and supplies used by emergency medical services agencies in accordance with §5A-3-1 et seq. of this code.

(3) The commissioner shall propose legislative rules for promulgation in accordance with §29A-3-1 et seq. of this code to effectuate the provisions of this subsection; and

(~~n~~) (o) To take all necessary and appropriate action to encourage and foster the cooperation of all emergency medical service providers and facilities within this state.

**§16-4C-6d. Qualification for examination for license as an emergency medical technician.**

(a) Any person who has served on active duty in the medical corps of any of the Armed Forces of the United States and who has successfully completed the course of instruction required to qualify him or her for rating as an emergency medical technician, hospital corpsman, combat medic, health care specialist, or other equivalent rating in his or her particular branch of the Armed Forces, and whose service in the Armed Forces was under honorable conditions, may submit to the West Virginia Office of Emergency Medical Services, a photostatic copy of the certificate issued to him or her certifying successful completion of such course of instruction, a photostatic copy of his or her discharge from the Armed Forces, an application for a certification as an emergency medical technician, and the prescribed license fee.

(b) If the certificate and discharge, as evidenced by the photostatic copies thereof, the application and prescribed license fee are in order, and if the veteran meets all of the requirements of this article, the veteran shall be permitted to take the same examination or examinations as are required under this article for applicants who do not apply for a license under the provisions of §30-24-1 et seq. of this code: *Provided*, That the veteran may be required to attend additional training courses prior to taking the

examination if more than 30 years have passed from his or her successful completion of the course of instruction and date of application. If the veteran passes such examination or examinations, he or she shall be licensed as an emergency medical technician and shall thereafter be subject to all of the provisions of this article. If the veteran does not pass such examination or examinations, any provisions of this article relating to reexaminations shall apply to such veteran the same as they apply to a person who does not apply for a license under the provisions §16-4C-1 et seq. of this code.;

And,

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

**Eng. Senate Bill 592**—A Bill to amend and reenact §8-15-20a of the Code of West Virginia, 1931, as amended; to amend and reenact §16-4C-6 of this code; and to amend said code by adding thereto a new section, designated §16-4C-6d, all relating to emergency medical services; authorizing municipalities to administer special examination for position of either advanced care technician or advanced emergency medical technician; setting qualifications for applicant for position of either advanced care technician or advanced emergency medical technician; establishing requirements for persons employed as advanced care technician or advanced emergency medical technician; requiring Commissioner of Bureau for Public Health to certify certain scopes of practice and levels of certification; identifying additional powers of Commissioner of Bureau for Public Health related to purchasing; providing for certain veterans to take certification examination for emergency medical technician; establishing eligibility requirements and procedures; authorizing additional training courses to be required under certain circumstances; and providing for procedures should veteran not pass examination.

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

Engrossed Senate Bill 592, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Maroney and Rucker—2.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 592) passed with its Senate amended title.

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

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

**Eng. House Bill 4488**, Relating to the Hatfield-McCoy Recreation Authority.

On motion of Senator Ferns, the bill was taken up for immediate consideration.

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

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

**Eng. House Bill 4488**—A Bill to amend and reenact §20-14-1, §20-14-2, §20-14-3, §20-14-4, and §20-14-8 of the Code of West Virginia, 1931, as amended, all relating to the Hatfield-McCoy



Recreation Authority; updating legislative findings; adding the counties of Braxton, Clay, Fayette, Nicholas, and Webster to the list of participating counties; modifying the number of board members; providing that 10 members of the board constitutes a quorum; prohibiting persons from consuming non-intoxicating beer, nonintoxicating craft beer, or wine at any time within the Hatfield-McCoy Recreation Area; prohibiting a child under the age of six from being allowed on any trail within the Hatfield-McCoy Recreation Area; prohibits children under the age of eight years who are required to be in a child passenger safety device while occupying a motor vehicle from being allowed on any trail within the Hatfield-McCoy Recreation Area; and requiring all persons operating or riding upon an ATV, UTV, or motorcycle to follow the manufacturer's recommendations for that vehicle relating to age and size limitations for operators and passengers.

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

Engrossed House Bill 4488, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Maroney and Rucker—2.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 4488) passed with its House of Delegates amended title.

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

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

**Eng. Com. Sub. for House Bill 4320**, Limiting the ability of an agent under a power of attorney to take self-benefiting actions.

On motion of Senator Ferns, the bill was taken up for immediate consideration.

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

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

**Eng. Com. Sub. for House Bill 4320**—A Bill to amend and reenact §39B-1-114 of the Code of West Virginia, 1931, as amended; and to amend and reenact §39B-2-101 of said code, all relating to limiting the ability of an agent under a power of attorney to take self-benefiting actions; clarifying the presumption that an act is not within the scope of authority granted in a power of attorney when an agent benefits from the act to the detriment of an ancestor, spouse, heir, or descendant; requiring express grant of authority to exercise authority over the content of electronic communications sent or received by the principal; and clarifying the prohibition against an agent exercising authority under a power of attorney to create in the agent, or in an individual to whom the agent owes a legal obligation of support, an interest in the principal's property, whether by gift, right of survivorship, beneficiary designation, disclaimer, or otherwise.

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

Engrossed Committee Substitute for House Bill 4320, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Maroney and Rucker—2.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4320) passed with its House of Delegates amended title.

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

The Senate proceeded to the fourth order of business.

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

Your Committee on Transportation and Infrastructure has had under consideration

**House Concurrent Resolution 47**, U. S. Army SPC 4 William L. Amos Memorial Bridge.

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

Respectfully submitted,

Gregory L. Boso,  
*Chair.*

At the request of Senator Boso, unanimous consent being granted, the resolution (H. C. R. 47) contained in the preceding report from the Committee on Transportation and Infrastructure was taken up for immediate consideration.

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

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

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

Your Committee on Transportation and Infrastructure has had under consideration

**Com. Sub. for House Concurrent Resolution 53**, Pastor Robert L. 'Bob' Barker Memorial Bridge.

And,

**Com. Sub. for House Concurrent Resolution 85**, Requesting the legislatures and departments of transportation of Maryland, Pennsylvania, and Virginia to endorse and pursue the construction of a new four-lane, limited access highway, extending Interstate Highway 99 from its present terminus at Bedford, Pennsylvania, to Covington, Virginia.

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

Respectfully submitted,

Gregory L. Boso,  
*Chair.*

At the request of Senator Boso, unanimous consent being granted, the resolutions (Com. Sub. for H. C. R. 53 and 85) contained in the preceding report from the Committee on Transportation and Infrastructure were taken up for immediate consideration and considered simultaneously.

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

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

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

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

**Eng. House Bill 2869**, Providing for paid leave for certain state officers and employees during a declared state of emergency.

On motion of Senator Ferns, the bill was taken up for immediate consideration.

On further motion of Senator Ferns, the Senate acceded to the request of the House of Delegates and receded from its amendments to the bill.

Engrossed House Bill 2869, as amended by deletion, was then put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Maroney and Rucker—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 2869) passed with its title.

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

At the request of Senator Ferns, unanimous consent being granted, Senator Ferns addressed the Senate commending the Senate staff.

On motion of Senator Blair, at 11:40 p.m., the Senate recessed for five minutes.

The Senate reconvened at 11:58 p.m. tonight and resumed business under the third order.

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

**Eng. Com. Sub. for Senate Bill 10**, Relating generally to PSC jurisdiction.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the adoption of the committee of conference report, passage as amended by the conference report with its conference amended title, of

**Eng. Com. Sub. for Senate Bill 46**, Permitting pharmacists to inform customers of lower-cost alternative drugs.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the adoption of the committee of conference report, passage as amended by the conference report with its conference amended title, of

**Eng. Com. Sub. for Senate Bill 51**, Relating to domestic relations.

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

**Eng. Com. Sub. for Senate Bill 244**, Specifying conditions for unlawful possession of firearm at school-sponsored activities.

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

**Eng. Com. Sub. for Senate Bill 261**, Transferring certain powers and programs of WV Affordable Housing Trust Fund to WV Housing Development Fund.

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

**Eng. Com. Sub. for Senate Bill 275**, Relating to tax on purchases of intoxicating liquors.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the adoption of the committee of conference report, passage as amended by the conference report with its conference amended title, of

**Eng. Senate Bill 282**, Exempting State Conservation Committee from Purchasing Division requirements for contracts related to flood recovery.

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

**Eng. Com. Sub. for Senate Bill 313**, Waiving occupational fees and licensing requirements for certain low-income individuals, military families, and young workers.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the adoption of the committee of conference report, passage as amended by the conference report with its conference amended title, of

**Eng. Com. Sub. for Senate Bill 392**, Reconfiguring membership of Emergency Medical Services Advisory Council.

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

**Eng. Com. Sub. for Senate Bill 446**, Creating Agritourism Responsibility Act.

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

**Eng. Senate Bill 463**, Establishing group to examine benefits and need of transferring milk rules and regulations from DHHR to Agriculture.

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

**Eng. Com. Sub. for Senate Bill 495**, Designating specific insurance coverages exempt from rate filing requirements.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the adoption of the committee of conference report, and the rejection of

**Eng. Senate Bill 545**, Relating to driving privileges and requirements for persons under 18.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the adoption of the committee of conference report, passage as amended by the conference report with its conference amended title, to take effect from passage, of



**Eng. Com. Sub. for Senate Bill 582**, Allowing candidate for political party executive committee serve as election official.

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

**Eng. Com. Sub. for Senate Bill 625**, Creating WV Volunteer Fire and Rescue Act of 2018.

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

**Eng. Senate Bill 634**, Adding, increasing, and decreasing appropriations from General Revenue to DHHR.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the adoption of the committee of conference report, passage as amended by the conference report with its conference amended title, of

**Eng. Com. Sub. for Com. Sub. for Senate Joint Resolution 3**, Judicial Budget Oversight Amendment.

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

**Senate Concurrent Resolution 1**, US Army SGT Denver E. Short Memorial Road.

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

**Senate Concurrent Resolution 3**, Michael Angiulli Memorial Bridge.

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

**Senate Concurrent Resolution 14**, US Army SPC 4 William L. Amos Memorial Bridge.

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

**Senate Concurrent Resolution 17**, John Hancock Hall Memorial Bridge.

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

**Senate Concurrent Resolution 21**, US Army PFC Charles Thurman “Buddy” Ellis Memorial Bridge.

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

**Senate Concurrent Resolution 22**, US Army Colonel Larkin Bilton Vance Memorial Highway.

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

**Senate Concurrent Resolution 23**, Betty Jo Delong Memorial Bridge.

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

**Senate Concurrent Resolution 25**, US Army PFC O. T. (Teaberry) Mullins Memorial Bridge.

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

**Senate Concurrent Resolution 26**, US Army PFC Thomas Mayford Martin Memorial Bridge.

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

**Senate Concurrent Resolution 27**, US Army CPL F. Lee Noel Memorial Bridge.

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

**Com. Sub. for Senate Concurrent Resolution 29**, US Army SGT Benny Fleming Memorial Bridge.

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

**Senate Concurrent Resolution 37**, Sheriff John E. White Memorial Road.

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

**Senate Concurrent Resolution 43**, US Army T-4 CE Caesar Bango Memorial Bridge.

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

**Senate Concurrent Resolution 48**, US Army MSG Monty Ray Skeen, Sr., Memorial Bridge.

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

**Senate Concurrent Resolution 49**, US Army PFC Robert “Bobby” Tate, Jr., Memorial Bridge.

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

**Senate Concurrent Resolution 52**, Deputy Sheriff John Janey Memorial Bridge.

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

**Senate Concurrent Resolution 54**, Requesting study on effect of new vehicle weights on WV roads.

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

**Senate Concurrent Resolution 55**, Urging Congress pass law permitting WV to increase vehicle weight on interstate highways.

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

**Eng. Com. Sub. for House Bill 2655**, Defining and establishing the crime of cyberbullying.

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

**Eng. Com. Sub. for House Bill 2799**, Prohibiting the superintendent of schools from requiring a physical examination to be included to the application for a minor's work permit.

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

**Eng. Com. Sub. for House Bill 2982**, Relating to allowing draw games winners to remain anonymous.

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

**Eng. Com. Sub. for House Bill 4002**, Providing that all delegates shall be elected from one hundred single districts following the United States Census in 2020.

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

**Eng. Com. Sub. for House Bill 4006**, Revising the processes through which professional development is delivered for those who provide public education.

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

**Eng. Com. Sub. for House Bill 4187**, Business Liability Protection Act.

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

**Eng. Com. Sub. for House Bill 4214**, Increasing penalties for unlawfully possessing or digging ginseng.

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

**Eng. Com. Sub. for House Bill 4217**, Permitting an attending physician to obtain a patient's autopsy report.

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

**Eng. Com. Sub. for House Bill 4233**, Relating generally to fraudulent transfers.

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

**Eng. Com. Sub. for House Bill 4251**, Permitting employees of baccalaureate institutions and universities outside of this state to be appointed to board of governors.

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

**Eng. Com. Sub. for House Bill 4270**, Providing for the timely payment of moneys owed from oil and natural gas production.

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

**Eng. House Bill 4324**, Relating to the employment of individuals by municipal paid fire departments under civil service.

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

**Eng. Com. Sub. for House Bill 4350**, Eliminating the regulation of upholstery.

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

**Eng. House Bill 4389**, Expiring funds to the Enterprise Resource Planning System Fund.

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

**Eng. Com. Sub. for House Bill 4394**, Relating to forest fires.

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

**Eng. Com. Sub. for House Bill 4424**, Providing that the Ethics Act applies to certain persons providing services without pay to state elected officials.

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

**Eng. Com. Sub. for House Bill 4524**, Establishing guidelines for the substitution of certain biological pharmaceuticals.

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

**Eng. Com. Sub. for House Bill 4571**, Relating to the final day of filing announcements of candidates for a political office.

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

**Eng. Com. Sub. for House Bill 4607**, Establishing certain criteria for the restricted operation of drones within State Parks, Forests, and Rail Trails.

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

**Eng. House Bill 4627**, Relating to providing a limitation on the eminent domain authority of a municipal park board.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the adoption as amended, of

**House Concurrent Resolution 62**, Pocahontas County Veterans Memorial Bridge.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the adoption as amended, of

**House Concurrent Resolution 75**, PVT George Howell, Continental Army Memorial Highway.

### Executive Communications

The Clerk then presented a communication from His Excellency, the Governor, advising that on March 10, 2018, he had approved **Enr. Committee Substitute for House Bill 4142**.

The Senate again proceeded to the sixth order of business.

Senator Ferns offered the following pre-adjourning resolution:

**Senate Resolution 71**—Raising a committee to notify the House of Delegates the Senate is ready to adjourn *sine die*.

*Resolved by the Senate:*

That the President be authorized to appoint a committee of three to notify the House of Delegates that the Senate has completed its labors and is ready to adjourn *sine die*.

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

Senator Carmichael (Mr. President), under the provisions of the foregoing resolution, appointed the following committee to notify the House of Delegates of impending Senate adjourning:

Senators Blair, Mann, and Unger.

Senator Ferns then offered the following resolution:

**Senate Resolution 72**—Raising a committee to notify His Excellency, the Governor, that the Legislature is ready to adjourn *sine die*.

*Resolved by the Senate:*

That the President be authorized to appoint a committee of three to join with a similar committee of the House of Delegates to notify His Excellency, the Governor, that the Legislature has completed its labors and is ready to adjourn *sine die*.



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

Under the provisions of the foregoing resolution, Senator Carmichael (Mr. President) appointed the following committee to notify His Excellency, the Governor, that the Senate is ready to adjourn:

Senators Prezioso, Cline, and Gaunch.

Thereafter, the President recognized the presence of a three-member delegation from the House of Delegates, namely:

Delegates C. Miller, Hamilton, and Canestraro, who announced that that body had completed its labors and was ready to adjourn *sine die*.

The President then acknowledged another delegation from the House of Delegates, consisting of

Delegates Kelly, Blair, and Moye, who announced that they had been appointed by that body to join with the similar committee named by the Senate to wait upon His Excellency and were ready to proceed with its assignment.

Senators Prezioso, Cline, and Gaunch, comprising the Senate committee, then joined with the House committee and proceeded to the executive offices to notify His Excellency, the Governor, of imminent legislative adjournment, and receive any message he might desire to transmit to the members of the Senate.

On motion of Senator Maynard, the Joint Committee on Enrolled Bills was directed after it has examined, found truly enrolled, and presented to His Excellency, the Governor, for his action, bills passed but not presented to him prior to adjournment of the regular sixty-day session of the Legislature, to file its reports with the Clerk of bills so enrolled, showing the date such bills were presented to the Governor; said reports to be included in the final Journal, together with Governor's action on said bills.

In accordance with the foregoing motion, the following reports of the Joint Committee on Enrolled Bills were filed as follows:

Senator Maynard, from the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 14th day of March, 2018, 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. 47)**, Requiring Defense Department advocacy groups be notified in abuse or neglect of military person's child.

**(Com. Sub. for S. B. 102)**, Creating WV Uniform Fiduciary Access to Digital Assets Act.

**(Com. Sub. for S. B. 133)**, Exempting renewal of certain contracts entered into during declared state of emergency.

**(Com. Sub. for Com. Sub. for S. B. 272)**, Relating generally to drug control.

**(Com. Sub. for Com. Sub. for S. B. 319)**, Allowing individuals who completed home schooling be eligible for PROMISE scholarship without equivalent diploma.

**(S. B. 365)**, Relating to Young Entrepreneur Reinvestment Act.

**(Com. Sub. for S. B. 404)**, Relating to sex offender registry information.

**(Com. Sub. for S. B. 412)**, Relating to authority of county litter control officers.

**(S. B. 427)**, Modifying form of notice for certain tax delinquencies.

**(S. B. 441)**, Relating to health care provider taxes.

And,

**(Com. Sub. for S. B. 451)**, Relating generally to hunting and fishing.

Respectfully submitted,

Mark R. Maynard,  
*Chair, Senate Committee.*  
Roger Hanshaw,  
*Chair, House Committee.*

Senator Gaunch, from the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 14th day of March, 2018, 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. 152)**, Budget Bill.

**(S. B. 385)**, Decreasing and adding appropriations out of Treasury to DHHR and MAPS.

**(S. B. 633)**, Expiring funds from Insurance Commission Fund and appropriating funds to Consolidated Medical Services Fund.

**(S. B. 634)**, Adding, increasing, and decreasing appropriations from General Revenue to DHHR.

**(H. B. 4376)**, Expiring funds to the balance of the Department of Health and Human Resources.

**(H. B. 4379)**, Supplementing, amending, decreasing, and increasing items of the existing appropriations to the Department of Transportation.

And,

**(H. B. 4389)**, Expiring funds to the Enterprise Resource Planning System Fund.

Respectfully submitted,

C. Edward Gaunch,  
*Member, Senate Committee.*  
Roger Hanshaw,  
*Chair, House Committee.*

Senator Gaunch, from the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 15th day of March, 2018, 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. 4016)**, Relating to combatting waste, fraud, and misuse of public funds through investigations, accountability and transparency.

**(Com. Sub. for H. B. 4024)**, Relating generally to direct cremation or direct burial expenses for indigent persons.

**(Com. Sub. for H. B. 4275)**, Relating to the law-enforcement authority of the director and officers of the division of protective services.

**(Com. Sub. for H. B. 4336)**, Updating the schedule of controlled substances.

**(Com. Sub. for H. B. 4368)**, Relating to voluntary assignments of wages by state employees who have been overpaid.

**(H. B. 4434)**, Clarifying provisions relating to candidates unaffiliated with a political party as it relates to certificates of announcement.

**(Com. Sub. for H. B. 4453)**, Relating to judicial review of contested cases under the West Virginia Department of Health and Human Resources Board of Review.

**(H. B. 4462)**, Allowing off duty members and officers of the department of public safety to guard private property.

**(Com. Sub. for H. B. 4473)**, Relating to use of state funds for advertising to promote a public official or government office.

**(Com. Sub. for H. B. 4478)**, Authorizing public schools to distribute excess food to students.

**(Com. Sub. for H. B. 4502)**, Adding the crimes of murder and armed robbery to the list of offenses for which a prosecutor may apply for an order authorizing interception.

**(H. B. 4529)**, Relating to oath by municipal official certifying list of delinquent business and occupation taxes.

**(Com. Sub. for H. B. 4546)**, Relating to where an application for a marriage license may be made.

**(Com. Sub. for H. B. 4618)**, Relating to the authority of the Division of Protective Services.

And,

**(H. B. 4622)**, Relating to authorizing legislative rules regarding higher education.

Respectfully submitted,

C. Edward Gaunch,  
*Member, Senate Committee.*  
Roger Hanshaw,  
*Chair, House Committee.*

Senator Gaunch, from the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 16th day of March, 2018, 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. 2028)**, Relating to the venue for suits and other actions against the state.

**(Com. Sub. for H. B. 2464)**, Relating to disclaimers and exclusions of warranties in consumer transactions for goods.

**(Com. Sub. for H. B. 3005)**, Relating to regulation of unmanned aircraft systems.

**(Com. Sub. for H. B. 4023)**, Relating to the regulation of dialysis technicians.

**(H. B. 4025)**, Permitting reciprocity for licensure as a pharmacy technician.

**(Com. Sub. for H. B. 4027)**, Creating an education permit for allopathic physician resident.

**(Com. Sub. for H. B. 4035)**, Creating a legislative coalition to study and report to the Legislature on palliative care.

**(Com. Sub. for H. B. 4042)**, Redefining school zone to facilitate placement of school zone signs.

**(Com. Sub. for H. B. 4079)**, Promulgating administrative rules by various executive or administrative agencies of the state.

**(H. B. 4178)**, Permitting certain portions of certified nurse aide training to be provided through distance learning technologies.

**(H. B. 4183)**, Relating generally to standardized testing requirements for nonpublic schools.

**(Com. Sub. for H. B. 4276)**, Allowing magistrates to grant work release privileges.

**(Com. Sub. for H. B. 4279)**, Relating to adult protective services system.

**(Com. Sub. for H. B. 4400)**, Relating to the West Virginia Physicians Mutual Insurance Company.

And,

**(Com. Sub. for H. B. 4509)**, Relating to the establishment of substance abuse treatment facilities.

Respectfully submitted,

C. Edward Gaunch,  
*Member, Senate Committee.*  
Roger Hanshaw,  
*Chair, House Committee.*

Senator Gaunch, from the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 19th day of March, 2018, 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. 36)**, Relating generally to DNA testing.

**(S. B. 242)**, Requiring health insurance providers provide coverage for certain Lyme disease treatment.

**(Com. Sub. for S. B. 290)**, Relating to DEP standards of water quality and effluent limitations.

**(S. B. 322)**, Relating to employees of Department of Agriculture.

**(Com. Sub. for S. B. 359)**, Authorizing Supreme Court establish curricula for mental hygiene commissioners and certain magistrates.

**(Com. Sub. for Com. Sub. for S. B. 465)**, Relating to mandated reporting of child abuse and neglect.

**(S. B. 479)**, Establishing local government monitoring by Auditor.

**(Com. Sub. for S. B. 493)**, Relating to guaranty associations.

**(Com. Sub. for S. B. 499)**, Requiring one year of certain approved postgraduate clinical training for persons with foreign medical degrees.

**(S. B. 500)**, Authorizing City of White Sulphur Springs to expend principal and interest from special interest-bearing fund.

**(Com. Sub. for S. B. 510)**, Designating hospitals for stroke treatment.

**(Com. Sub. for S. B. 522)**, Relating generally to Administrative Procedures Act.

**(Com. Sub. for S. B. 543)**, Relating to confidentiality of medical records.

**(Com. Sub. for S. B. 555)**, Providing immunity from civil liability for qualified directors of certain governmental and nonprofit entities.

**(Com. Sub. for S. B. 574)**, Relating to crime of misrepresentation of military honors.

**(Com. Sub. for S. B. 575)**, Approving additional beds for intermediate care facilities.

**(S. B. 576)**, Relating to Patient Injury Compensation Fund.

**(S. B. 584)**, Finding certain claims against state to be moral obligations of state.

**(Com. Sub. for S. B. 589)**, Relating to issuance of personalized plates for antique motor vehicles.

**(Com. Sub. for S. B. 616)**, Establishing maximum gross weight for certain wood-bearing trucks.

**(Com. Sub. for H. B. 2008)**, Relating to the Dealer Recovery Program.



**(Com. Sub. for H. B. 2655)**, Defining and establishing the crime of cyberbullying.

**(H. B. 2869)**, Providing for paid leave for certain state officers and employees during a declared state of emergency.

**(Com. Sub. for H. B. 2982)**, Relating to allowing draw games winners to remain anonymous.

**(Com. Sub. for H. B. 3089)**, Relating to the adoption of instructional resources for use in the public schools.

**(Com. Sub. for H. B. 4013)**, Clarifying venue in West Virginia state courts as it applies to nonresidents of the state.

**(Com. Sub. for H. B. 4036)**, Increasing the maximum salaries of family case coordinators and secretary-clerks.

**(Com. Sub. for H. B. 4186)**, Relating generally to guaranteed asset protection waivers.

**(H. B. 4626)**, Relating to West Virginia innovative mine safety technology tax credit act.

And,

**(H. B. 4628)**, Relating to authorizing the redirection of amounts collected from certain surcharges and assessments on workers' compensation insurance policies for periods prior to January 1, 2019.

Respectfully submitted,

C. Edward Gaunch,  
*Member, Senate Committee.*  
Roger Hanshaw,  
*Chair, House Committee.*

Senator Gaunch, from the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 20th day of March, 2018, 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. 298)**, Authorizing county assessors make separate entries in landbooks when real property is partly used for exempt and partly for nonexempt purposes.

**(S. B. 299)**, Relating to mandatory insurance coverage for medical foods for amino acid-based formulas.

**(Com. Sub. for Com. Sub. for S. B. 347)**, Relating to operation of motorboats.

**(Com. Sub. for S. B. 456)**, Physical Therapy Licensure Compact Act.

**(Com. Sub. for S. B. 461)**, Extending time to file petition for motor fuel excise tax refund.

**(Com. Sub. for S. B. 475)**, Industrial Hemp Development Act.

**(Com. Sub. for S. B. 590)**, Providing special license plate for curing childhood cancer.

**(S. B. 612)**, Relating to sale of municipal property.

**(S. B. 626)**, Relating generally to coal mining.

And,

**(S. B. 631)**, Relating generally to one-call system.

Respectfully submitted,

C. Edward Gaunch,  
*Member, Senate Committee.*  
Roger Hanshaw,  
*Chair, House Committee.*

Senator Maynard, from the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 21st day of March, 2018, 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. 2799)**, Prohibiting the superintendent of schools from requiring a physical examination to be included to the application for a minor's work permit.

**(Com. Sub. for H. B. 2995)**, Permitting certain animal euthanasia technicians who have been certified by other states be certified animal euthanasia technicians in West Virginia.

**(Com. Sub. for H. B. 4156)**, Establishing the qualifications of full and part time nursing school faculty members.

**(Com. Sub. for H. B. 4214)**, Increasing penalties for unlawfully possessing or digging ginseng.

**(Com. Sub. for H. B. 4217)**, Permitting an attending physician to obtain a patient's autopsy report.

**(Com. Sub. for H. B. 4233)**, Relating generally to fraudulent transfers.

**(Com. Sub. for H. B. 4251)**, Permitting employees of baccalaureate institutions and universities outside of this state to be appointed to board of governors.

**(Com. Sub. for H. B. 4270)**, Providing for the timely payment of moneys owed from oil and natural gas production.

**(Com. Sub. for H. B. 4320)**, Limiting the ability of an agent under a power of attorney to take self-benefiting actions.

**(H. B. 4324)**, Relating to the employment of individuals by municipal paid fire departments under civil service.

**(Com. Sub. for H. B. 4338)**, Relating to the powers and authority of the Divisions of Administrative Services, and Corrections and Rehabilitation of the Department of Military Affairs and Public Safety.

**(Com. Sub. for H. B. 4392)**, Relating to Medicaid subrogation liens of the Department of Health and Human Resources.

**(H. B. 4486)**, Relating to persons required to obtain a license to engage in the business of currency exchange.

**(Com. Sub. for H. B. 4522)**, Allowing certain tax information to be shared with the Director of Purchasing Division, Department of Administration, and State Auditor

**(Com. Sub. for H. B. 4558)**, Establishing the Entrepreneurship and Innovation Investment Fund in the West Virginia Development Office.

**(Com. Sub. for H. B. 4571)**, Relating to the final day of filing announcements of candidates for a political office.

**(Com. Sub. for H. B. 4603)**, Providing immunity from civil liability to facilities and employees providing crisis stabilization.

**(Com. Sub. for H. B. 4607)**, Establishing certain criteria for the restricted operation of drones within State Parks, Forests, and Rail Trails.

And,

**(H. B. 4627)**, Relating to providing a limitation on the eminent domain authority of a municipal park board.

Respectfully submitted,

Mark R. Maynard,  
*Chair, Senate Committee.*  
Roger Hanshaw,  
*Chair, House Committee.*

Senator Maynard, from the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 21st day of March, 2018, 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. 10)**, Relating generally to PSC jurisdiction.

**(Com. Sub. for S. B. 46)**, Permitting pharmacists to inform customers of lower-cost alternative drugs.

**(Com. Sub. for S. B. 51)**, Relating to domestic relations.

**(Com. Sub. for S. B. 82)**, Including rebuttable presumptions in certain cases for firefighters with regard to workers' compensation.

**(Com. Sub. for Com. Sub. for S. B. 141)**, Expanding county assessment and collection of head tax on breeding cows.

**(Com. Sub. for S. B. 230)**, Authorizing Department of Commerce promulgate legislative rules.

**(Com. Sub. for S. B. 244)**, Specifying conditions for unlawful possession of firearm at school-sponsored activities.

**(Com. Sub. for S. B. 261)**, Transferring certain powers and programs of WV Affordable Housing Trust Fund to WV Housing Development Fund.

**(Com. Sub. for S. B. 271)**, Creating centralized Shared Services Section of Department of Administration.

**(Com. Sub. for Com. Sub. for S. B. 273)**, Reducing use of certain prescription drugs.

**(Com. Sub. for S. B. 275)**, Relating to tax on purchases of intoxicating liquors.

**(S. B. 282)**, Exempting State Conservation Committee from Purchasing Division requirements for contracts related to flood recovery.

**(Com. Sub. for S. B. 283)**, Relating generally to procurement by state agencies.

**(Com. Sub. for S. B. 313)**, Waiving occupational fees and licensing requirements for certain low-income individuals, military families, and young workers.

**(Com. Sub. for S. B. 336)**, Providing certain DMV applicants ability to contribute to WV Department of Veterans Assistance.

**(S. B. 339)**, Relating to WV Retirement Health Benefit Trust Fund within PEIA.

**(Com. Sub. for S. B. 375)**, Relating to farmers markets.

**(Com. Sub. for S. B. 392)**, Reconfiguring membership of Emergency Medical Services Advisory Council.

**(Com. Sub. for S. B. 401)**, Requiring specified coverage in health benefit plans for treatment of substance abuse disorders.

**(S. B. 406)**, Clarifying that ground emergency medical transportation is eligible for Medicare and Medicaid reimbursement.

**(S. B. 407)**, Licensing and approval of child care programs.

**(Com. Sub. for S. B. 408)**, Licensing of nursing homes and assisted living residences.

**(S. B. 411)**, Removing Commissioner of Bureau for Public Health from State Board of Sanitarians.

**(S. B. 425)**, Removing sunset dates which members of policemen's or firemen's pension fund elect to participate in deferred retirement option plan.

**(Com. Sub. for S. B. 434)**, Specifying documents not subject to discovery in certain proceedings.

**(Com. Sub. for S. B. 438)**, Relating to debt service on bonds secured by State Excess Lottery Revenue Fund.

**(Com. Sub. for S. B. 442)**, Establishing universal forms and deadlines when submitting prior authorization electronically.

**(Com. Sub. for S. B. 443)**, Terminating parental rights when certain conditions are met.

**(Com. Sub. for S. B. 445)**, Allowing DOH acquire real or personal property for utility accommodation.

**(Com. Sub. for S. B. 446)**, Creating Agritourism Responsibility Act.

**(S. B. 463)**, Establishing group to examine benefits and need of transferring milk rules and regulations from DHHR to Agriculture.

**(S. B. 468)**, Changing date and recipients for submission of Auditor's annual report.

**(Com. Sub. for S. B. 469)**, Converting Addiction Treatment Pilot Program to permanent program.

**(Com. Sub. for S. B. 495)**, Designating specific insurance coverages exempt from rate filing requirements.

**(S. B. 498)**, Creating two-year pilot program allowing all-terrain or recreational vehicles in Cabwaylingo State Forest.

**(Com. Sub. for S. B. 501)**, Relating to accrued benefit of retirees in Deputy Sheriff Retirement System.

**(Com. Sub. for S. B. 506)**, Deregulating persons who perform work on heating, ventilating, and cooling systems.

**(Com. Sub. for S. B. 521)**, Requiring chief executive of municipal law-enforcement agency be certified law-enforcement officer.

**(S. B. 525)**, Relating to certification for emergency medical training - mining.

**(Com. Sub. for S. B. 528)**, Providing additional circuit judge for nineteenth judicial circuit.

**(Com. Sub. for S. B. 548)**, Authorizing county commissions to pay election officials.

**(Com. Sub. for S. B. 582)**, Allowing candidate for political party executive committee serve as election official.

**(S. B. 585)**, Altering boundary line between Doddridge and Harrison counties.

**(Com. Sub. for S. B. 603)**, Relating to proceedings for involuntary custody for examination.

**(Com. Sub. for S. B. 625)**, Creating WV Volunteer Fire and Rescue Act of 2018.

**(S. B. 635)**, Relating to 2019 salary adjustment for employees of DHHR.

**(Com. Sub. for H. B. 2916)**, Authorizing certain first responders to carry firearms.

**(Com. Sub. for H. B. 4001)**, Relating to eligibility and fraud requirements for public assistance.

**(Com. Sub. for H. B. 4002)**, Providing that all delegates shall be elected from one hundred single districts following the United States Census in 2020.

**(Com. Sub. for H. B. 4006)**, Revising the processes through which professional development is delivered for those who provide public education.

**(Com. Sub. for H. B. 4009)**, State Settlement and Recovered Funds Accountability Act.



**(Com. Sub. for H. B. 4150)**, Prohibiting telecommunications and IP-enabled voice services from displaying the name or telephone number of the recipient.

**(Com. Sub. for H. B. 4157)**, Eliminating the refundable exemption for road construction contractors.

**(Com. Sub. for H. B. 4187)**, Business Liability Protection Act.

**(Com. Sub. for H. B. 4350)**, Eliminating the regulation of upholstery.

**(Com. Sub. for H. B. 4394)**, Relating to forest fires.

**(Com. Sub. for H. B. 4401)**, Relating to the registration of business.

**(Com. Sub. for H. B. 4424)**, Providing that the Ethics Act applies to certain persons providing services without pay to state elected officials.

**(Com. Sub. for H. B. 4447)**, Providing for a uniform and efficient system of broadband conduit installation.

**(H. B. 4488)**, Relating to the Hatfield-McCoy Recreation Authority.

**(Com. Sub. for H. B. 4524)**, Establishing guidelines for the substitution of certain biological pharmaceuticals.

And,

**(H. B. 4629)**, Relating to broadband enhancement and expansion policies generally.

Respectfully submitted,

Mark R. Maynard,  
*Chair, Senate Committee.*  
Steve Westfall,  
*Member, House Committee.*

Senator Gaunch, from the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 23rd day of March, 2018, 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 H. B. 4166)**, Establishing a special revenue fund to be known as the “Capital Improvements Fund — Department of Agriculture Facilities”.

Respectfully submitted,

C. Edward Gaunch,  
*Member, Senate Committee.*  
Roger Hanshaw,  
*Chair, House Committee.*

### **Executive Communications**

Under authorization of Senate approval therefor in prior proceedings today, to include in this day’s Journal communications showing the Governor’s action on enrolled bills presented to him in post-session reports, the following are inserted hereinafter:

The Clerk then presented communications from His Excellency, the Governor, advising that on March 15, 2018, he had approved **Enr. Senate Bill 385, Enr. Senate Bill 633, Enr. Senate Bill 634, Enr. House Bill 4379, and Enr. House Bill 4389**; on March 20, 2018, he had approved **Enr. Committee Substitute for Senate Bill 37, Enr. Senate Bill 47, Enr. Committee Substitute for Senate Bill 110, Enr. Committee Substitute for Senate Bill 133, Enr. Committee Substitute for Senate Bill 134, Enr. Senate Bill 143, Enr. Committee Substitute for Senate Bill 146, Enr. Committee Substitute for Senate Bill 181, Enr. Senate Bill 242, Enr. Committee Substitute for Committee Substitute for Senate Bill 307, Enr. Committee Substitute for Committee Substitute for Senate Bill 319, Enr. Committee Substitute for Senate Bill 327, Enr. Senate Bill 338, Enr. Senate Bill 346, Enr. Committee Substitute for Senate Bill 348, Enr. Senate Bill 350, Enr. Senate Bill 351, Enr. Committee Substitute for Senate Bill**

**359, Enr. Senate Bill 364, Enr. Senate Bill 365, Enr. Committee Substitute for Senate Bill 395, Enr. Senate Bill 427, Enr. Senate Bill 444, Enr. Senate Bill 464, Enr. Committee Substitute for Senate Bill 522, Enr. Senate Bill 584, Enr. Committee Substitute for House Bill 2008, Enr. Committee Substitute for House Bill 2483, Enr. Committee Substitute for House Bill 2890, Enr. Committee Substitute for House Bill 4022, Enr. House Bill 4025, Enr. Committee Substitute for House Bill 4036, Enr. Committee Substitute for House Bill 4079, Enr. Committee Substitute for House Bill 4138, Enr. Committee Substitute for House Bill 4400, Enr. House Bill 4410, Enr. House Bill 4436, Enr. Committee Substitute for House Bill 4444, Enr. House Bill 4621, Enr. House Bill 4622, and Enr. House Bill 4626; on March 21, 2018, he had approved Enr. Committee Substitute for Senate Bill 46, Enr. Committee Substitute for Senate Bill 230, Enr. Committee Substitute for Senate Bill 261, Enr. Committee Substitute for Senate Bill 271, Enr. Committee Substitute for Senate Bill 336, Enr. Senate Bill 411, Enr. Senate Bill 525, Enr. Senate Bill 635, Enr. Committee Substitute for House Bill 2995, Enr. Committee Substitute for House Bill 4002, Enr. Committee Substitute for House Bill 4157, Enr. Committee Substitute for House Bill 4187, Enr. Committee Substitute for House Bill 4217, Enr. House Bill 4488, and Enr. Committee Substitute for House Bill 4558; on March 22, 2018, he had approved Enr. Committee Substitute for Senate Bill 51, Enr. Senate Bill 298, Enr. Senate Bill 339, Enr. Committee Substitute for Committee Substitute for Senate Bill 347, Enr. Committee Substitute for Senate Bill 438, Enr. Committee Substitute for Senate Bill 461, Enr. Senate Bill 539, Enr. Senate Bill 576, Enr. Committee Substitute for Senate Bill 616, Enr. Committee Substitute for House Bill 2693, Enr. Committee Substitute for House Bill 2696, Enr. Committee Substitute for House Bill 2799, Enr. House Bill 2869, Enr. Committee Substitute for House Bill 2983, Enr. Committee Substitute for House Bill 3104, Enr. Committee Substitute for House Bill 4027, Enr. Committee Substitute for House Bill 4035, Enr. Committee Substitute for House Bill 4042, Enr. House Bill 4183, Enr. Committee Substitute for House Bill 4238, Enr. Committee Substitute for House Bill 4251, Enr.**

House Bill 4285, Enr. Committee Substitute for House Bill 4343, Enr. Committee Substitute for House Bill 4368, Enr. Committee Substitute for House Bill 4394, Enr. House Bill 4433, Enr. House Bill 4434, Enr. House Bill 4462, Enr. House Bill 4486, Enr. Committee Substitute for House Bill 4522, Enr. Committee Substitute for House Bill 4619, Enr. House Bill 4627, and Enr. House Bill 4628; on March 27, 2018, he had approved Enr. Committee Substitute for Senate Bill 10, Enr. Committee Substitute for Senate Bill 36, Enr. Committee Substitute for Senate Bill 73, Enr. Committee Substitute for Senate Bill 82, Enr. Committee Substitute for Senate Bill 102, Enr. Committee Substitute for Senate Bill 244, Enr. Committee Substitute for Committee Substitute for Senate Bill 272, Enr. Committee Substitute for Committee Substitute for Senate Bill 273, Enr. Committee Substitute for Senate Bill 275, Enr. Senate Bill 282, Enr. Committee Substitute for Senate Bill 283, Enr. Committee Substitute for Senate Bill 290, Enr. Senate Bill 299, Enr. Committee Substitute for Senate Bill 375, Enr. Committee Substitute for Senate Bill 397, Enr. Committee Substitute for Senate Bill 401, Enr. Committee Substitute for Senate Bill 404, Enr. Senate Bill 406, Enr. Senate Bill 407, Enr. Committee Substitute for Senate Bill 408, Enr. Committee Substitute for Senate Bill 412, Enr. Senate Bill 425, Enr. Senate Bill 441, Enr. Committee Substitute for Senate Bill 443, Enr. Committee Substitute for Senate Bill 445, Enr. Committee Substitute for Senate Bill 446, Enr. Committee Substitute for Senate Bill 451, Enr. Committee Substitute for Senate Bill 456, Enr. Senate Bill 463, Enr. Committee Substitute for Committee Substitute for Senate Bill 465, Enr. Senate Bill 468, Enr. Committee Substitute for Senate Bill 469, Enr. Committee Substitute for Senate Bill 475, Enr. Senate Bill 479, Enr. Committee Substitute for Senate Bill 493, Enr. Committee Substitute for Senate Bill 495, Enr. Senate Bill 498, Enr. Committee Substitute for Senate Bill 499, Enr. Committee Substitute for Senate Bill 501, Enr. Committee Substitute for Senate Bill 506, Enr. Committee Substitute for Senate Bill 510, Enr. Committee Substitute for Senate Bill 521, Enr. Committee Substitute for Senate Bill 528, Enr. Committee Substitute for Senate Bill 543, Enr. Committee Substitute for Senate Bill 548, Enr. Committee

**Substitute for Senate Bill 555, Enr. Committee Substitute for Senate Bill 561, Enr. Committee Substitute for Senate Bill 574, Enr. Committee Substitute for Senate Bill 575, Enr. Committee Substitute for Senate Bill 582, Enr. Senate Bill 585, Enr. Committee Substitute for Senate Bill 589, Enr. Committee Substitute for Senate Bill 590, Enr. Committee Substitute for Senate Bill 603, Enr. Senate Bill 612, Enr. Committee Substitute for Senate Bill 625, Enr. Senate Bill 626, Enr. Senate Bill 631, Enr. Committee Substitute for House Bill 2028, Enr. Committee Substitute for House Bill 2464, Enr. Committee Substitute for House Bill 2654, Enr. Committee Substitute for House Bill 2655, Enr. Committee Substitute for House Bill 2694, Enr. Committee Substitute for House Bill 2843, Enr. Committee Substitute for House Bill 2916, Enr. Committee Substitute for House Bill 2982, Enr. Committee Substitute for House Bill 3005, Enr. Committee Substitute for House Bill 3089, Enr. Committee Substitute for House Bill 4001, Enr. Committee Substitute for House Bill 4013, Enr. Committee Substitute for House Bill 4015, Enr. Committee Substitute for House Bill 4016, Enr. Committee Substitute for House Bill 4023, Enr. Committee Substitute for House Bill 4024, Enr. Committee Substitute for House Bill 4150, Enr. Committee Substitute for House Bill 4156, Enr. Committee Substitute for House Bill 4169, Enr. Committee Substitute for House Bill 4175, Enr. House Bill 4178, Enr. Committee Substitute for House Bill 4180, Enr. Committee Substitute for House Bill 4207, Enr. Committee Substitute for House Bill 4214, Enr. Committee Substitute for House Bill 4230, Enr. Committee Substitute for House Bill 4233, Enr. Committee Substitute for House Bill 4236, Enr. Committee Substitute for House Bill 4270, Enr. Committee Substitute for House Bill 4275, Enr. Committee Substitute for House Bill 4276, Enr. Committee Substitute for House Bill 4279, Enr. Committee Substitute for House Bill 4289, Enr. Committee Substitute for House Bill 4320, Enr. House Bill 4324, Enr. House Bill 4332, Enr. Committee Substitute for House Bill 4336, Enr. Committee Substitute for House Bill 4338, Enr. Committee Substitute for House Bill 4347, Enr. Committee Substitute for House Bill 4350, Enr. Committee Substitute for House Bill 4401, Enr.**

**House Bill 4402, Enr. House Bill 4422, Enr. Committee Substitute for House Bill 4424, Enr. Committee Substitute for House Bill 4447, Enr. Committee Substitute for House Bill 4453, Enr. Committee Substitute for House Bill 4473, Enr. Committee Substitute for House Bill 4478, Enr. Committee Substitute for House Bill 4502, Enr. Committee Substitute for House Bill 4509, Enr. Committee Substitute for House Bill 4524, Enr. House Bill 4529, Enr. Committee Substitute for House Bill 4546, Enr. Committee Substitute for House Bill 4571, Enr. Committee Substitute for House Bill 4603, Enr. Committee Substitute for House Bill 4607, Enr. Committee Substitute for House Bill 4618, Enr. House Bill 4624, and Enr. House Bill 4629; and on March 28, 2018, he had approved Enr. Committee Substitute for House Bill 4006.**

[CLERK'S NOTE: **Enr. Committee Substitute for Senate Bill 500 and Enr. Committee Substitute for House Bill 4186** became law without the Governor's signature on March 28, 2018, under the provisions of Subsection 11, Section 51, Article VI of the Constitution of West Virginia.]

**Jim Justice**  
**Governor of West Virginia**

March 15, 2018

**VIA HAND DELIVERY**

The Honorable Mac Warner  
Secretary of State  
Building 1, Suite 157-K  
State Capitol  
Charleston, West Virginia 25305

RE: Enrolled Committee Substitute for Senate Bill No. 152

Dear President Warner:

Pursuant to the provisions of section fifty-one, article VI of the Constitution of West Virginia, I hereby return Enrolled Committee Substitute for Senate Bill No. 152, passed March 10, 2018, approved with the following objections:

My first objection to the Bill is contained in Item 58, page 46, lines 24-29, which state:

**“From the above appropriation for Institutional Facilities Operations (fund 0525, appropriation 33500), together with available funds from the Division of Health – Hospital Services Revenue Account (fund 5156, appropriation 33500), on July 1, 2018, the sum of \$160,000 shall be transferred to the Department of Agriculture – Land Division – Farm Operating Fund (1412) as advance payment for the purchase of food products; actual payments for such purchases shall not be required until such credits have been completely expended.”**

The Department of Agriculture has requested this mandate for our health institutions to purchase food through them be eliminated due to the burden it places on the department in sourcing appropriate food products for these institutions. Therefore, I am reducing the amount in the language on page 46, line 26, by \$160,000 to \$0.

My second objection to the Bill is contained in Item 68, pages 55 and 56, lines 44-48, which state:

**“From the above appropriation to Unclassified (fund 0450, appropriation 09900), on July 1, 2018, the sum of \$300,000 shall be transferred to the Department of Agriculture – Land Division – Farm Operating Fund (1412) as advance payment for the purchase of food products; actual payments for such purchases shall not be required until such credits have been completely expended.”**

Provisions in HB 4338 that reorganized the state correctional agencies into a Division of Corrections and Rehabilitation eliminated the requirement that correctional institutions buy food products from the Department of Agriculture. Therefore, I am reducing the amount in the language on page 55, line 45, by \$300,000 to \$0.

My third objection to the Bill is contained in Item 72, page 59, lines 21-24, which state:

**“From the above appropriations, on July 1, 2018, the sum of \$50,000 shall be transferred to the Department of Agriculture – Land Division – Farm Operating Fund (1412) as advance payment for the purchase of food products; actual payments for such purchases shall not be required until such credits have been completely expended.”**

Provisions in HB 4338 that reorganized the state correctional agencies into a Division of Corrections and Rehabilitation eliminated the requirement that correctional institutions buy food products from the Department of Agriculture. Therefore, I am reducing the amount in the language on page 59, line 21, by \$50,000 to \$0.

My fourth objection to the Bill is contained in Item 202, pages 110 and 111, lines 16-21, which state:

**“From the above appropriation to Institutional Facilities Operations, together with available funds from the Consolidated Medical Services Fund (fund 0525, appropriation 33500) on July 1, 2018, the sum of \$160,000 shall be transferred to the Department of Agriculture – Land Division – Farm Operating Fund (1412) as advance payment for the purchase of food products; actual payments for such purchases shall not be required until such credits have been completely expended..”**

The Department of Agriculture has requested this mandate for our health institutions to purchase food through them be eliminated due to the burden it places on the department in sourcing appropriate food products for these institutions. Therefore, I am reducing the amount in the language on page 110, line 18, by \$160,000 to \$0.

For the reasons stated herein, I have approved, subject to the above objections, Enrolled Committee Substitute for Senate Bill No. 152.

Sincerely,

Jim Justice  
Governor



cc: The Hon. Mitch Carmichael  
President, West Virginia Senate  
The Hon. Tim Armstead  
Speaker, West Virginia House of Delegates

**Jim Justice**  
**Governor of West Virginia**

March 15, 2018

**VIA HAND DELIVERY**

The Honorable Mac Warner  
Secretary of State  
Building 1, Suite 157-K  
State Capitol  
Charleston, West Virginia 25305

RE: Enrolled House Bill 4376

Dear Secretary Warner:

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 4376, passed March 8, 2018, approved with the following objections:

My first objection to the Bill is contained in the title of the bill, on page 1, lines 1-16, which state:

**“AN ACT expiring funds to the balance of the Department of Health and Human Resources, Division of Health – Medical Cannabis Program Fund, fund 5420, fiscal year 2018, organization 0506, in the amount of \$2,953,990 from the Department of Health and Human Resource, Division of Health – The Vital Statistics Account, fund 5144, fiscal year 2018, organization 0506, and making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2018, to the Department of Health and Human Resource, Division of Health – The Vital Statistics Account, fund 5144, fiscal year 2018, organization 0506, to the**

**Department of Health and Human Resources, Division of Health - Laboratory Services Fund, fund 5163, fiscal year 2018, organization 0506, to the Department of Health and Human Resource, Division of Health – Medical Cannabis Program Fund, fund 5420, fiscal year 2018, organization 0506, and to the Department of Health and Human Resources, Division of Human Services – Health Care Provider Tax, Medicaid State Share Fund, fund 5090, fiscal year 2018, organization 0511, by supplementing and amending chapter one, Acts of the Legislature, 1st extraordinary session, 2017, known as the budget bill.”**

Included in this supplemental bill is an expiration to the Medical Cannabis Program Fund to fund startup costs associated with the Medical Cannabis Program. Since the program’s inception, the State Treasurer has stated his objection to processing funds in the State Treasury related to cannabis due to federal banking regulations. To alleviate any of those concerns, I am going to veto this expiration to the Medical Cannabis Program Fund and search for a solution that will resolve this issue and allow the program to be implemented as mandated in the statute.

Therefore, on page 1, line 3, I am reducing the amount in the language by \$2,953,990 to \$0.

My second objection to the Bill is contained on page 2, lines 4-9, which state:

**“That the balance of funds available for expenditure in the fiscal year ending June 30, 2018, to the Department of Health and Human Resources, Division of Health – The Vital Statistics Account, fund 5144, fiscal year 2018, organization 0506, be decreased by expiring the amount of \$2,953,330 to the Department of Health and Human Resources, Division of Health – Medical Cannabis Program Fund, fund 5420, fiscal year 2018, organization 0506, to be available for expenditure during the fiscal year ending June 30, 2018.”**

Having deleted language in the title of the Bill in objection one above, I am reducing the amount in the language on page 2, line 7 by \$2,953,330 to \$0.

For the reasons stated herein, I have approved, subject to the above objections, Enrolled Committee Substitute for House Bill 2801.

Sincerely,

Jim Justice  
Governor

cc: The Honorable Mitch Carmichael  
President of the Senate  
The Honorable Tim Armstead  
Speaker of the House of Delegates

**Veto Messages**

**Jim Justice**  
**Governor of West Virginia**

March 28, 2018

**VIA HAND DELIVERY**

The Honorable Mac Warner  
Secretary of State  
Building 1, Suite 157-K  
State Capitol  
Charleston, West Virginia 25305

RE: Enrolled Committee Substitute for the Committee Substitute for Senate Bill 141

Dear Secretary Warner:

Pursuant to the provisions of Section Fourteen, Article VII of the Constitution of West Virginia, I hereby disapprove and return Enrolled Committee Substitute for the Committee Substitute for Senate Bill 141.

Enrolled Committee Substitute for the Committee Substitute for Senate Bill 141 amends and reenacts current West Virginia Code §7-7-6e. The current law requires the assessment and collection of \$1 on all breeding age sheep and goats to participate in the Coyote Control Program. The bill expands the assessment and collection of \$1 on breeding age cows to participate in the Coyote Control Program. It creates a new fee for cow owners. It could be the first step toward making the fee for cow owners mandatory.

For these reasons, I must disapprove and return Enrolled Committee Substitute for the Committee Substitute for Senate Bill 141.

Sincerely,

Jim Justice  
Governor

cc: The Honorable Mitch Carmichael  
President of the Senate  
The Honorable Tim Armstead  
Speaker of the House of Delegates

**Jim Justice**  
**Governor of West Virginia**

March 28, 2018

**VIA HAND DELIVERY**

The Honorable Mac Warner  
Secretary of State  
Building 1, Suite 157-K  
State Capitol  
Charleston, West Virginia 25305

RE: Enrolled Committee Substitute for Senate Bill 313

Dear Secretary Warner:

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. 313.

Enrolled Committee Substitute for Senate Bill 313 exempts all licensure fees for three groups of individuals: low income individuals, military families and young workers (ages 18-25). This exemption applies to all licensing boards included in WV Code Chapter 30 and apply to all licensing fees for the board, as long as the applicant continues to meet the exemption.

Although the intentions behind this bill were noble, the implementation of the exemptions are overly broad by incorporating an exemption for a group of young workers (age 18-25), who are applying for a professional license and beginning what could be a very lucrative career. Allowing an exemption for this group does not serve the laudable goals that the bill intended.

In addition, the fees that would be waived by this bill make up a substantial component of their annual budget, which is used for the oversight, investigation and discipline of the license holders. If a board's budget is reduced by the waiving of these licensing fees, it will damage the public safety efforts that the board is charged with instituting.

For these reasons, I must disapprove and return Enrolled Committee Substitute for Senate Bill No. 313.

Sincerely,

Jim Justice  
Governor

cc: The Honorable Mitch Carmichael  
President of the Senate  
The Honorable Tim Armstead  
Speaker of the House of Delegates

**Jim Justice**  
**Governor of West Virginia**

March 28, 2018

**VIA HAND DELIVERY**

The Honorable Mac Warner  
Secretary of State  
Building 1, Suite 157-K  
State Capitol  
Charleston, West Virginia 25305

RE: Enrolled Senate Bill 322

Dear Secretary Warner:

Pursuant to the provisions of Section Fourteen, Article VII of the Constitution of West Virginia, I hereby disapprove and return Enrolled Senate Bill 322.

Enrolled Senate Bill 322 amends and reenacts current West Virginia Code §19-1-3. The bill authorizes the Department of Agriculture's Commissioner of Agriculture to employ a general counsel and other such personnel necessary to perform the duties of the office.

The Attorney General's office currently provides legal services to the Department of Agriculture. The bill would provide for an expansion of government within the Department of Agriculture by authorizing the employment of a general counsel and other support staff.

For this reason, I must disapprove and return Enrolled Senate Bill 322.

Sincerely,

Jim Justice  
Governor

cc: The Honorable Mitch Carmichael  
President of the Senate  
The Honorable Tim Armstead  
Speaker of the House of Delegates

**Jim Justice**  
**Governor of West Virginia**

March 28, 2018

**VIA HAND DELIVERY**

The Honorable Mac Warner  
State of West Virginia  
Secretary of State  
Building 1, Suite 157-K  
State Capitol  
Charleston, WV 25305

Re: Enrolled Senate Bill 343

Dear Secretary of State Warner:

Pursuant to the provisions of Section Fourteen, Article VII of the Constitution of West Virginia, I hereby disapprove and return the Enrolled Senate Bill 343.

The provisions of this bill conflict with W. Va. Code §11A-3-56. The bill increases, from \$200 to \$500, the maximum amount that a county sheriff is to pay the purchaser of a redeemed tax delinquent property for additional expenses incurred in preparing the list for the notice to redeem and any incidental title examination. W. Va. Code §11A-3-58 requires a sheriff pay the purchaser for such expenses once the land has been redeemed pursuant to W. Va. Code §11A-3-56 and the deputy commissioner has delivered the redemption money to the sheriff. The bill does not amend W. Va. Code §11A-3-56, which requires a person redeeming property to pay the deputy commissioner up to \$200 for additional expenses incurred in the preparing the list for the notice to redeem and any incidental title examination. Therefore, enactment of this bill could result in county sheriffs paying more to purchasers than is received from owners of redeemed property. For this reason, I disapprove and return Enrolled Senate Bill 343.

Sincerely,

Jim Justice  
Governor

cc: The Honorable Mitch Carmichael  
President of the Senate  
The Honorable Tim Armstead  
Speaker of the House of Delegates

**Jim Justice**  
**Governor of West Virginia**

March 28, 2018

**VIA HAND DELIVERY**

The Honorable Mac Warner  
Secretary of State  
State of West Virginia  
Building 1, Suite 157-K  
State Capitol  
Charleston, WV 25305

Re: Enrolled Committee Substitute for Senate Bill 392

Dear Secretary of State Warner:

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 392.

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 attempts to modify the membership of the Emergency Medical Services Advisory Council. The bill's title provides that it relates to "reconfiguring and increasing the membership of the council by *adding three nonvoting citizen members* and requiring three members to be representative of professional groups." (Emphasis



added). However, the bill does not add any additional citizen members to the council. W.Va. Code §16C-4C-5 currently requires that the council include three persons to represent the general public. In regard to citizen members, the bill actually strips away the voting rights of the three members currently required to represent the general public. In addition to this technical defect, I also disapprove of the policy of eliminating the voting privileges of council members whose sole responsibility is to represent the interests of the general public. For these reasons, I disapprove and return Enrolled Committee Substitute for Senate Bill No. 392.

Sincerely,

Jim Justice  
Governor

cc: The Honorable Mitch Carmichael  
President of the Senate  
The Honorable Tim Armstead  
Speaker of the House of Delegates

**Jim Justice**  
**Governor of West Virginia**

March 28, 2018

**VIA HAND DELIVERY**

The Honorable Mac Warner  
Secretary of State  
Building 1, Suite 157-K  
State Capitol  
Charleston, West Virginia 25305

RE: Enrolled Committee Substitute for Senate Bill 434

Dear Secretary Warner:

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. 434.

Enrolled Committee Substitute for Senate Bill 434 makes confidential and not subject to disclosure documents regarding the hiring, discipline, terminating, credentialing, issuing and renewing of staff privileges, as well as alleged misconduct of a health care provider. It further mandates nondisclosure for performance improvement, review, recommendation and audit documents regarding the performance of health care professionals.

To shield such documents from disclosure does not allow patients harmed in the course of their treatment, to fully seek redress of their damages and be made whole. It puts patients at a disadvantage as they pursue their claims. The bill is bad public policy for West Virginia because it does not promote patient rights and public safety.

For these reasons, I must disapprove and return Enrolled Committee Substitute for Senate Bill No. 434.

Sincerely,

Jim Justice  
Governor

cc: The Honorable Mitch Carmichael  
President of the Senate  
The Honorable Tim Armstead  
Speaker of the House of Delegates

**Jim Justice**  
**Governor of West Virginia**

March 28, 2018

**VIA HAND DELIVERY**

The Honorable Mac Warner  
Secretary of State  
Building 1, Suite 157-K  
State Capitol  
Charleston, West Virginia 25305

RE: Enrolled Committee Substitute for Senate Bill 442

Dear Secretary Warner:

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. 442.

Enrolled Committee Substitute for Senate Bill No. 442 requires the Public Employees Insurance Agency (PEIA), managed care organizations (MCOs) and private commercial insurance companies to develop forms and accept electronic prior authorization requests by specific deadlines. Most notably, the legislation purports to void the existing contractual agreements governing the prior authorization process by declaring them “unenforceable”.

Enrolled Community Substitute for Senate Bill 442 is concerning because it voids current contracts governing prior authorization response times would be ruled as unconstitutional. WV Code §33-4-22(i) of the bill violates the Contracts Clause of both the Constitutions of the United States (U.S. Const. Art. I, § 10, cl. 1) and of West Virginia (W. Va. Const. Art. III, § 3, cl. 4). Both the Supreme Court of Appeals of West Virginia and the United States Supreme Court have held state laws unconstitutional where a state statute “impairs the obligation of an existing contract” Devon Corp. v. Miller, 167 W. Va. 362, 280 S.E.2d. 108 (1981), cert. denied, 455 U.S. 993, 102 S. Ct. 1622, 7 L. Ed. 2d 855 (1982). If this provision would become law, insurance companies, with current contracts that govern response times for prior authorizations, would have no alternative but to unilaterally alter these contracts based on the requirements of this bill. This legislative interference with current contracts would be unconstitutional.

For these reasons, I must disapprove and return Enrolled Committee Substitute for Senate Bill No. 442.

Sincerely,

Jim Justice  
Governor

cc: The Honorable Mitch Carmichael  
President of the Senate  
The Honorable Tim Armstead  
Speaker of the House of Delegates

**Jim Justice**  
**Governor of West Virginia**

March 28, 2018

**VIA HAND DELIVERY**

The Honorable Mac Warner  
Secretary of State  
Building 1, Suite 157-K  
State Capitol  
Charleston, West Virginia 25305

RE: Enrolled Committee Substitute for House Bill 4009

Dear Secretary Warner:

Pursuant to the provisions of Section Fourteen, Article VII of the Constitution of West Virginia, I hereby disapprove and return Enrolled Committee Substitute for House Bill No. 4009.

Enrolled Committee Substitute for House Bill 4009 requires the award or recovery of funds or assets, because of lawsuit or settlement, to the state of any kind be deposited in the General Revenue Fund. Funds or assets collected would be required to be dispersed only through a legislative appropriation which would significantly delay any implementation of correcting the problem or redress of the damages awarded.

Although this bill was intended to disallow unfettered use of an officeholder's discretionary settlement funds, its application to the Executive Branch is ill conceived and does not take into consideration the practical effect on an agency when actual monetary damages are incurred because of a breach of contract. For example, if the roof on a state building is being repaired, is damaged during performance and there is a failed completion of the initial contractor's work, the state agency may have to bring an

action against the contractor for the damages. In this instance, the state agency may be required to hire another contractor to repair the damages and complete the work, causing the agency to incur substantial additional damages. The agency would be required to recover by court action, then the damages received for the roof are then deposited to the General Fund. Under this bill, only in the event if the Legislature chose to re-appropriate, would the agency recover for its loss.

Additionally, when the recovery of settlement funds are damages because of a fraud investigation against a vendor or constituent, to reallocate the money to the General Fund impedes the purpose of the state's litigation against a fraudulent vendor and limits the agency's ability to complete the contract.

Also, the bill does not allow for the return of any administrative costs on behalf of the state agency in a damage award to the state agency involved in the litigation or prosecution of the case. However, the bill does specifically to the Attorney General to recover those costs. The lack of administrative costs contemplated in this bill could discourage state agencies from bringing lawsuits or assisting in the prosecution of cases in the future.

Finally, to require that any damages awarded to a state agency be deposited in the General Revenue Fund and then be re-appropriated through the legislative process would significantly delay the timely operation of state contracts and perhaps result in more damages, especially in instances where mitigation of damages is required.

I look forward to the opportunity to address this important issue with the WV Legislature, however, for these reasons, I must disapprove and return Enrolled Committee Substitute for House Bill No. 4009.

Sincerely,

Jim Justice  
Governor

cc: The Honorable Mitch Carmichael  
President of the Senate  
The Honorable Tim Armstead  
Speaker of the House of Delegates

**Jim Justice**  
**Governor of West Virginia**

March 28, 2018

**VIA HAND DELIVERY**

The Honorable Mac Warner  
Secretary of State  
Building 1, Suite 157-K  
State Capitol  
Charleston, West Virginia 25305

RE: Enrolled Committee Substitute for House Bill 4166

Dear Secretary Warner:

Pursuant to the provisions of Section Fourteen, Article VII of the Constitution of West Virginia, I hereby disapprove and return Enrolled Committee Substitute for House Bill No. 4166.

Enrolled Committee Substitute for House Bill No. 4166 creates a new West Virginia Code §19-1-4e and amends and reenacts West Virginia Code §19-12A-6a. The new section establishes a new Capital Improvements Fund for Department of Agriculture facilities that is not needed. The Department of Agriculture construction and improvements can be funded by annual appropriations through the regular budget process.

For these reasons, I must disapprove and return Enrolled Committee Substitute for House Bill No. 4166.

Sincerely,

Jim Justice  
Governor

cc: The Honorable Mitch Carmichael  
President of the Senate  
The Honorable Tim Armstead  
Speaker of the House of Delegates

**Jim Justice**  
**Governor of West Virginia**

March 28, 2018

**VIA HAND DELIVERY**

The Honorable Mac Warner  
Secretary of State  
State of West Virginia  
Building 1, Suite 157-K  
State Capitol  
Charleston, WV 25305

Re: Enrolled Committee Substitute for House Bill 4199

Dear Secretary of State Warner:

Pursuant to the provisions of Section Fourteen, Article VII of the Constitution of West Virginia, I hereby disapprove and return Enrolled Committee Substitute for House Bill 4199. The provisions of this bill would allow authorized medication assistive personnel, instead of certified nurses, to dispense medication to nursing home residents. Nursing home residents are among our most vulnerable citizens and deserve the highest level of professional care. Lessening the professional standards for the those caring for nursing home residents would inevitably result in diminished care. For this reason, I disapprove and return Enrolled Committee Substitute for House Bill 4199.

Sincerely,

Jim Justice  
Governor

cc: The Honorable Mitch Carmichael  
President of the Senate

The Honorable Tim Armstead  
Speaker of the House of Delegates

**Jim Justice**  
**Governor of West Virginia**

March 28, 2018

**VIA HAND DELIVERY**

The Honorable Mac Warner  
Secretary of State  
Building 1, Suite 157-K  
State Capitol  
Charleston, West Virginia 25305

RE: Enrolled Committee Substitute for House Bill 4392

Dear Secretary Warner:

Pursuant to the provisions of Section Fourteen, Article VII of the Constitution of West Virginia, I hereby disapprove and return Enrolled Committee Substitute for House Bill No. 4392 for technical reasons.

Enrolled Committee Substitute for House Bill 4392 contains a significant technical flaw that inadvertently creates an incorrect burden of proof that the allocation agreed to by the parties was proper on the WV Department of Health and Human Resources. This technical error would require that the WVDHHR take a contrary legal position than it should be taking, undercutting the Department's case and causing confusion. This technical error is sufficient to require a technical veto.

For these reasons, I must disapprove and return Enrolled Committee Substitute for House Bill No. 4392.

Sincerely,

Jim Justice  
Governor



cc: The Honorable Mitch Carmichael  
President of the Senate  
The Honorable Tim Armstead  
Speaker of the House of Delegates

All business of the sixty-day session now being concluded,

Senator Prezioso, from the select committee to notify His Excellency, the Governor, that the Senate is ready to adjourn *sine die*, returned to the chamber and was recognized by the President. Senator Prezioso then reported this mission accomplished.

Thereupon,

On motion of Senator Ferns, at 12:01 a.m., the Senate adjourned *sine die*.

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*We hereby certify that the foregoing Senate record of the proceedings of the regular sixty-day session of the Eighty-Third Legislature, 2018, is the Official Journal of the Senate for said session.*

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*President of the Senate*

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*Clerk of the Senate*



# Appendix – Remarks

## WEST VIRGINIA STATE OF THE STATE ADDRESS

PRESENTED BY  
HONORABLE  
JIM JUSTICE

*(Governor of West Virginia)*

*Wednesday, January 10, 2018*

GOVERNOR JUSTICE: Okay, now. It's time to sit down. Let me ask one question before we really get into the nitty gritty. Last year when I came in and spoke, it was 700 degrees. How can it be 65 degrees or whatever outside right now, and 85 in my office, and whatever it is in here? But let's just hope this: That this is the hottest it gets in here for the next 60 days. (APPLAUSE)

Well, first of all — Okay. First of all, let me thank our Speaker, Tim Armstead, for having us here. Thank our President, Mitch Carmichael. Thank you, Delegates. And our Senators. And thank the great people of this unbelievable State.

You know, today is a special day. A special day that somewhere — somewhere my tackle box and axe is still kind of right with us. We didn't need to leave it in a bag. But the only reason I bring it is just this — I said before it wouldn't leave my vehicle, and it doesn't — because we don't need to quit until every single person is not standing on the side of the bridge saying, Mister, you don't have any idea how bad I'm hurting.

West Virginians were really hurting. And today, you're going to have a hard time to keep me from smiling. And smiling an awful lot. You know — Butch, that's good.

Well, first of all, I'll just show you my tackle box and my axe. And it's with me all the time.

And it does good stuff for me.

Now, let me tell you this about smiling.

The reason you won't be able to not get me to smile today is a lotta, lotta, lotta good news about our state. No question. But in addition to that, on December 7th, late in the evening, our daughter, Cathy and I's daughter, Jill, and her beautiful husband, Adam — Jill gave birth to a pretty good-sized little boy, nine pounds, five ounces — (APPLAUSE) — and Jill's got it kind of halfway figured out. She's here with us tonight. And Adam is watching the baby. So, Adam, we thank you in every way.

And Justice Charles Long. With a head full of hair that's dark-colored. And we're already working on his left hand that he'll be able to dribble with his left hand. You know, he's with us now, our first grandchild. And we are so excited. So happy. So blessed.

Now, let me tell you this. I thought a lot about what's happened in the last 12 months. And to be perfectly honest, you or other people that are listening to me, you can't fathom what the level of miracle has been. Now, you can't fathom how dire it was.

And you can't imagine how promising it looks. I'll get into all of that.

But I oftentimes said to myself: Well, you know, how can it be? You know, I feel like I came up with some pretty decent ideas. Big ideas. It's kind of what I do. But at the same time — I truly mean this — I'm not capable of the ideas that I presented to you. I truly, truly give credit to the good Lord every single day for any and all.

Now, if you'll just think, though. Forever we've struggled a little bit. And as a matter of fact, we've struggled maybe a lot. At times we were always in a contest with Mississippi, who was going to be last and who was going to be in 49th place.

Well, something has happened. Something that I feel is just this. Again, I feel this because I think I'm here for a reason. And you are too.

Now, if you'll just think. We had great players. We've always had great players. You're great players. All those that are listening to me

are great players. We've had all kinds of opportunities. And the most beautiful, unbelievable state there could possibly be.

The only thing that I was able to bring you is: I was your coach. I was a coach that maybe — maybe got the players running in the same direction.

Maybe got the passion going the right way. Did it for the right reason. Didn't do it to please a party or didn't do it to gain status or something for myself. Did it because I love you. I really, truly do. I didn't do it because you were union or nonunion, or rich or poor, or black or white. I didn't do it because you were dems or republicans. I did it because you're West Virginians.

And I think with all of my soul, if I was able to give you anything, it was just that. The ability to maybe be your coach. To maybe be what a governor is really supposed to be. A governor is supposed to be just that. But so often we drift into a lot of different things that maybe motivate us in wrong ways.

Now, before we go any further, I've got to show you this. And this will bring back some memories — if I can get it out of here. Now, you can clap if you'd like.

Now, at the same time I've got four of these that we're delivering. And we're delivering to our Speaker, and our President, and Tim Miley, and Roman Prezioso.

Now, they're a little bit different. If you'll will open them up — and I got one for myself because I didn't think they'd give me one. It's got a big giant Hershey kiss, it's got a wonderful WVU or West Virginia type boutonniere. And it's got an eight-track tape that says "Happy Days." (APPLAUSE)

Can I give you this? Now, only briefly do I want to belabor the past with you. And I don't know which is which, but — Butch, unveil the one. And I'm going to stay back here. And I'm going to scoot myself a little bit closer here.

Okay. Let me tell you. When I got here, this is what we were facing. Like it, or not like it, when I got here, it was in the middle of the '16-'17 year — or really, I guess, the — yeah, the '16-'17 year. We were supposed to have a balanced budget, but it looked like we were going to come up, because severance and everything kept running away from us. It looked

like things could even be more dire and we could very well have a \$200 million hole in the bucket. The next year, my first full year, 497 million in the hole. And the years there after that going all the way up to 722 million.

Now, I said a minute ago, you know, just imagine the miracle that has happened. The miracle that's happened is not sitting here. The miracle that happened is you. The miracle that happened is the people at home. The miracle that has happened to each and every one of us is just this: It was really unfair to think that what I wanted to do was just come in and say, oh, we got a hole in the bucket. Let's just raise taxes. That's the last thing on earth I wanted to do. But I didn't know what to do. I didn't know where to turn.

You see, we all know, we'd already drained Rainy Day. We had. Our bonds were being derated. We didn't know where to go. We had to have a bridge, didn't we? We had to have a bridge. We had one guy in this room, and he's the big guy talking to you, that believed with all of his heart that if we could pass our roads bond, the severance tax would truly continue to grow. If we made modifications to education, that we would actually get a response from the outside world.

It's happened. It's happening like you can't imagine. Absolutely in just a very, very short period I'll be able to show you something that concludes just how amazing this trip has been.

Now let me ask you this: Can we stop where we're at? Well, of course not. Can we get — Can we get in our own way and have who knows what happen?

Absolutely we can. But you know what — and I'll do this — I'll do this for Craig Blair. But —

And Mike Hall. Mike is over here. But last year, I said: If Frankenstein caught you, you deserve to die. Because Frankenstein walked like this, did he not? Now, I would say just this. When we passed our road bond referendum, when we made our changes in education, and when our severance really started to take off, and when companies on the outside world just started to see how truly great we really are, it started to happen.

Dr. Frankenstein stood when he built the monster. And he took the paddles and hit it. And then he took the pulse. And he could hear a pulse. And he said: It is alive.

Well, we're alive. And we're moving now. And we're moving like you can't imagine.

Now, where do we go? What's the next thing we do? Well, the first thing we got to do is just this. We have to stop — we have to stop this terrible drug epidemic. We have to. If we don't, it will cannibalize us.

You know, just recently we had to dispatch the National Guard to Huntington to try to stop the terrible shootings that were going on in Huntington. You know, we have to build treatment facilities. And we have to have additional social workers, or we have to do additional law enforcement. Do we not? Of course we do.

But now just think — and think with me. There's still something we're missing. There's still something out there we're missing. And so the other day I told our people, I said, I want you to do this. I want you to find the smartest people in the land that can find and tell us what we're missing here. And lo and behold, in rolls a doc from WVU. Now today, just as we talk, WVU, with the Rockefeller Neuroscience Institute, words that are almost too complicated for me to even speak, what they're doing there is they're bringing docs in from all over the world that are going to do the most landmark stuff that you can possibly imagine. One of these doctors brought to me a vial about this big. It probably had 30 chips in it. They were the size of a third of a size of maybe a grain of rice. He said: It may very well be that they can cure the opioid addiction. They can take away the craving with one of those chips that will last for a year.

It is unbelievable what's happening right there in our state at our home university. And so please, please, understand that I'm going to support them in every way that I possibly can in this strife to try to combat this terrible drug epidemic. They're all in.

Now, I could tell you that — and this will be a quickie. This is called the Comprehensive Annual Financial Report. Every year for the last three years we've been late getting it done. And by late getting it done, what had happened to us, when we were put on a five-year probation by the federal government, and it's — (inaudible/indiscernible) to our higher ends. It hurt us.

Well, I can proudly say: Today it's done. It's done. (APPLAUSE)

Now, I'd like to recognize some really, really important people. My family is over here on the right-hand side. My dear wife — and I can't see her, but she looks pretty tonight. And Cathy is really special in many, many ways. You know, just a couple days ago I was on the way home, and she called me. And we have an underwater treadmill. And it's a pool type room. She called me to tell me, she said, "Jim, where are you?"

And I said, "I'm in Dawson. I'm about 25 minutes away."

She said, "Jim, the dogs have locked me in the pool room."

So there is nobody more loving and more caring. But there are events that happen at our house from time to time.

Right beside Cathy is our beautiful daughter Jill that just gave birth to our grandson. And right behind — beside Jill is Catherine and Jay. Jay is our son and Catherine is his beautiful wife. And she some way, somehow, puts up with him, and I'm very proud that she pulls that off.

Now, somewhere in the gallery here we have an incredibly special person in our Teacher of the Year, Katlin Thorsell? Is that the correct pronunciation?

Where is Katlin? Please. (APPLAUSE) See, Katlin, they clapped a lot more for you than they did me. (LAUGHTER)

Somewhere Dr. Clay Marsh is here with WVU. So if Clay Marsh (phonetic) would stand, we've got to give him a big round of applause. (APPLAUSE) Great job.

Dr. Gee and Dr. Gilbert are somewhere, if they haven't fallen down the steps or something here. (APPLAUSE)

Now, I don't know how flattering it is to say you're a university president and you keep falling down. I mean, you know, that's — But I'd like you to give a great big round of applause for our Chief of Staff and all of our Secretaries here, because they've done incredible, incredible jobs.

If y'all would please stand. (APPLAUSE)

Now, if we could jump over to one of my pet peeves, and that's education. I think it truly needs to be the centerpiece of everything we do.

I've thought that all along. I think we need to pay our teachers more. I've said that in the past. (APPLAUSE)

Somehow we're blessed beyond belief with the State Board of Education that is truly, truly doing an amazing job. So please give them a round of applause. If y'all would stand wherever you are. (APPLAUSE)

Two Cathys, my wife Cathy and Cathy D'Antoni, are doing an incredible job with communities and schools to be able to help kids to maybe be able to get to their end goals.

Now, today — today — and I just found out two things educationally just a few minutes ago.

Today, I think our State Board unanimously passed — and I called 25/10, which basically allows counties flexibility in regard to things like band and show choir and drama, and things that in this state so many kids wanted to participate. They wanted to participate. And you know how it was when you grew up, and the bands were gigantic, and kids had an incredible time and an incredible learning experience there.

We can't all be LeBron James. They had a great, great experience there. And some way they just passed, they said unanimously, 25/10 to grant a district's further flexibility to maybe give those districts an opportunity to promote bands, promote show choirs, to promote drama, promote the arts. It's good stuff. (APPLAUSE)

In addition to that, at 5:15 today, believe it or not, but the Secretary of Education, Betsy DeVos, called me to tell me that our plan, West Virginia's plan, for every student — it's called WV's Every Student Succeeds Plan, was passed today. (APPLAUSE)

Now, let me say this about education. I've said it till I'm blue-green. Not everybody is cut out for the traditional pathway of a four-year degree. And we know that, don't we? But you know what we don't know is just this. Because I'm in the schools a lot, and I see it. If you're a student that likes to, you know — that wants to go into the trades and have an incredible job, and you're a student that loves the electricity or whatever it may be, in all honesty, a lot of times when you walk the halls people may — other kids may look down on you a little bit.

It's not fair. It's not right. Some way we have got to let those kids know that we got to have

them. We got to build this workforce like we can't imagine. I want us to develop a way to where kids in high school and the trades can get an associate degree while they're in high school. (APPLAUSE)

I also want us to add, if it's possible, a 13th year where they can get additional accreditation or additional certifications. I know our president, Mitch Carmichael, is rock solid behind this, and I am too. I want somehow, some way, for us to be able to make our community and technical colleges free. (APPLAUSE)

Thomas Burton is not with us tonight. He's at Oak Hill — (inaudible) and I guess moved away and moved back. He's a retired vet. He says the reason he moved back is because you exempted his pay. You exempted his pay. You gave him the right to come home. And today, you know, what he's doing? Our ex-governor, Earl Ray Tomblin, had a project that he was immensely proud of at Hobet. And Hobet really was not going very far. It surely wasn't going as fast as what we would have all liked it to go. But between the likes of General Hoyer and the likes of Thomas Burton, today Hobet is on the move. Hobet is really going to become something fabulous. Absolutely, right now, we are moving towards doing training there that will save lives beyond belief and bring business and opportunity to this state that could be enormous. Plus, the fact that we're not going away from the development aspects of it. And today we're going to be able to save \$70 million. (APPLAUSE)

I can tell you Earl Ray's dream will become a reality. And that will be great.

Now, there is another gentleman with us here tonight, Byrd White. And Byrd, whenever you are, stand up, please.

Byrd has agreed within the confines of our great Secretary, brother Dave, in our Tax Department, Byrd has agreed to just this. One thing that we worry about all the time and was said to me over and over along the trail: Will the contractors pay their taxes? Will you collect their taxes?

Absolutely. We need to make positive of that. So Byrd is going to head up an enforcement division that is going to target and go right after just that. No one has ever liked Byrd. He is perfect for this job. (LAUGHTER) (APPLAUSE)

Now, we celebrate our coal miners going back to work, don't we? (APPLAUSE)

I love it. (APPLAUSE)

Now, you know, what we need to do? We need not to be satisfied with the numbers that we have back today. We need to be sure that those people are some way looked after from a safety standpoint the very best they possibly can — or can be. But in addition to that, we have got to get more of our coal miners to work. It is an absolute unbelievable thing to travel down through the coalfields and see communities coming back to life. To see the line at Dairy Queen, you know, being longer. Seeing people walk around on used car lots. They are coming back to life. But we got to have more. We got to have more. And then more on top of that.

It's nice to think about what our gas companies and their contributions are doing to the State of West Virginia. It's unbelievable. It's unbelievable.

And we thank them in every way. In this session here, we could very well have the opportunity to address co-tenancy or maybe even joint development. (APPLAUSE)

Now, I would ask just this, that as we're able to give back or try to help, our gas companies need to come to the forefront too. And our landowners. And our mineral owners. They all need to be protected. There's a way. There's a way to always do all of this if we'll just get together and work it all out. Just to say: That won't pass, if we put two things together. Well, who would have think? Who would have think we would have been here tonight when you saw this right here last year? But we're here.

Now, just think of this just a second. I don't very often get to name something. You guys are famous for naming something like CL9623BC. And I don't have a clue what that ever means. But I'm going to call something JCTAW. And it's going to stand for Just Cut Taxes And Win. (APPLAUSE)

But what I want to start with is the elimination of the tax on manufacturing machinery and equipment and manufacturing inventory. (APPLAUSE)

If y'all don't quit this clapping we're going to be here all blooming night. No, I appreciate you. I really do.

One thing we've got to insure is that education and our counties and our cities won't get hurt. We can do that. We can absolutely do that with this.

Let me address a couple other things real quickly. Our state parks are in ill repair. We found enough money to be able to do significant repairs to our state parks which will bring people here.

The work that's going on in tourism and commerce is phenomenal. Phenomenal.

Think about this just for a second. Agriculturally we all know that agriculture could be a sleeping giant in West Virginia. And I know a lot about agriculture, guys and girls. A lot. An awful lot. And I can tell you it's for real that we could have chicken houses or hog confinement buildings on mountaintop removal sites. We could have vegetable or horticultural specialty crops grown and within a rock's throw of the marketplace.

All of those things are for real possible — because you know why? We have pristine water. We have manure disposal. We have absolutely a disease-free atmosphere. Disease-free. We have relatively constant and not terrible tempers — except last week. And maybe even right now.

You know. But there's real possibilities there.

We've got to put somebody on it, and I am going to put West Virginia State, Marshall University, and West Virginia University working this and bringing us real ideas as to what we can do. I'll be able to tell them very quickly: There is no way on this planet that that will work, or I'll be able to tell them, yes, that's the real deal.

Now, we can't possibly not talk about China. You talk about an 800-pound gorilla in the room — not me — but China is a possibility beyond all of our possible dreams. It could really happen. And the reason it could probably happen is two things. And these are Trump cards that we have. And they're true Trump cards. President Trump genuinely wants the trade imbalance with China to change. And President Trump has put his first foot forward to say a big part of that change is going to happen in West Virginia.

And I'll promise you, President Trump and I are friends. And President Trump doesn't want

me calling him, saying, Donald, why isn't it happening? You know.

Now, do I believe that there's going to be \$83 billion come rolling into West Virginia? It could very well happen. But I can't comprehend \$83 billion. And I've traded in a great big arena. But imagine, Proctor & Gamble is 500 million. If 1 billion comes, it's two Proctor & Gamble plants. Imagine the magnitude of what we're talking about here. It's unbelievable.

And the Petra Chemical business, and the natural gas hub. It is unbelievable. And we're on something. And we're working it. And you should be very proud of our commerce people, our relationship with President Trump on this issue, and all the goodness that everybody has put in the licks and trying to do. So please give them a round of applause, because it is a big thing. (APPLAUSE)

I proudly say we're going — we have enough money to be able to have a State Police cadet class. The first time in probably four years. (APPLAUSE)

And I — just as I glanced this way, I just — I thought, well, how — what a dumb bunny am I? We've got all of our Justices here.

And we've got Evans Jenkins, Congressman Jenkins sitting right here. And some way, somehow, I just passed right by you.

And the great John Perdue, who really brought me the idea in regard to being able to create and be able to get kids an associate degree in high school and into trades. So please give them a great round of applause. (APPLAUSE)

Our education Department and DHHR are working working tirelessly on an issue that's just — it's just not comprehensible again for me. Child sexual abuse. Imagine this. Every 18-year-old in West Virginia, one in ten of them, one in ten of them before they reach the age of 18 suffers some level of child sexual abuse. It's got to stop. It has to stop. And we're on it. And some way, somehow, we're going to stop it.

Now, I've got to talk to you just a second about tourism and commerce. I put in the budget — I put in my numbers, rather, a giant number for tourism. \$20 million. And you may think, well, can we not do something else with \$20 million, more than just put it into tourism? And I would say to you it's super penny-wise and

pound-poor if you think that's the thing not to do.

The reason it's the thing not to do is just this. For every dollar that flows into tourism, it is believable the multiplier effect that comes right back to us. We have got to market ourselves. At some point in time you've got to get tired of waking up and watching the TV, and watching the TV say "Come to New York," or "Come to Michigan." It's driving my crazy. Some way, somehow, we've got to let the world know just how good we really are.

The world is awakening right now. There is real opportunity. Commerce needs money to be able to bring people to us. It's the way the game works. We can do it today. We have a tremendous Commerce Secretary.

We have Chelsea Ruby, who is doing an unbelievable job in tourism. There is so many areas of diversification that our highways, and on and on, will bring us. We've got to get behind this with everything we have. Now, let me say this. Right in my neck of the woods, 27 years — 27 years we've been planning and trying to get the Coalfields Expressway and the King Coal Highways moving. This spring. This spring you'll see pavement going down. We're going to build the daggum roads. It's going to happen. (APPLAUSE)

Now, let me get to a little bit of cherry on the top. Today we know there's enough money in the budget today — Imagine what I'm saying to you. Can you imagine it? I mean, we didn't have enough money to hardly go feed the dogs good. But we now have enough money to give every single person in state government a raise. And I'm really, really proud that we're going to be able to do that.

We're going to be able to give our teachers a raise. We're going to give a 1 percent raise across the board to everyone. This year and next year. And I'm budgeting in an additional one, one and one on the teachers for the following three years and bring them an entire five. We can do it. It's there right this minute and it can be done.

Now, if some way, somehow — My little girls' basketball team is somewhere, and they said they're going to come here. So wherever they are, they need to get here and get here now — oh, here we go. (Team enters Chamber) (APPLAUSE)



Y'all just stand right here around me. Some of y'all — all of y'all just stand right there, okay?

Now, real quickly. This is Abby, and AJ, Haley, and Tucker, and Autumn, and Taylor, and Gabby, and Morgan, and Lauren, and Kendra, and Niah (phonetic), and Luthia, and Kate and Emma, and Lexie and Alasia (phonetic). (APPLAUSE)

Let me tell ya — y'all please sit. Please sit.

You stand.

You know, in basketball, when the season begins you're allowed to have two scrimmages.

Our first scrimmage we had 40 turnovers and we lost by a gazillion points. And then we went to work — because they're really young. A lot of times — we only have one senior in this group, and a lot of times there's two freshman and three sophomores on the floor at the same time.

Since that time, they've not lost a game. Just the other day — (APPLAUSE) — just the other day the AP poll came out and they're ranked second in the state. (APPLAUSE)

Now, let me tell you this. Haley, who was Second Team Allstate last year — stand right here in the front, Haley — She had something wrong with her leg the other day. And Gabby — Gabby, who is our enforcer here — Haley said, What is this coach? And I said, Oh, I know what that is Haley. That's resistant pathway ringworm. And it won't hurt you, but it eventually goes up your leg and goes through your face, and it will go away. And the only way you can get rid of it is you can tie knots around the places in your leg and it will go away.

And so I turned and winked at Gabby. The next thing I saw was Haley sitting in the floor with her sweatsuit on, tying her legs up. All the girls walked over and said, What are you doing?

And then Haley said something a little smart aleck to Gabby, and Gabby said, Well, at least I wasn't crazy enough to tie myself up. (LAUGHTER)

But Haley and this group believe — and I told you before — you needed a coach. And you needed to believe in me.

And I really would close by just saying this. I know how talented you are as the players. And I mean it when I tell you that I love you with all my soul. You are an incredible force to deal with. At least give me the opportunity to be your coach. And believe. Now, I want to end by doing this. I want y'all to go flip over that board right there.

Now, get out of the way where everybody can see.

A year ago this is where we stood. Today that's where we are. It is unbelievable, the six-year plan that you are able to see today that has all black numbers. And today — today — my request from you as our people, and you as our legislators, my request for a tax increase would be zero. Zero. (APPLAUSE)

I'll end by just saying that I can't thank you enough, especially our people, as we traveled the land, and we passed the road bond referendum that some may have thought wasn't going to pass. We passed it at 54 out of 55 counties. And some way the good people of Richie County — I need to go up and talk to them. But we passed it by 73 percent of the vote. Amazing, amazing accomplishment by you — not just me, by you.

Now, I can't thank our people enough, and you enough, for believing. And believing in me. I coach. I coach for the players. You're the players. I don't coach for myself. The people of West Virginia are the players. I coach for them. And I coach for our school, and our school is our state. That's what I do. That's what I've done forever.

Now, I would end by just saying this. You honor me all the time by calling me Governor. But it would be fine with me if you often decided to call me Coach.

I thank you. I ask our team — that our team does one other thing. I tell them all the time, every time we break it down, we break it down: "Best on three, one, two, three: Best." Because I want them to believe they're the best.

I want West Virginians to believe you're the best. I don't want us to know our place and know our place should be 50th. I want us to know we're the best.

So I'm going to ask them, if they would, to break it down for us. Break it down as you always do it. As you do it the way you do it every day.

BASKETBALL TEAM: Best on three: One, two, three — best! (APPLAUSE)

GOVERNOR JUSTICE: If you can hold it just one second. Just one second.

That's the way we do it all the time. But now, listen closely to how they're going to do it for us tonight.

Do it one more time:

BASKETBALL TEAM: "West Virginia on three: One, two three — Best!

GOVERNOR JUSTICE: Now we can clap. (APPLAUSE)

May God bless all of you. May God bless this great State. We're on our way.

Let's go get it done. Thank you. (APPLAUSE)

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**Honoring life of Dr. Harry Warren Boggs**

*(Adoption of Senate Resolution 4)*

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REMARKS OF  
**HONORABLE  
CHARLES S. TRUMP IV**

*Thursday, January 11, 2018*

SENATOR TRUMP: Thank you, Mr. President.

Today, as members of the Legislature know, members of the Senate know, is Mineral County Day. It's a day that we all look forward to every year during the legislative session and, in particular, those of us who represent Mineral County who are co-sponsors of this resolution. It's appropriate and fitting that on a day, on Mineral County Day, we memorialize and celebrate the life of Dr. Harry Boggs who died in 2011.

But he was a lifelong resident of Keyser, West Virginia; graduate of Keyser High School, Potomac State College, WVU, and the Pennsylvania College of Optometry. And it'd be an understatement, Mr. President, to say that Dr. Boggs left a mark and made an impact on Keyser

and Mineral County. He served as a Naval Aviator Captain with the Navy and was a commanding officer in four major commands. In two tours, he served in the Pentagon Naval Command Center and accumulated 8,150 flight hours during his 31 years of service, traveling to 50-some foreign countries.

In Mineral County, his fingerprints are everywhere. He served as the past president of the Mineral County Development Authority, Mineral County Industrial Development Corporation, the Rotary Club in Keyser, the Mineral County Chamber of Commerce. He was the financial chairman of the Queens Meadow Point Cemetery Corporation. Served in the Mineral County Republican Club. Dr. Boggs served as the United Board of Trustees of Davis & Elkins in Elkins, West Virginia, and the Board of Trustees for the Sunnyside Retirement Community in Harrisonburg, Virginia. He was the Director of the former National Bank of Keyser and of the Keyser Main Street Program.

Remarkable life and touched many residents over the course of many generations of Keyser in Mineral County. And so I am delighted, Mr. President, to urge the adoption of this appropriate resolution.

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**Honoring life of Dr. Harry Warren Boggs**

*(Adoption of Senate Resolution 4)*

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REMARKS OF  
**HONORABLE  
DAVE SYPOLT**

*Thursday, January 11, 2018*

SENATOR SYPOLT: Thank you, Mr. President.

It's with great honor I rise to speak to the life of Dr. Harry Warren Boggs. And, I have to make a confession here, I've known Mr. Boggs for a number of years—first probably met him around 2004 when I was first running for the Senate—and, up until about 2 years ago, I never knew he was a doctor.

He was a very sincere individual, soft-spoken, very honest, and, quite frankly, made everyone feel at home, made everyone feel

welcome, made everyone feel like a peer even though he was head and shoulders above the most of us. And, of course, we can read the resolution and we can see all of his community and professional achievements. But, I'd like to touch just a little bit more on the personal side.

Harry is very much missed and will be very much missed. But he leaves a legacy and he has put in place because it was not all about Harry . . . it was about the community. So, what he left as a legacy was very capable leaders and we see many of them standing in the back of the room who carry on that legacy and continue to prosper Mineral County. And for that reason, I urge adoption of this resolution.

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**Honoring life of Dr. Harry Warren Boggs**

*(Adoption of Senate Resolution 4)*

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REMARKS OF  
**HONORABLE  
RANDY E. SMITH**

*Thursday, January 11, 2018*

SENATOR SMITH: Thank you, Mr. President. I rise in support of the resolution also.

I didn't have the honor of knowing Mr. Boggs, being a new senator in that area. But, I can tell you, anywhere you go in Mineral County, not only the Keyser area, but anywhere in Mineral County, Mr. Boggs' people speak highly of his legacy. And, I just regret that, you know, I didn't know him on a personal note but the impact he left on the community of Keyser and the County of Mineral is unbelievable. A lot of people you know throughout the years and they pass away and all you can say about them is, "Oh, yeah, I knew him. Yeah, he was a pretty good guy." But, with Mr. Boggs, it's not that. People just goes on and rant and raving about his, you know, services to the community and his compassion, you know. And, for those reasons, I rise in support of this resolution.

Thank you, Mr. President.

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**Recognizing public service of Anne Palmer**

*(Adoption of Senate Resolution 5)*

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REMARKS OF  
**HONORABLE  
DAVE SYPOLT**

*Thursday, January 11, 2018*

SENATOR SYPOLT: Thank you, Mr. President.

Anyone can sit down and read the resolution and see what wonderful community, civic, and professional advancements and impacts that Anne has had on the community of Mineral County. But, I have a little more of a personal story. I recall back in 2004, the year I first ran for Senate, the first place I went, the first time I ever entered into Mineral County, was at a Chamber of Commerce breakfast. And, I don't remember exactly what the tone of it was, it may have been for the Legislature, or something, I don't know, but Sarah Minear, my predecessor, had asked me to come there and I showed up and identified myself. At that time, it was at the Polish Pines, it's an institution that's no longer there but they had a banquet room, maybe 60 people in there or more and we all went around the room, stood up, and identified ourselves. I said, "I'm Dave Sypolt from Preston County and I'm running for the State Senate." Well, after that meeting—it was a great meeting—I had several members of the Chamber of Commerce come to me and personally say, "You know, this really isn't the place for politics. You know, we appreciate you wanting to run for office, but, you know, just tone it down. We'd appreciate you, you know, keeping it in right place." But Anne wasn't like that. I met her that day and through a course of conversation after the meeting, we had lunch together maybe, went to her office. We talked about the community development, some of the ideas that she had to bolster the economy, Mineral County's, and, more importantly, she stressed the importance of the relationships built between county organizations and the Legislature. And I think that that's evidenced by the number of years that Mineral County has had a Mineral County Day—they started long before I was involved in politics. But they continue today and today is Mineral County Day. So much so that I will tell you that many of the other counties in the district that Senator Smith and I represent have come to us and asked how do we do, you know, a county

day? And, my answer has always been come down on the first day and see what Mineral County does. Because they do it right and they've always done it right from the beginning. And much of that has to do with the leadership of Anne Palmer.

And, you know, my hat's off to you, Anne. You've been a great mentor in county government. You've been a personal friend and a great colleague and I thank you for everything you've done.

Mr. President, I urge adoption of the resolution.

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**Recognizing public service of Anne Palmer**

*(Adoption of Senate Resolution 5)*

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REMARKS OF  
HONORABLE  
CHARLES S. TRUMP IV

*Thursday, January 11, 2018*

SENATOR TRUMP: Thank you, Mr. President.

I'm happy to join my colleague from Preston in support of this resolution and urge its adoption.

Mineral County Day doesn't just happen. It requires a lot of work and planning and effort—and I know our staff here at the Senate is involved in that. But the person who is, much or more than anyone else, who devotes her time and energy to making this happen here is Anne Palmer.

I urge adoption of the resolution.

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**Recognizing public service of Anne Palmer**

*(Adoption of Senate Resolution 5)*

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REMARKS OF  
HONORABLE  
RANDY E. SMITH

*Thursday, January 11, 2018*

SENATOR SMITH: Thank you, Mr. President. I also rise in support of the resolution.

Like my colleague from Preston, Senator Sypolt, the first time I met Anne was at a Chamber of Commerce breakfast, also. She had called me on the phone and, just speaking to her on the phone, she put you at ease, you know, because I'm a new guy at this and she invited me to the breakfast. And . . . I was a little . . . you know, I didn't know a whole lot of people in Mineral County. I mean, I knew a lot but not in the chambers and the leadership down there. And, as soon as I walked in, she just made you feel at home, like she had been a long-lost friend.

She's always been nothing but good to me. I consider her a real good friend now and we have eight counties in our district, and I can tell you, she's not only one of the best, if not the best chamber person . . . but, she is the most pleasant. I mean, she just puts you at ease when you meet her . . . she's just got that soothing personality.

And I just appreciate her being a friend and I appreciate the hard work . . . because, I wish all of our counties were as organized as what Mineral County was, not on just Mineral County Day, but everything, the meetings, it just . . . and she is a big part of that.

And for those reasons, I support this resolution.

Thank you, Mr. President.

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**Recognizing public service of Anne Palmer**

*(Adoption of Senate Resolution 5)*

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REMARKS OF  
HONORABLE  
CRAIG BLAIR

*Thursday, January 11, 2018*

SENATOR BLAIR: Thank you, Mr. President.

I don't really make remarks for resolutions or I rarely make remarks for resolutions. And the reason for it is I (inaudible) things up sometimes.

But I would like to echo the remarks that my colleagues here had but, more than anything, thank you for keeping me straight. Because she would call and make sure that I was going to be there. And you were the one that made sure of that. I wanted to say thank you more than anything else.

Thank you, Anne, you deserve this.

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**REMARKS OF  
HONORABLE  
RYAN W. WELD**

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*Friday, January 12, 2018*

SENATOR WELD: Thank you, Mr. President.

In your gallery seated behind me we have many of the members of the West Virginia Wing of the Civil Air Patrol, accompanied by their Wing Commander, Colonel Paul McCroskey.

I wanted to take a minute and recognize some of the significant efforts that they have been involved with over the past year because I think they deserve all of the praise that we can give them for what they've done for West Virginia. In 2017 the Wing supported the West Virginia National Guard, the National Boy Scout Jamboree, and the national Civil Air Patrol at the Bechtel Summit Reserve in July of 2017. The mission was diverse with the West Virginia Wing conducting simultaneous air operations in leading the national Civil Air Patrol Aerospace Education initiative with Civil Air Patrol members participating throughout the United States. During this period, the West Virginia Wing had 34 staff members supporting air operations out of Raleigh County and these air crews flew more than 60 hours on more than 20 sorties over the 10 days of the Jamboree producing more than 1,200 high resolution images to support rescue operations, security, and youth protection.

In July of last year, the Wing provided aerial imagery to support the West Virginia National Guard in support of damage assessments in the areas of McMechen, Hundred, and Mannington under operation "Northern Rain Storm". The imagery was then used to determine the scope and prioritize relief efforts and to help expedite declaration of disaster relief and economic support to affected citizens.

Lastly, they also have a large drug demand reduction program and in 2017 the West Virginia Wing was recognized as the "National Drug Demand Reduction Wing of the Year". The West Virginia Wing has built a drug demand reduction program that is engaging in making a difference in our local communities. The State of West Virginia has for years had the highest drug overdose mortality rate in the United States so the Wing Drug Demand Reduction Program is educating and providing alternatives to the youth of our state and is more impactful than any other state in the U. S.

As you can see, Mr. President, the West Virginia Wing of the Civil Air Patrol is more than just an organization that provides leadership opportunities for West Virginia's youth, but one that provides support to emergency relief operations throughout the state and helps our various state agencies in making certain that some of our biggest events continue to be successful. Throughout my legislative career it's been a pleasure to come to know both the leaders of this organization and several of their cadet youth leaders. So, if they could all please rise and we all give them a great welcome.

Thank you.

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**REMARKS OF  
HONORABLE  
ROBERT H. PLYMALE**

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*Friday, January 12, 2018*

SENATOR PLYMALE: Thank you, Mr. President.

I just wanted to update members. You probably don't know this, you probably may not have been aware of it, but there was a barge in the Big Sandy River that was just above the Kenova Water Treatment Plant . . . and, on the phone with the Governor's Office with Mike Hall, with Jimmy Gianato . . . . They are pumping in water, or bringing in water by trucks right now to the Kenova . . . . So far only one or two areas are without water. This affects the other Senator from Wayne, the Senator from Cabell, and the Senator from Mercer. This is the district that we represent . . . actually where the water is. It appears that with the rain and some of the dissipation that they might be able to . . .

after the water test is done . . . and that's going to be about either between 24 or 48 hours.

I just wanted to tell you because, you know, obviously, we had an issue here that affected that. I wanted to give Danny, the guy that runs the water treatment plant, a real kudo and pat on the back. He may be chastised in some way for it, but he turned off the intake on the water once he found out about it. He did not find out about it from DHHR or from DEP. He found out about it from some of the businesses along the Big Sandy River and he went ahead and shut off the intake so he wouldn't be bringing any of the other water in. And he may have been criticized for it, but I think it was one of the smartest moves that they've made because we wouldn't be into the . . . you know, remember what it cost and the time it took to clean the water plant here in Charleston. So, in conversations with, you know, the Mayor's office and the people from Kenova, they should possibly have this back on within 48 hours where they can run it. The good thing is, is this is . . . if you have something and it's more oil-based and fuel that it hovers on the water . . . so . . . they are 10 feet below the surface where they do the intake so they should be able to do it without any problem when they get it back running.

But I just wanted to give you an update. I applaud the Governor's Office and I applaud Jimmy Gianato for getting onto this and I applaud the people in Kenova that have really done a great job of staying on top of it.

Thank you.

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**REMARKS OF  
HONORABLE  
RON STOLLINGS**

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*Monday, January 15, 2018*

SENATOR STOLLINGS: Thank you, Mr. President.

I just want to talk a little bit, briefly, about tobacco use in West Virginia. West Virginia has 25.7 percent of the adult smokers; 4,300 adults die from smoking-related illnesses each year; and we spend \$1 billion in health care costs related to smoking each year—or that was what we spent in 2009. There's no safe level of exposure to secondhand smoke. It causes stroke,

lung cancer, and coronary heart disease in adults.

We have a tradition of adopting comprehensive, local, smoke-free policies throughout this state. In fact, 60 percent of the state is protected by comprehensive county or city ordinances.

The issue I bring up here is that we are at the top, or near the top, in tobacco use and tobacco-related costs associated with that. There's a couple of bills in that could help change that. Nationally, there is a movement called T21 that would restrict the sale of tobacco to minors, people under 21 years of age.

We also know that the longer you put off using a potentially addictive substance the less apt you are to become addicted to it. We also know that counseling is very important as well as medication in order to get people to stop smoking.

So, with that in mind, last year, unfortunately—and we were strapped—we did away with our \$1.5 million tobacco cessation program. I put to you that that \$1.5 million is an investment that could save \$1 billion if everybody quit smoking I guess, but to the degree that we could really save some money in health care costs.

So, please consider these bills as we move forward and let's not be penny wise and pound foolish.

Thank you.

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**REMARKS OF  
HONORABLE  
MITCH CARMICHAEL  
(MR. PRESIDENT)**

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*Monday, January 15, 2018*

MR. PRESIDENT: Thank you, Mr. President . . . I'd like to speak just a moment on Martin Luther King, Jr., Day.

I think this is an appropriate time to speak of the concept of community and technical college education for West Virginia citizens. Martin Luther King, Jr., and this Senate, frankly, have stood against racism, segregation, and discrimination of any type. And I'm very proud

to be a part of that and for all of you and each of you, how you've stood up against that and always work to bring equality and opportunity to our citizens and to our people.

But there is perhaps no greater discrimination currently—and I don't want to minimize any type of discrimination—than the sort of the soft bigotry of economic opportunity and education. And I think we have an opportunity this year to address what is the disparity in economic equality in our state. And I think all of us agree—we've said it for years and years and years—that the true path to progress and opportunity is through educational attainment. And we in this state have the jobs that are available to West Virginia citizens and we hear over and over and over that the workforce that we have currently and its education attainment level which, by the way, is among the lower 20 percent of the nation—our education attainment levels are in the bottom one fifth of the nation—and, to compound that problem, we have the lowest workforce participation rate in America. And now we, if we properly manage our resources and our assets, can provide, essentially, scholarships to everyone, everyone that wants to attend community and technical college to further their education to gain a stackable skillset to allow them to take that trade or that education to the workforce and to the job market and better themselves. And there's an inspirational aspect to this that goes beyond the economic benefits. Because there's value to a job that exceeds the paycheck. There's the dignity, the honor, the respect, and the responsibility that comes with work and its incumbent upon us not to make everything free and easy and all that but to provide the playing ground that gives the people an opportunity to get this education and this workforce. Those who want to do it. It's been done in other states.

And I just want to briefly address some of the concerns about it, the very valid concerns and then see if we can work together to eliminate those concerns and to move this process forward. For instance, a lot of people talk about the concept of free and it being of no value if it's necessarily free. But that's not the case at all. What we would require, what conceptually would be required with this program, would be things like they would have to apply for every other scholarship, every other grant opportunity. For instance, the state of Tennessee has a mentor program that they—I know the Senator from Wayne's been very helpful in these issues as well—but they mentor the applicant so that they have to apply for every Pell Grant, every job retraining application, and it costs that state

roughly \$900 per student, per year—\$900. And that's the state last dollar in. So, when you talk about that, that's not a big investment. In fact, the entire program has been estimated to cost less than \$10 million. And, just so you know, we spend \$47 million on our merit-based PROMISE Scholarship—\$47 million. And we're talking less than \$10 million for a workforce and for a demographic that, perhaps, doesn't have the privileges and the opportunities that those who have obtained the PROMISE Scholarship. Just from a statistical perspective.

So, the other thing that can be conceptually put into this program is to drug test those who get this scholarship. Such that when they obtain this certification or degree the workforce knows that you have a drug free, educated employee or applicant. That's one aspect of it.

Also, a post-graduation residency requirement. We don't require that now with PROMISE Scholarship. You know, they could conceivably be educated at the West Virginia taxpayer expense, go out of state, and earn their living. More power to them, right? But the issue of being able to give back to West Virginia and, by the way, statistically those who attend community and technical college are at a far greater percentage of staying in West Virginia and earning a living by applying a trade in electrical, plumbing, HVAC, the jobs that are really needed in this workforce.

Will we require, perhaps, community service? You know, some hours of community service for them to be able to obtain this scholarship as well as maintaining good grades and achievement levels.

So, those things aren't necessarily free. And they benefit, from a morals perspective, the person. The individual. You're helping that person change their life and break that cycle of poverty that, I believe, Martin Luther King, Jr., would be as interested in as, perhaps, any form of discrimination.

This, there's some concern about from the four-year institutions saying that they, you know, "Gosh, you're going to take away . . . somebody might want to stay at a two-year community college for free rather than go to a four-year." But that's not been the case statistically in the states that have implemented it. What you do, you have created a pipeline of people that now want to, upon attainment of the associate degree, move on to a four-year institution.

So, these are some things that I hope, from a motivational perspective, we can join arms together—Democrats and Republicans—and work to find the resources to break this cycle of poverty, to educate a workforce, and to provide them the skillsets, the training, and the opportunities that can change their life and help West Virginia’s economy prosper to a greater extent because of this trained, educated workforce for people that perhaps don’t want to go to the four-year institutions. They want that trade skillset, and we need to honor that choice as well with this opportunity for a scholarship program. I’m committed to working with you to find the money and the resources to provide that opportunity and look forward to working with you.

Thank you.

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REMARKS OF  
HONORABLE  
ROBERT H. PLYMALE

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*Monday, January 15, 2018*

SENATOR PLYMALE: Thank you, Mr. President.

I applaud the efforts of the President, the Senator from Jackson. I think that when we looked at separating the community colleges 17, 18 years ago that this is what we had in mind was preparing the workforce of tomorrow. I think that if you coupled this with some of the efforts that are being done now at the CTE level and at thirteenth year and allowing kids to be able to start earning their community college credits in high school, that this is the right way to do things. The earlier we start showing kids a pathway to a good job and that we run very credible community college courses in degrees that you can actually go right into a job, in my estimation, we’re on the right path. And I think that we need to get together to try to figure out how we can do something of this magnitude because we are not preparing the workforce for today or tomorrow. We need to get serious about that.

And I applaud the efforts of the President—and the Governor has looked at this as well. I think this is important. And I think it does require us getting together and looking at this from that standpoint. So, Mr. President, I applaud you for bringing this up. I look forward to working with you as we look at the thirteenth year from a CTE and the community colleges

and how we can make this affordable or . . . not necessarily, it isn’t free, it is something that they’ll still be paying for but Senator Harry Brooks from Tennessee who helped do this, I serve on the SREB, you know, Commission with him and he actually has articulated this at the SREB meetings on how important it was and how it has changed things in Tennessee. And, particularly, a lot of the rural areas of Tennessee are very similar to what West Virginia has.

So, I applaud your efforts.

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REMARKS OF  
HONORABLE  
MICHAEL J. ROMANO

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*Monday, January 15, 2018*

SENATOR ROMANO: Thank you, Mr. Acting President.

I can’t avoid the opportunity to stand up and say, you know, this is something that I think we all can work on together and I just want to pledge my support to the initiative. I think it’s a great idea and I know there’s some concern about it being free and, you know, I think what the gentleman from Jackson described, my good friend, is something that can cause every student to have a chip in the game so they do the best they can.

But, let me just add this in at the end. Senator Facemire and I are privileged to be in the twelfth district. And up where I’m from, up in Harrison County, we have a aerospace facility that employs 2,000 people. We’re talking about adding another 500 in the next four to five years. Right now, there’s 500 opened positions that start at \$45,000 a year with full benefits for somebody with a high school degree and a sheet metal certification. Those are the kind of jobs that will be available to West Virginians if we can push this through and make this happen. Right now, every one of those jobs is filled by somebody who comes from out of state and stays in our community and works those jobs. So, that’s how important this is. I think that’s what an opportunity is and thank you my friend from Jackson for bringing it up to all of us.

Thank you.

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REMARKS OF  
**HONORABLE  
RON STOLLINGS**

*Monday, January 15, 2018*

SENATOR STOLLINGS: Thank you, Mr. President.

I'm sure the people in this body understand that if we can educate West Virginians, that we also improve our economy and improve our health demographics as well. Where you see a highly educated state, you also see much better health and much better economy. These three intersecting circles are inextricably tied. And, so, if want to really do some big, big things, I think we're absolutely on the right track, Mr. President.

Thank you.

REMARKS OF  
**HONORABLE  
RICHARD N. OJEDA II**

*Monday, January 15, 2018*

SENATOR OJEDA: Thank you, Mr. President.

I just want to state, you know, first off, I think this is phenomenal how, right now, we're already seeing some bipartisanship on an issue that I think is very important. As a person who spent four years in the classroom as an instructor at Chapmanville Regional High School, I will tell you that, you know, there were many students that I spoke to that would tell me that college was not an option. You know, where I come from in the coalfields, a lot people down there live at the poverty line or below. We also have a pretty high drug—in terms of addiction, things like that—rate in Southern West Virginia.

Another thing that I see, you know, a secondary effect of being able to push something like this and get it through, is, you know, a lot these kids that are at that age where they feel like they don't have much hope, this will offer them a lot of hope. And getting into programs that allow them to educate themselves will put them on a path that keeps them away from the things like drugs and actions like that.

So, you know, I think this is absolutely phenomenal. I support it whole-heartedly and I think it's a good idea and I think it's something that we can all get together to do that will absolutely benefit the youth of our state which desperately needs something in their corner.

Thank you.

REMARKS OF  
**HONORABLE  
CRAIG BLAIR**

*Monday, January 15, 2018*

SENATOR BLAIR: Thank you, Mr. President.

This has been an issue that I've been talking about since I've been in the Legislature—and some of you have heard me talk about this before. So, you're going to have to hear it again, just a little bit.

I am one of those people. I did not go to college at all. In high school—I got to tell this story—I got pulled out of class in my sophomore year and I had applied to go to vocational-technical school to be an electrician. And I thought, uh oh, what am I in trouble for this time? But, they actually told me that I had the highest aptitude and if I wanted to take any other classes that I could do that. But I said, "Why would I want to that? I signed up to be an electrician. And that's what I want to do." Now, here's the interesting part of all of this, is that I felt a little bit lesser because of that. And I should have never felt that way. But I was not one of these children that was college bound, ever, on that. But what I wanted to do was to learn how things worked . . . and I learned how to be an electrician, a plumber, a welder, refrigeration, the list goes on and on. I never quit learning from that standpoint. It was a different career path for me, but yet, I stand in this chamber with all of you extremely educated individuals . . . and . . . I didn't think I'd ever see that.

But what I'm trying to get at here is that this initiative that the President is actually talking about will provide a broad spectrum, drug-free, business-ready workforce for the State of West Virginia. And we all benefit collectively together by utilizing all those talents together. It is long overdue. We have the perfect

demographic people wise. And I won't support this thing at all if there's not skin in the game to where you make it so that you are part of the process and you've got something to hold on to and realize that it's going to be yours, into the future. Because it worked for me, it will work for them all.

And I got one last thing I got to say out of this, too. And that is, is that you'll notice the drug usage and alcohol usage and tobacco usage and all that stuff begins just about the time in high school when we could be aiming them into a career path—those that choose to—in such a way that they're going to have prosperity and hope and the ability to have the family life that is productive. It all correlates together.

I applaud you, Mr. President, and everyone in this chamber. We are now thinking different in the State of West Virginia in solving the problems for our people to give them the opportunities.

Thank you, very much.

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**REMARKS OF  
HONORABLE  
CHARLES H. CLEMENTS**

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*Monday, January 15, 2018*

SENATOR CLEMENTS: Thank you, Mr. President.

Last spring, the Senator from Nicholas and I went up to one of the trade schools in a couple of our counties. The students there had actually become active in trying to promote the broadband bill because they realized what that meant, particularly, to their area. But the one thing I saw, not at that school, not only was it the education that they were receiving, but the attitude of those students was beyond belief. They were proud. They realized that they had a future ahead of them in a skill that would be there for their lifetime. And as long as we can promote that type of attitude—it's like it's been said earlier—drugs don't become a problem. Things like that that cause problems go away. If we can provide a future and a bright light for these people, they're going to follow that bright light.

Mr. President, I think this is an honorable thing that we're proposing and I think that the whole State of West Virginia will be much better off.

Thank you.

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**Designating January 16, 2018, as WV  
Homeschool Day**

*(Adoption of Senate Resolution 8)*

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**REMARKS OF  
HONORABLE  
MARK A. DRENNAN**

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*Tuesday, January 16, 2018*

SENATOR DRENNAN: Thank you, Mr. President.

I'm honored to rise today in support of Senate Resolution to make January 16th West Virginia Home School Day at the Capitol. The State of West Virginia is committed to excellence in education and parental involvement is paramount in any form of education.

Today in West Virginia, there are more than 13,000 children who are home schooled. In fact, my sister-in-law home schools my two nephews who are nine and six—they're the same age as my two boys. Studies continue to confirm that children who are educated at home score exceptionally well on national achievement tests. These students then score above the national average on SAT and ACT college entrance exams.

It is my wish that the Senate recognize all West Virginia home school families for their dedication to excellence and the education of West Virginia children.

I urge adoption of the resolution.

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**REMARKS OF  
HONORABLE  
RICHARD N. OJEDA II**

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*Wednesday, January 17, 2018*

SENATOR OJEDA: Mr. President, I just want to speak a little bit today. I'm sure quite a few of you all have received messages and phone calls and things like that concerning

teachers. You know, just the other day we spoke about trying to make it to where our kids could be able to go to community and technical colleges for free—and I think that is a phenomenal plan and I would support that wholeheartedly—but then we have to also ask ourselves, “Will our kids be ready?” And I’m going to tell you that, you know, I have been speaking with quite a lot of people out there—and I spent four years in the classroom. And I will tell you that, you know, every day during lunch I got to sit down with the teachers, and, you know, I can say unfortunately but the truth is, is I was fortunate because I’m military retired, I’m on the VA system so I didn’t fall under the PEIA system—but I will tell you that the conversation in every single lunchroom, you know, experience that I had focused on teachers talking about the issues. And PEIA, salary, and, you know, were the biggest issues. You know, right now, we had teachers here the other day, I’m sure they visited a lot of your all’s offices. But I’m telling you right now, we’re not listening to our teachers. We may say we’re listening to our teachers, but we are not truly listening to our teachers. You know, when we sit at the State of the State address and we talked about—well, not we—but it was said one percent. Remember ladies and gentlemen, last year when they said two percent, that was going to equate to about \$35 every two weeks and PEIA was going to gobble that up and then some. So, a one percent is nothing, it’s a slap in the face. And that’s exactly what these teachers are feeling. And I’m telling you because they have spoke to me, and I’m sure they’re speaking to you as well. If they’re not speaking to you directly, check your emails because I’m pretty sure they’re sending you emails.

There has to be a way for us to do more. You know, we are on . . . you show me the richest grounds and I will show you the poorest people. And we’re standing on the richest grounds: We’ve got coal, we’ve got natural gas. They’re talking about all this money coming to our state, but what is it going to do for our people? I’m telling you, we’re losing our teachers. Our good teachers are fleeing to the border states because they get offered more pay and what we’re doing is, is we’re saying we’re going to give them a percentage, which is garbage when it’s one to two percent. The only thing percentages do when you do that in terms of teachers is the superintendents of the schools, they get the big benefit, but the teachers get a couple hundred dollars a year and, once again, PEIA eats it all up. Right now, there’s a lot of things that are under attack with our teachers that are making them want to leave our state. You know, they did

a poll and PEIA, pay, and seniority were the top issues that were most important to these people. And I will tell you, you know, in terms of seniority, you know, a lot of the people that have been teaching for a couple of decades feel that without seniority when they start to speak out about the garbage that’s going on, they will be targeted. And there’s a lot of garbage going on.

I went and I participated in a PEIA meeting in Beckley. And I sat and watched four men sit behind a table, tell a room of almost 200 people that they basically had to play a video game. You know, they . . . get on your phone and you put this app on your phone and if you do this, this, and this, you can get gift cards. I felt like they were trying to motivate us to go home and sell Girl Scout cookies. But we have to be able to do more. Because I’m telling you right now we’re going to lose our teachers.

You know, what we did with Corrections—and the plan with Corrections—I think is something that is . . . is what we need to be on the same boat when it comes to our teachers as well. You know, instead of one percent or two percent, how about, you know, a \$2,000 raise this year and next year and the next year or something like that? But I’m telling you right now, this one percent and two percent is a slap in their face. And I’m telling you, we’re sitting on a powder keg. If you do not think that the teachers across our state right now are saying the “S” word, you’re wrong. And the thing is is they’re leaving and we’re replacing them with people to fill the holes. I have said this before. I can remember telling a Spanish teacher that he had a dirty word on his test because he didn’t speak Spanish—because the Spanish teacher left for greener pastures. And what happened is, is they said we need someone to teach Spanish, hey, you’re the assistant coach, you’re now going to teach Spanish. And that’s going to start happening in our English classes and our math classes and our science classes.

We’re going to lose our teachers and we, as legislators, need to really start paying attention to what they’re saying, especially when they come up here and they walk door to door. This one percent and two percent is a slap in their face. Last year, the two percent was the first thing that they pulled. But remember, if all we’re doing is giving them \$25, \$30 every two weeks and PEIA is going to jump up \$75, we’re hurting them by giving them a one percent or two percent. We need to really look at this and focus on what we can do and we can do it. Once again, we are standing on the richest grounds. There’s

no reason why we shouldn't ask for more. There's no reason why we can't find out exactly how much it would cost to fully fund PEIA and do that. Because that would be a pay raise for every teacher, every state employee, every policeman, every fireman. That would be a pay raise for them. And that's what we need to be trying to focus our attentions on.

Thank you, Mr. President.

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REMARKS OF  
**HONORABLE  
GREGORY L. BOSO**

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*Wednesday, January 17, 2018*

SENATOR BOSO: Thank you, Mr. President.

It is a good day to be here. I just want to take a few moments . . . . My fellow senators recognized that we had an opportunity to travel around the state over the course of the last several months listening to firefighters across the state and, obviously, it's Firefighters' Day here at the capitol, and I'm very passionate. I still serve under that cross, the Maltese Cross of the fire service. After 42 years' worth of service, it's one of the honors that I get to do. But, as we traveled around the state, we heard a number of things that are impacting firefighters across the state, especially from the volunteer firefighting community. We heard that they are struggling, they're struggling finding volunteers to step into the roles and they came up with some creative opportunities, some solutions they think would be things that we can do to help them recruit and, more importantly, allow them to retain firefighters in their ranks.

And, so, over the course of the next few weeks, we're going to be running out some bills—I've got a couple that are running. But, in addition to that, through Government Organization Committee, we're going to be running some different bills out that will be committee-sponsored bills that will help move the bubble so that our local volunteer fire departments—and there's over 400 of them serving throughout the state, Mr. President—allow them to do the things that they need to do to continue serving.

When you get to looking at the volunteer fire-fighting community, the impact they have on

West Virginia means that there's over a \$400 million impact in their volunteer service that they provide. Why? Because the local communities don't have to pay for those firefighters to be there and then pay the benefits. They have an impact. But, more importantly, Mr. President, we haven't looked at all the numbers but I think the number is probably more substantive than that. Because these volunteer fire departments are very committed to serving. When the insurance rates go from what's a Class 10 to say a Class 5 or Class 6, there's about a 300 percent savings to the local folks. In other words, they're paying about a third of what they should be paying in those local areas in order to provide their businesses to take care of their homes. Why? Because the firefighters are there and they're working with the local community to make sure that the water systems are in place; they're training rigorously to make sure that they're being in a position to provide a service to our local communities.

Most recently, Mr. President, ABC News ran one of the videos during the flooding events of a couple of weeks ago. It happened just a few miles north of us. Two departments responded, Pinch and Frame, with a boat. There was a gentleman trapped in an SUV sitting in the middle of a creek. Couldn't get in, couldn't get out, and so, in order to safely address the particular issue, firefighters, taking off their bunker gear, put on their swift water rescue equipment in a small boat and positioned themselves in a way that they were able to get the victim out of the vehicle into the boat to safety. These are volunteers; they didn't get paid for that. The training time that they spent was at their time because they are committed to serving.

Mr. President, we need to do something for the fire service this year to make sure that they stay here to protect the lives and the property of West Virginians and those we invite to come to "Wild, Wonderful West Virginia."

Thank you, Mr. President.

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REMARKS OF  
**HONORABLE  
MICHAEL A. WOELFEL**

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*Thursday, January 18, 2018*

SENATOR WOELFEL: Thank you, thank you, Mr. President.

I've got a few remarks I'd like to make that relates to a bill that you have your name on, which is Senate Bill 270 (*Authorizing DNR implement silvicultural management for state park lands*). The Governor proposed the timbering of state parks, briefly mentioned in his State of the State address. Frankly, I wished we had fewer gag gifts and a little more substance on the justification for that because I believe Senate Bill 270 is incongruent with our promotion of tourism here in our state and the major investment that the Governor asked us to make in tourism, which I believe is warranted.

If you look at the proposal that was mentioned today, just cut taxes and win, that proposed legislation, we're going to have great growth in this state because that's the justification for taking off the inventory tax. So, if we're going to have great growth, why timber the state forests? One of the provisions of 270 is to allow timbering in any area of a state park not generally utilized by the public. Now, that term is not defined in the bill and you don't have to be Hank Thoreau to know that some of the best places in our state are the secluded parks of our state forests. Our counsel, Kevin Baker, was able to go into the bowels of the capitol and print out the 1929 and 1931 statutes. Now, we all know what was happening in 1929 through 1931 and after, we were in the horrible Great Depression, and yet, this body had the foresight to protect certain properties within the state for the use of wildlife preservation, state forests, state parks. And, it's really beautiful to look at the direction that the Senate and the House came into, which talked about the beautiful rivers of our state; that those are areas could serve as great state parks and state forests.

So now, I'm going to read to you because I didn't have time to really go to each of your districts in terms of the way the districts are configured in our state. So, I'm just going to read the state parks that are going to be timbered under this bill and each of you know . . . you represent one or more of these parks: Audra State Park would be timbered; Babcock State Park; Beartown—if you haven't been there, it's an amazing place; Beech Fork State Park; Berkeley Springs State Park; Blackwater Falls State Park; Blennerhassett Island Historical State Park; Bluestone State Park; Cabwaylingo is already being—because it's a state forest—it's already being timbered; Cacapon; Calvin Price; Camp Creek; Canaan Valley; Carnifex Ferry; we're even going to potentially timber Cass Scenic Railroad State Park; the old-growth forest of Cathedral State Park—I think that might be the last preserved old-growth forest we

have; Cedar Creek; Chief Logan; Coopers Rock; Droop Mountain; Fairfax Stone; we're going to potentially timber the Greenbrier River Trail—a place where I and my children and grandchildren spend a lot of time; Greenbrier State Forest—of course that's in the viewshed of the Greenbrier Resort so I don't know about that one; Hawks Nest State Park; Holly River State Park; Kumbrabow; Little Beaver; Lost River; Moncove; North Bend; North Bend Trail; Panther State Forest; Pinnacle Rock State Park; Pipestem Resort State Park; Prickett's Fort; Seneca; Stonewall Jackson; Tomlinson Run; Tu-Endie-Wei; Twin Falls Resort—beautiful place, the Senator from Wyoming knows that, how beautiful it is at Twin Falls; Tygart Valley State Park; Valley Falls; Watoga; and Watters Smith. Now really, are we in the position, are we more desperate than they were in 1929 and 1931 that we've got to go in and timber these places?

Mr. President, I'll close. I remember some months ago you caught some heat. Pretty strong heat—and you took it—for replacing our toilets. And as I walked in this morning, if this is going to be our new state policy, Senate Bill 270, I noticed some nice standing timber outside here, cut it down and defray the costs of those commodes.

Thank you.

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**Designating January 19, 2018, as  
Southern West Virginia Day at Capitol**

*(Adoption of Senate Resolution 11)*

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**REMARKS OF  
HONORABLE  
RICHARD N. OJEDA II**

*Friday, January 19, 2018*

SENATOR OJEDA: Thank you, Mr. President. Southern West Virginia pride.

You know, I know that throughout the state, you know, sometimes Southern West Virginia tends to become the brunt of some jokes but for somebody who was raised in West Virginia, Southern West Virginia, you know, we take a lot of pride in where we're from. And there's a lot of reasons why we should be, you know, take that pride. You know, we've got people from Southern West Virginia that have went on and

did some amazing things. I mean everybody here has heard of the Rocket Boys, everybody here knows who Chuck Yeager is.

But you know, I think that Southern West Virginia built this nation. You know, this nation was built by the steel that come from the coal that come from the mountains of Southern West Virginia and I think that, you know, we hold a lot of pride in that and sometimes I feel like, you know, we don't get the respect that we deserve. You've heard me say this many times before: When the rich wage war, it's the poor who fight and die. Well, when you come from areas like we come from, you know, sometimes military is the only path that you can take. But we hold a lot of pride in knowing that, you know, Logan County, West Virginia, per capita, sent more people to Vietnam than any county in America. The thirty-eighth parallel goes right through Boone County and they specifically targeted people from Southern West Virginia because they knew during the Korean War, West Virginia had the similar terrain with also the similar temperatures. So, you know, we do hold a lot of pride in the things that we've done for this nation and, you know, it's important that everybody remembers that. And that's what we do is we try to let people know some of the things that we've done, because we are struggling. We are struggling. You know, my senior senator spoke about the Rock Creek Development. You know, it is very important for us to figure out something to put there that can put our people back to work because our people deserve to be able to work. And I can assure you that if we're given the opportunity, we will prove that we do possess one of the greatest workforces in this country.

So, I stand in support of this resolution and I'm proud to be a Southern West Virginia boy.

Thank you, Mr. President.

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**Designating January 19, 2018, as  
Southern West Virginia Day at Capitol**

*(Adoption of Senate Resolution 11)*

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REMARKS OF  
**HONORABLE  
SUE CLINE**

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*Friday, January 19, 2018*

SENATOR CLINE: Thank you, Mr. President.

I want to stand in support of this resolution. I am the example of Southern West Virginia woman. You can tell by my voice—and I'm proud of that.

I want to just say one thing: We need to stop looking back, we need to start looking forward, we need to stay on the path we're on and keep going to make Southern West Virginia a better place. I can see it in everything and everywhere I go and all the people. I believe in the people of my Southern West Virginia. I was born and raised in Southern West Virginia. My family founded Wyoming County. I don't think anybody here has deeper roots than I do and I know nobody has deeper pride than I do. And I want to thank all these people that are such good people that I believe in. And I'm looking forward to helping our state and our counties grow and prosper and be great again and it's going to be by the help of these people's support and the love of my Southern West Virginia.

Thank you very much.

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REMARKS OF  
**HONORABLE  
RYAN W. WELD**

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*Friday, January 19, 2018*

SENATOR WELD: Thank you, Mr. President.

All of you probably came in today and saw this on your desk. It has the big number 44 on it. And what that represents was the number of people that West Virginia was losing every day in 2015—now that number is actually down a little in 2016 to 41 people, but we're still seeing a loss for our state. And I kind of wanted to stand here today and talk about what that means and what changes our state has gone through.

Now, I graduated from Fairmont State in 2003 and, Mr. President, I pretty much had to leave the State of West Virginia. I couldn't find a job in what I wanted to do; I delivered flowers for a number of months before I was able to find a job and I moved to D. C. And I lived there for about eight years. But I wanted to come home the entire time I was gone. I loved D. C., I enjoyed my time there, I learned a lot, but I

wanted to come home. But I couldn't find a way to really come home because nothing that I did in the military, nothing I did in the private sector really translated to something that I could do here. And so, I decided I was going to go to law school. And I didn't know what I was going to do after I graduated from law school or even if I was going to get in but I wanted to go. And so, in 2011 I found out that I got in to Duquesne and I moved back home to Wellsburg where I'm from. And in 2013, two years later, I was approached by someone, they said, "You should run for the House of Delegates." I didn't really know how to do that. Didn't know how to do it even when I signed up. And I thought, maybe this isn't the time, maybe I shouldn't do it right now, maybe I should just wait until I graduated from school, I can move forward after that. But then I remember thinking, the only thing I thought about actually, was why not? Because I started to think about all of the friends that I had in D. C. that I graduated from Brooke with that didn't live in Brooke County, didn't live in Wellsburg, don't live in this state. And I thought that should be the reason that I get into it. And that was the reason that I got into it.

I hear time and time again from people that I graduated high school with, people that I went to Fairmont with that want to come home. But they don't necessarily know the way to get there. What I do here, whether it be in North Carolina or Florida or some other state, what I do here I can't do, there isn't an opening, it's not available, the market's not right in West Virginia. And so that really is what drives me. Now there are four of us in this body under the age of 40. And my friend, the Senator from Greenbrier, Senator from Ohio, Senator from Monroe, we're the under 40 club. And if you go over to the House of Delegates, there are a lot of younger delegates but I think that it's great to see young people want to get involved. And I think that all of us probably have the same reason for being here in the fact that we want to make it so that everybody who left who is our age, that lost generation of Mountaineers that had to leave, can come back home.

And what are the things that people need to be able to come back home? First, you need a job—first and foremost. And so, there's no silver bullet, Mr. President, of things that we can do or one particular bill that's going to create jobs that's overnight. But if you look over the past number of years, we've done a lot. And some we have all agreed on and some we didn't agree on, but, you know, West Virginia had the second highest GDP growth in the nation in the second quarter of 2017. And our unemployment

rate was the third sharpest decline—it went from 6 percent to 4.4 percent. Only two other states had a sharper decline than that. So, I think that what we're doing is slightly working. I think that over time, it's going to take hold. If you look at job growth in West Virginia, if you look at December of 2016 versus December of 2017, we added over 2,500 jobs to the rolls in the State of West Virginia. If you look at November of '16, November of '17, again, over 2,500 jobs—and that's just nonfarm employment. The numbers are greater in mining, construction, education, and health services. The same story, October '17 against October '16, over 3,200 nonfarm jobs. And that's terrific, they're great numbers. And not everything, as we are well aware in this state, is sunshine. You know, we heard the Senator from Boone talking earlier that not every part of this state is seeing a strong recovery. Not every part of this state is seeing the growth that the Northern Panhandle is seeing, that north central West Virginia, the Eastern Panhandle is seeing. And so, we need to do everything that we can to rise all of West Virginia up. And I think that we're doing that.

I had a piece of legislation—it was the first bill that I ever had become law—in 2016, it was the Young Entrepreneur Reinvestment Act. And for folks the age is 35 years old, it cuts fees for the Secretary of State if you want to start a business here in West Virginia. Fifty-six percent of millennials want to start a business—that's their desire. And, so, my piece of legislation back then was aimed at cutting those fees and making it easier for them to do so here in West Virginia. And since that time, over 100 people have taken advantage of that and started a business here in West Virginia.

Education is the next biggest thing that we hear about. And, if they come home, if they have kids, people my age are starting families, they have younger kids, they want to make sure that they have an education system that they would feel confident having their children attend. And I look at some of the proposals that we have now, the community and technical college proposal, we're looking at ways and it's not a perfect system yet and I know that we're working on it finding ways to give, you know, our teachers a much-needed pay raise to ensure that, you know, their health insurance doesn't increase because, you know, obviously, they're the backbone of our schools. But I think that we should take a look at other issues as well there. You know, there are almost 7,000 charter schools in the United States of America in 42 different states. And West Virginia has zero. If you look at magnet schools, there are over 3,000

of these in the United States. And we have zero in the State of West Virginia. I heard a number the other day, there's a Post-Secondary Options Program in the State of Ohio, Mr. President, and over 52,000 students attend this. They have \$120 million in college savings. The State of West Virginia has 12 students in a program like that, just 12. And it only equates to about \$72,000 in college savings. And so, all of these things are different. And maybe they would work here, maybe they wouldn't. And they're different from what we were doing in the past. But maybe that's why we should look at them because they are different from what we've done in the past. Maybe we just need to move away from that, move toward something that is, maybe, a little more progressive, a little more different than what we've done.

And the third thing that is the biggest thing that's on the list that people look for—and this kind of surprised me—is broadband access. Mr. President, I'm sure you're aware that we did a broadband bill last year and we're looking to expand broadband access both on a commercial level and a residential level because when you get into rural areas people might want to live there—we had a lot of people here from Tucker County yesterday—and they want to make sure that they can live where they want not based on where they can get Internet access. If you're a business, you want to make sure that you have access to be able to process all of your transactions, to manage your warehouse.

So, those are the three things that's been brought to my attention that are really kind of towards the top of the list. And I think that we're working hard towards all of that. And I think that we're working hard together, not as individuals. But, I think that if we stick together as a body, if we come to agreement where we can, compromise where we have to, I think that we can continue to get these things done. A lot of you here in the room, you're a little bit older than I am, you might have grandchildren that live away, and they had to move away because your children had to move away. And that's a sad story. There are a lot of people in Wellsburg that I know that only see their kids around Thanksgiving, Christmas, in the summer, because they come back from whatever state it is that they live in. And that's sometimes the only time that I see my friends. My wife and I, she's from Wellsburg as well, and we don't have a set number of couples that we go out with on a Friday, Saturday night because we only see them around Thanksgiving and Christmas when they come home. And it's difficult.

So, I look forward to working with you all over the next, you know, 50 some odd days that we can find ways to bring what I call that lost generation back home and to make sure that we make opportunities in West Virginia for everybody, not particular groups, but we work to diversify the economy, that we raise everybody up, move the state forward.

Thank you, Mr. President.

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**REMARKS OF  
HONORABLE  
RANDY E. SMITH**

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*Friday, January 19, 2018*

SENATOR SMITH: Thank you, Mr. President.

I want to speak a little bit. The gentleman, the Senator from Cabell County, yesterday when we was talking about the state parks kind of got my attention because most of you know in Senator Sypolt and my district we have several beautiful state parks. You know, we have the Lost River State Park there in Hardy County; we got Canaan Valley, Blackwater there in Tucker County; Cathedral State Park which is one of the last stands of virgin timber on the East Coast; and we have Coopers Rocks; and then we have a few other scattered out through the district. But those are the main parks. I mean . . . So, it kind of got my attention and got my curiosity up, so I asked to talk to the Director of the DNR, and I got the bill out and looked, and you know, just what was entailed in this bill. And I just want to share some of those points. What I'm trying to say is, I think we need to take the time and look at the bill. Looking at it, I think there are some things that we can do to make it better. But, after talking to, you know, the foresters, DNR, fish and wildlife people, and looking at states around us, this is pretty well a common practice throughout the United States in fact. I mean, even our national forests especially, people know they have the control burns out west in Yellowstone Park for wildlife habitat, and the turf forest fires there.

And, looking at this, I just wanted to hit on a couple of points that they can't be no more than four trees per acre taken off, that's four trees per acre, and I believe they have to be at least 16 inches in diameter at chest high, so we're talking mature timber here. And the money, you know,



the Senator from Cabell got me concerned because . . . I was agreeing with him, but, you know, this is a poor way to subsidize our budget is going in and cutting the timber off of our state parks and our state forests. But the money goes back to the DNR for the parks system is what I was told from . . . the bill says it goes to DNR; after talking to DNR last night, they said it would go back into upgrade our park systems, our state park systems.

And there's several tracts of land—it only affects nine, the way I understand, nine state parks, state forests right now. And there's tracts protected. Any tract that . . . you know, they're not going to cut the picnic areas down up in Blackwater, anything that has any historical value, like Cathedral State Park, would be protected from this because of its historical value. But it would allow them . . . like . . . many of you remember after Super Storm Sandy up in our area, you know, it was a mess. I was, what, 17 days without electricity, so . . . I still have nightmares about it. But Cathedral State Park was almost destroyed and the way the law is now they couldn't do anything but go in and just cut the paths open because they could not by law or code remove anything from that state park, and we're talking trees that was, you know, worth several thousand dollars that are just laying there rotting now that did anybody good and they're still there. And, is still, you know, the park is still and never will be back to normal what it was . . . so this would have helped with that also, but it protects tracts of land, where . . . where it's tourism like, you know, they couldn't go into Babcock and cut the trees around the mill or anything like that. There's safeguards put in place for all that. In talking to the Chief of Wildlife and . . . them and the Forestry are really behind this because a lot of our state forests, especially where, you know, we allow people to hunt on, you know, it needs some timbering done to enhance wildlife habitat. So . . . and, you know, of course, everyone knows that. That's, like I said before, that's the main reason that they do a lot of it out west is because of habitat.

And, you know, the Forestry Department, you know, these are experts that would overlook this program. You know, talking to them, you know, it sort of put me at ease and our constituents from Tucker County met with them yesterday and when they got here yesterday, they was all totally against this, but leaving last night, when we left the Culture Center, they were relieved and supported the program that the state it's in now. Like I said, it's not perfect, but if it does come out—you know, it might not even come out—but if it does come out, and we work

it through committees, I think, you know, we can clear up the language where, you know, designate the money does go to, maybe, the state park that that is cut out of so that state park benefits from that because our state parks, everybody here can agree, needs a lot of work and they haven't been a whole lot of money. But, you know, but this . . . the whole thing of this is not about the money. It's about managing one of our natural resources here in the state. I don't want to see, you know, these state forests destroyed, state parks, you know. I was in there . . . it was assured that it would be done like, you know, Canaan Valley, when the leaves are out, that's the busiest time of year, you know. They wouldn't be in the summer, in the fall with that, it'd be done in the winter, a lot of it would even be done by helicopter, you know, where they wouldn't have to cut tram roads and stuff like that.

So, you know . . . speaking to the DNR and the Forestry people and the wildlife people and our constituents in Tucker County, because Tucker County that it is a huge, you know, that's our . . . like I told you before, fifty percent of our land is owned by federal and state government, and another almost thirty percent by timber companies up there or land management companies. And that's a big red flag for people in my district and I feel, after talking to the DNR and the Forestry Department, wildlife people yesterday with constituents, and Senator Sypolt and I, you know, is concerned because the gentleman when he was talking about that raised a red flag because, you know, that was the last thing, but after looking at the bill and talking to the people involved, if we do this right, if this bill does come out and we do it right, amend it, and make it the best bill possible, I honestly think it will be a tremendous asset to our state parks and our state forests. You know, we still do . . .

One thing, I was interested to see that the State of West Virginia, we lose more timber from, you know, storm damage or falling over, whatever, that rots a year than what we cut a year. And that's sort of, you know, troubling. That's not a very good way to manage a resource. And, you know, I would just ask that when we go into this, if it does come out, that we have an open mind and try to make sure that it is done right because, honestly, if it is done right, this is a good thing for our state parks and, you know, our state forests. It's good for wildlife which, you know, there's a lot of people come to West Virginia just to hunt you know.

So, I just . . . I thank the gentleman from Cabell County for drawing it to the attention because it got me thinking about it. Because, I'll be honest with you, I thought it was one of these harebrained ideas that, you know, a lot of these bills, you know, gets introduced, you look at them and think there's no way that's ever going to come out, you know, it's just too far out there. But after looking at it, it has a lot of merit to it. And I would just ask as a body that going forward that we just keep an open mind and if this does come out, get the experts in there, you know. If I'm going to survey, I'm not going to . . . I'm going to go to my co-senator here who is a surveyor, you know, and I'm not going to give anyone physical therapy. I'm saying all of us have our own profession, unless you want to. I mean . . . So, I think it's important that we lean on our professionals, you know, we pay these people to manage our forests, manage our wildlife and these are the experts on it. And, you know, we have . . . there's a lot of bad publicity that has already come out which I'm sure I don't have to tell the body here that we probably defend and talk about more bills with groups and constituents that comes out that is never going to see the light of day. But we still, you know, it throws up red flags and gets people worried about it and, you know, we spend a lot of time defending stuff that we're never even going to have to address and, you know, there's a lot of groups that have put a lot of bad publicity out there, that does not have the facts on it, you know, they just see the bill where they're cutting timber and, you know, there's groups out there and I'm not, you know, picking on any one group or anything, but you mention tree and, you know, they don't want a tree cut, they don't want . . . and people that's in the know know that you can't, you know, you can't survive like that.

So, with that being said, I thank the gentleman from Cabell County to drawing this to my attention, to make me research it, and talk to the people that it was going to affect in these areas, constituents, the people that was going to be responsible for these programs, and I encourage you to try to get educated on it so we have an open mind if this does come up that we can do what is best for the State of West Virginia and for our park system.

Thank you. Thank you, Mr. President.

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REMARKS OF  
HONORABLE  
MICHAEL A. WOELFEL

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*Friday, January 19, 2018*

SENATOR WOELFEL: Thank you, thank you, Mr. President.

And, you know, I didn't know the Senator from Tucker before he came over from the House. And, I admire his leadership, I serve on the Energy Committee of which he's the Chair, I've found great wisdom in his words but, on this point, we're going to have to give him a little bit of a counterpoint. I've only been here a short time but I know that when everybody says it's not about the money, it's about the money. Okay, somebody's going to profit from this.

Now, the resistance to this move to timber state parks—it's not a part of the Obama agenda, okay. The people are experts who are fighting this. The people who go to our state parks are the ones that are lighting up our phones and emails. Logging in the state forest is fine, it's legal. It's happening right now at several state forests that I'm aware of. I believe Calvin Price has logging, Cabwaylango is undergoing some logging operations, so I get that. But the state parks, I just can't imagine who's going to come in here and justify timbering Droop Mountain Battlefield State Park. And you can say, "Well, they say they're not going to do that one, and they're not going to do this other one." Well, I don't trust them and neither do the public. The public have paid for those parks. The public utilize those parks. Times are hard. Not everybody gets to go to the beach for a vacation. Many of our citizens spend their vacation time at a state park. I don't trust the timber companies. Is there some tree shortage I don't know about, that we don't have enough trees in West Virginia, that we've got to hit the state parks? I mean logging trails, logging trucks, how are they going to do this? I don't trust them. I don't think we should trust them. We're going to ride that rocketship to the moon with all this growth. Why do we need the money for the state to replace the windows in the state park lodges, we need to cut down their trees? Very shortsighted. All the way back in the Great Depression, and it was a Republican legislature by the way that was . . . When this was enacted, the prohibition of timbering the state parks, guess what, that was before the 80 years of hell that the Democrats unleashed. That was a Republican legislature that passed those. So, you know, this is just common sense.

Again, I have all due respect, much respect for my colleague from Tucker. It may be the

people from Tucker County all went back yesterday and are for this. But our people are smart. And our people know that our state parks are a treasure and we're going to go \$20 million on tourism. I kind of agree with that. I think tourism is a major key for our future. So, why are we going to cut the trees down at the state parks? And nobody's going to do this except for one reason—profit. Nobody's going to get a timber bid except for profit. Now, if that's what you're in favor of, the free market, we're going to respectfully agree to disagree. But I agree, I've read the bill and I understand that it does have some limitations on it. But I think we can find our timber somewhere else. And we can find a way to fund our state parks with all the growth that's in the future.

Thank you.

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**REMARKS OF  
HONORABLE  
DOUGLAS E. FACEMIRE**

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*Friday, January 19, 2018*

SENATOR FACEMIRE: Thank you, Mr. President.

You know, as I've sat here today and I've heard different statements about different issues about our state and I applaud you guys. And I know that everybody here wants to do the right thing. We have different opinions about sometimes what the right thing is but, see, we can work with that as long we know that we all want to do the right thing. And differences in opinions sometimes is good. That's how we get from one extreme to the other, maybe to meet in the middle.

But if we'll stop and just think a minute about everything we're talking about revolves around money, the lack of it. We've got to quit robbing Peter to pay Paul in our state. We talked about our education problem. We all know that our teachers are underpaid, our state employees are underpaid, we know that the costs of living are increasing, the PEIA, and all these things. Ladies and gentlemen, we have to figure out how to bring more money to our state, and we're going to have an opportunity this year to do that. We could put our state into one of the most profitable states in these United States. And we can do this without putting one bit of burden on our taxpayers. The Senator from Logan talks

about the rich land that we stand on. Look folks, we don't have a diversified economy unfortunately in our state. We're an energy state. That's what we do. We have got to ask for more money from our energy companies. That's where the money's at. And we can sit here and we can pass all this back and forth and we can timber our state parks, and we can talk our teachers into taking a one percent raise and taking three back for them but it's short-sighted thinking. The only way that we're going to put this state into the position that we would all like to see it put in is with more money. And if anybody else has a better idea where to get that money, I sure want to sit down and talk to you. But we have got to take a hard position, and we have to do what's right for the citizens of our state. You know, Jesse James, when they asked him why do you rob banks, he said, cause that's where the money's at.

As legislators, we have to do the right thing. We want the energy companies to be profitable and we want them to drill and there's things that we could give them. And I'm going to tell you right now, you guys know my position on integrated leasings and the poolings and things like that. I'm willing to give them every bit of that. They talk about the billions of dollars that we're losing because of that. Let's give it to them. But let's take three percent more back. Do some research. Find out what three percent more on our severance tax would do for our state. And remember this, on today's market and the amount of gas that we're producing today, one percent is somewhere around \$40 to \$50 million. But when these pipelines are built and this gas starts quadrupling in the amount that we're producing now and the gas price goes from \$2 to \$5, \$6, which has been the normal for the last 20 years if you average them out, you're talking about \$150 million per one percent. Put that into our budget and all of a sudden we can take care of PEIA, we can give our employees what they want, we can do the things, we can offer hope again for our state.

No one likes taxes. I'm telling you, I don't like them. But it's part of what it takes to operate the government. Let's sit down and let's work together, Democrats, Republicans. Let's be the West Virginia State Senate that makes our state profitable so that we have money to do the things we need to do. Our citizens count on us, that's why they elected us to come down and to represent them. And I want you to know this is not a Democrat-Republican issue, this is a State of West Virginia issue. I think it's time that we sat down together and try to come up with something we can live with. But the energy

companies have told us they have to have the pooling, they have to have the integrated leasing. Okay, let's give that to them. But in return, let's ask for three percent more and one percent for the surface owners.

Thank you, Mr. President.

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**REMARKS OF  
HONORABLE  
PATRICIA PUERTAS RUCKER**

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*Monday, January 22, 2018*

SENATOR RUCKER: Thank you, Mr. President.

Today begins National School Choice Week. And so, I want to take the opportunity to speak a little bit about school choice. School choice is an idea whose time has come. West Virginia—you all know where we are when it comes to education. And we are attacked when we attempt to do anything new or different. But yet, we know we have to go somewhere new. School choice enables more people to participate and have decisions as to what is best for their families. It helps eliminate discrimination, it helps to encourage those who are at the bottom. It is something that is, everywhere it's done, has actually helped public schools to get better. One of the things that I am tired of hearing whenever anyone brings up school choice, is to bring up racism. There is an article in the *Mother Jones* magazine that I want to read an excerpt from:

“In late July 2016, the NAACP called for a national moratorium on charter schools, claiming that they targeted low-income and minorities communities with practices mirroring the predatory subprime mortgage lending industry. Now, a group of more than 160 black civic leaders is asking the NAACP to reconsider their decision, arguing that charters create opportunities for black families that could allow minority students to excel. In a September 21 letter of this year a coalition of educators, current and former politicians, public officials, and black leaders claimed that a charter school moratorium would deny parents the opportunity to choose what's best for their children and restrict access to high quality alternatives to traditional public schools.”

*Mother Jones* is not exactly a conservative publication, not by any stretch of the

imagination. These group of 160 leaders and parents, they want the same thing that we all want—a better education for their children. They recognize that when you have competition you have freedom and the more freedom and the more competition leads to improvement in all areas. Competition promotes excellence. Anyone who would object to competition with regard to providing education services has a special and personal interest in maintaining the status quo—a status quo that is not living up to our hopes, dreams, and aspirations for our kids. Schools that have to compete for students will become better institutions of learning. In fact, these same schools might have to compete for teachers as well. And that might have a positive effect on teachers' working conditions and salaries.

So, the fact is that ESA accounts, charter schools, all of those options are things that we should be looking to bring to West Virginia. It is time that we have school choice.

Thank you.

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**Designating January 23, 2018, as  
Higher Education Day**

*(Adoption of Senate Resolution 14)*

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**REMARKS OF  
HONORABLE  
KENNY MANN**

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*Tuesday, January 23, 2018*

SENATOR MANN: Thank you, Mr. President.

It is a true honor to present this resolution recognizing our colleges and universities and all that they do for our State of West Virginia. Higher education institutions are an essential part of the state, both culturally and economically. More than ever, West Virginia needs highly educated and the skilled individuals to meet the ever-changing economic challenges that the state is facing. These institutions offer a number of opportunities for our students to achieve their education and career goals and prepare them to meet the workforce needs and the needs of the state. West Virginia's colleges and universities advance the development of technology, partner in business

and industry, conduct ground-breaking research, artistically enrich the state, excel in the humanities, prepare future educators and leaders, and improve lives through innovative health care. West Virginia's higher education institutions open the doors for all of our students.

And with that being said, as Chairman of Education, it's an honor and a privilege for you all to be here today. And, I greatly urge the adoption of this resolution.

Thank you all.

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**Designating January 23, 2018, as  
Higher Education Day**

*(Adoption of Senate Resolution 14)*

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**REMARKS OF  
HONORABLE  
ROBERT H. PLYMALE**

*Tuesday, January 23, 2018*

SENATOR PLYMALE: Thank you, Mr. President.

I rise in support of this resolution. But I also would like to bring up a couple of pertinent facts that we all need to be cognizant of. Dr. Gilbert from Marshall gave me an article yesterday that highlights that West Virginia, over the last couple of years, has been in the bottom three states per funding for higher education. We've got to stop that. And that's the only really thing I want to say about that. It's a real good article and I'll be glad to make sure that that's on everybody's desk here in the next couple of days.

Higher education is important to this state. It's important for our workforce. But let me also talk about Senate Bill 284 (*Increasing access to career education and workforce training*) that is the community and technical college and career education bill. That's important to us. That's important to this state that we get that bill out of the Senate quickly and that we articulate that we're ready for higher education to play a major role in our workforce for the future. I applaud the Governor for bringing this up and I applaud the Senate President for standing out on this issue. There's nothing free in this bill. What's

free is the fact that we give a free opportunity to our students in the State of West Virginia that they will have a life in West Virginia, that we're going to prepare them for the workforce. And that's what the real key of this is, is that the workforce of tomorrow requires great preparation and you'll earn more a lot of times coming out of a two-year degree institution. Now, this is not to diminish the importance of a four-year institution and a four-year degree, but we've got to start here and we got to start the hemorrhaging on the budgets for higher education. But I would really want to tell you that we have an opportunity tomorrow to get the bill out of Education Committee and I really do believe that we've had a really good discussion the last meeting. Let's move it forward. Let's give them the opportunity that they need to help prepare the workforce for tomorrow.

And, Mr. President, I thank you for your leadership on this, too.

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**Designating January 23, 2018, as  
Higher Education Day**

*(Adoption of Senate Resolution 14)*

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**REMARKS OF  
HONORABLE  
CRAIG BLAIR**

*Tuesday, January 23, 2018*

SENATOR BLAIR: Thank you, Mr. President.

I, too, agree and, the Senator from Wayne, it's running today. That bill is going to be today, so . . . I was sitting here preparing for it and I was going to do my remarks here later today, but I'll do it now. Forgive me, I started through it and . . . one of the reasons why I'm like this is I am one of these people that it benefits, the community and technical colleges, I didn't go to that, but I did go to James Rumsey after high school and that's a technical school in the Eastern Panhandle—and done many, many different classes, whether it be welding, computers, refrigeration, electricity . . . the list went on and on. I'm one of these students that was affected more than probably anybody in this chamber by the ability to use my hands and learn from my hands.

Senate Bill 284 (*Increasing access to career education and workforce training*) tomorrow, or today, is one of the biggest things I think that we've ever done in this body. I know it is—other than fixing workers' comp in 2003. If everybody notices the relationship to drug usage, correlates with people like me getting bored in high school, and I've said this over and over and it's redundant for the people here, but it's not for the people that's standing at the back of the chamber. The boredom of having to read *Moby Dick* and *Old Man and the Sea* and stuff like that instead of a trade journal and learning how to do something, gets to people like me.

And what happens is, is this piece of legislation offers a light, a hope into the future. And one of the things that we're trying to do in this building is to create jobs, opportunity, hope, and ability to raise your family in West Virginia. This piece of legislation does just that and a minimum amount of money. It's \$7 million and its last dollar in.

It's a phenomenal piece of legislation and I can tell you it's going to have ripple effects. It's going to have ripple effects in the ability for people that are going . . . they see a better choice than doing drugs, they have an opportunity, gainful employment. It decreases the demand on all the entitlement programs that we have out here and it allows the need to be there for those that are truly in need and when they are truly in need. Nothing could be better in my opinion. I am so excited about this and these people at the back of the chamber are the ones that's going to implement this and make it work into the future. And we're going to see dividends that's going to go on for decades.

Mr. President, again, I started out a little slow, ended with a big smile on my face because this is, again, a hallmark piece of legislation I believe. And I look forward to voting on it on the floor in the next four or five days.

Thank you.

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**Designating January 23, 2018, as  
Higher Education Day**

*(Adoption of Senate Resolution 14)*

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REMARKS OF  
**HONORABLE  
ROBERT D. BEACH**

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*Tuesday, January 23, 2018*

SENATOR BEACH: Thank you, Mr. President.

Mr. President, I had not intended to speak this morning on this issue. I am very grateful for this crowd that I see here standing at the back of the room and, to the members in here, we often, you know, we'll recess for a second and we'll go up here and do a photo. But I challenge each one of you to search out someone back here with the community college system, cozy up to them, have your photo taken here because these are the folks that's going to make this workforce. And it also puts a stamp on this. The community colleges are here to stay and that's the message we want to send loud and clear across the State of West Virginia. Community colleges have a role in the education system here in the State of West Virginia.

I'm happy to welcome each and every one of them here today and thank you, Mr. President.

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REMARKS OF  
**HONORABLE  
RICHARD N. OJEDA II**

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*Tuesday, January 23, 2018*

SENATOR OJEDA: Thank you, Mr. President.

I just want to basically bring up, you know, last week, I kind of spoke a little bit about teachers. Last night, I participated in a meeting with teachers and I just want to let it be known that, you know, this is not something that we are going to be able to just look away and it not come back on us. I will tell you that there are a lot of angry people across our state, and it's not just teachers. It is everybody who falls under the PEIA system and its, you know, the bus drivers that safely protect our children going to and from school, the police officers that respond to our 911 calls, the ambulance operators, the firefighters, the state employees that, if they decided not to come to work today, we'd of shut down. I will tell you that this is a big deal. And we must figure out how we can work together to do something.

You know, I plan to work with others to push legislation just like my Senator from Braxton County spoke about, you know, by raising gas

severance. We gave coal away in our state—that had nothing to do with any of us, that happened decades ago. But coal was given away. Now, we have natural gas that’s coming. If you drive through Beckley, you can see thousands of pipes that are sitting on the side of the road that are waiting to be shoved into our cup. And there will be billions upon billions of dollars that will be pulled from our state and, if we allow that to go and not think of the citizens of West Virginia, then shame on each and every one of us. Because once again, billions upon billions of dollars . . . everybody in here wants to do, you know, regardless of what party we are on, regardless. I know that my Senator from Monroe over there cares deeply for his people and he has teachers, bus drivers, police officers, firefighters, correctional officers, he has them in his county as well, in his district. We have got to really stand up and we need to do something to make sure that all this money that’s going to be leaving our state also benefits the citizens of our state. If the money that we have heard is true, there’s no reason why we cannot fully fund PEIA. When we start pushing bills saying we want to raise the gas severance 2.5, 3 percent, 4, 5, I don’t care, we need to realize that that money can go and finally do something for our people. Not only do we need to do something for PEIA, which is absolutely cruel with some of the things that they’re pushing. This 360 PEIA that says first off, you have to have it and you have to use a smart phone, but nobody’s stepping up and saying we’re going to buy these teachers their smart phone or anybody else that’s going to be under this. And you know that they want your measurements of your waist and your hip size because you know that if you happened to put an inch on, it’s going to raise your premiums. But I don’t know of any teachers out there that have the opportunity to go to a gymnasium because they spend all day long in the classroom. Many teachers forego taking certain medications that make them urinate because they’re not allowed to leave the classroom. And during the breaks in between the classroom, their responsibility is to stand in the hallway, to make sure the kids are moving and there’s no fights and things like that. When they get done with work, they have to plan their next day of events, and then they have to go home and they have to grade papers all night long. When do they get to go to the gym?

The teachers across our state are not happy with the people that are running this program and they feel that the people that are running it are cruel. But guess what? We’re the ones who appoint these people. We’re the ones during the Confirmations say, yes, yes, yes. Maybe we need to start once again paying attention to the

people that truly are affected by this. And I know we can do it. And I know each and every one of us are willing to work together to do what we can for our teachers, for our bus drivers, for the secretaries that sit in those schools, for the custodians that clean up those classrooms, for the police officers, for the firefighters, for the correctional officers.

But I’m telling you, ladies and gentlemen, when I said a volcano was about to erupt, we are in that situation and we can solve this. We need to take a stand and do whatever we can. We need to go ahead and let the gas companies that are coming into our state that are going to make billions, we need to let them know that we expect for them to do something for our citizens. Because, make no mistake about it, if they look at us and they say well, we’re not going to pay it, I can assure you they can leave and there’ll be 10 people standing behind them saying we’ll work with you because they know no matter what if we raise the severance 3 percent, 5 percent, they know that they’re going to still make billions upon billions of dollars. Let’s not let that go with not making sure that we do something for the people that truly matter in this state, the working class citizens, the sick, the elderly.

Thank you, Mr. President.

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REMARKS OF  
HONORABLE  
MICHAEL A. WOELFEL

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*Tuesday, January 23, 2018*

SENATOR WOELFEL: Thank you, Mr. President.

I want to take a minute to speak about the life of my good friend, Joe Ciccarelli. Joe passed away yesterday. And he started out at the Huntington Police Department but went on to have a stellar career with the FBI. And any major investigation in Southern West Virginia in the last 10, 15, 20 years, Joe was probably heading that investigation. He was only 60 years old. He came back to be Huntington’s Police Chief a couple of years ago, which is a daunting task in and of itself.

But my last memories of Joe, he and I were holding down the very back pew at Mass, so I know he got right at the end and probably was

right from Day One. But, he's in a better place and I would ask that we just have a brief moment of silence in his honor.

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REMARKS OF  
HONORABLE  
MICHAEL J. ROMANO

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*Tuesday, January 23, 2018*

SENATOR ROMANO: Thank you, Mr. President.

I just wanted to rise for a second and thank the entire Senate and, certainly, all of my Democratic colleagues but, particularly, my Republican colleagues, for all of the nice thoughts and prayers. And several of you appeared at my mom's funeral and I can't tell you how much appreciated that was. It showed us that we're all family—showed me.

And, you know, my mother was a great person. She was kind of a pioneer in her own right. She was the first . . . one of the things she achieved, she was the first female patrol person. I always thought they were called "patrol boys" but, you know, "patrol person" in West Virginia. I thought that was a neat thing that she did. But most of all, she raised me and my three brothers from the time my dad died when I was 15—and I think, I know, every one of us went to college, every one of us got advanced degrees because of her. But, you know, sitting through that whole funeral and everything, it kind of reminded me that, you know, what we all do here is pretty insignificant. I mean our goal should always be to put people first. That's what my mother always did. She had almost 1,500 people come through her funeral and she was afraid nobody would be there because she was so old—she was 90. But they were all people who knew her and appreciated her because she always put people first.

And, you know, as we sit here, I thought about that because I was worried you guys were doing something bad while I was up there. I really was. I came back, you did a great job, so I'm pleased. But, as I sat there, it made me realize that what we ought to be doing is, you know, putting the citizens of West Virginia first. And think about that. We all claim to be Christians. We all know what Jesus says. My friend from Braxton County down there preaches to me on a daily basis and I miss

Senator Miller because he preached to me on a daily basis. But, you know, Jesus said we should take care of the least among us. If we call ourselves Christians, we really ought to live those words and take care of the least among us. And if we do that, whether it's a person who's, you know, a half-step down or 20 steps down, we take care of those who are the least among us, we'll be doing our job and we'll leave a legacy here that we can all be proud of when we're gone. Because, you know, when you're gone, all you leave are the good works that you've done.

So, again, I wanted to thank everybody. It meant the world to me. You know, my friend, the Senator from Marion County, and the Senator from Braxton, Senator from Brooke . . . so many of you I saw, Senator from Preston, so many of you guys came by, just really meant the world and thank you.

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**Designating January 24, 2018, as  
Marshall University Day**

*(Adoption of Senate Resolution 16)*

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REMARKS OF  
HONORABLE  
MICHAEL A. WOELFEL

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*Wednesday, January 24, 2018*

SENATOR WOELFEL: Thank you, thank you, Mr. President.

It's an honor for me to speak to this. I will make an observation, that Dr. Gilbert, Marshall's President, like you, sir, is able to lead without self-promotion—and I like that about him.

We have a great group of people here representing every facet of Marshall. Marshall is really the economic development engine for Southern West Virginia, and it's continuing to grow in that respect. Sadly, we have eviscerated the budgets of our institutions of higher learning in the last few years. That's really got to stop. And we should look at restoring some of those funds because, as we like to say around here in the last couple of weeks, let's invest in human capital. We're one of the most undereducated states in the Union and it's been so counterproductive in the last five or six years,



what we've done in terms of just constantly whittling away at the funding for higher education and Marshall.

We have for the first time ever in the state's history a Governor and a Lieutenant Governor who attended the same institution which, of course, is Marshall.

So, thank you for all that you do and it's my honor to stand here.

Thank you.

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**Designating January 24, 2018, as  
Marshall University Day**

*(Adoption of Senate Resolution 16)*

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REMARKS OF  
HONORABLE  
**MARK R. MAYNARD**

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*Wednesday, January 24, 2018*

SENATOR MAYNARD: Thank you, Mr. President.

I'm very proud to call Marshall my alma mater, as you can probably tell by my jacket. I graduated there in '96 and there's no doubt that I'm standing here today from the person that I became by attending and graduating from Marshall University. And I want to thank all of you for continuing your efforts and very proud to be a part of this.

Thank you, Mr. President.

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**Recognizing Marshall University  
football team**

*(Adoption of Senate Resolution 17)*

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REMARKS OF  
HONORABLE  
**ROBERT H. PLYMALE**

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*Wednesday, January 24, 2018*

SENATOR PLYMALE: Thank you, Mr. President.

Members of the body, the team and the coaches are not with us today. The team is so worried about their academics, they're all in class, and I just wanted to make sure that you all knew that. And the coaches are so concerned about the next year because they'd like to go undefeated, that they're out recruiting. But, let me say, it is an honor to be a representative, and this is my alma mater, and my mom taught at Marshall for over 23 years, and I have so many great memories. But, anybody that has ever lived in this state during the time of the Marshall plane crash and, particularly, someone like myself that lived only about 3 or 4 miles from where the site was . . . and many of my friends were volunteer fire department, they had to go and respond. You have a greater affinity for a school, a team, and their players and what that means to the community.

Today here, we are honoring the fact that, under Coach Holliday, Marshall has won five consecutive bowl games. Actually, they have the longest streak in the country with six consecutive bowl games and they have the highest percentage of bowl victories in the modern era—and that's pretty significant. You know, when you have the Conference USA, the team MVP from Beckley, right now in men's football and men's basketball, we have both West Virginia natives coaching the teams. This is a team of West Virginians. It is important to note that after a disappointing year last year, that they went eight and five and they had a very good bowl win against Colorado State, and if you watched that, they were not picked to win; they were just picked to show up. But like people from West Virginia, we do more than show up.

It is my honor to speak to this resolution and to honor a team that had a great victory and, on behalf of Marshall, I know that Dr. Gilbert and Mike Hamrick, that is the athletic director, are going to be accepting this resolution. But, please convey to the team, to the coach, how proud we are and thank them.

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**Designating January 26, 2018, as  
Human Resources Day**

*(Adoption of Senate Resolution 18)*

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REMARKS OF  
HONORABLE  
ROMAN W. PREZIOSO, JR.

*Friday, January 26, 2018*

SENATOR PREZIOSO: Thank you, Mr. President.

Today is Human Resources Day at the capitol and human resources also known as people managers. These folks are responsible for hiring, firing, training, and other personnel issues. Today's human resources encompasses a vast, diverse, and dynamic issues that affect the everyday lives of our workforce by providing training, development opportunities to improve those skills and increasing employee satisfaction with their jobs and working conditions. They play a vital role in tackling these issues sensibly and responsibly for their companies and for their employees.

Mr. President, I'm proud to stand before you and support this resolution.

**WV Army National Guard Sergeant  
Glenn F. Lough, P.E., Memorial Bridge**

*(Adoption of Com. Sub. for Senate  
Concurrent Resolution 4)*

REMARKS OF  
HONORABLE  
GREGORY L. BOSO

*Friday, January 26, 2018*

SENATOR BOSO: Thank you, Mr. President.

We have an opportunity to pass this resolution honoring someone who served the State of West Virginia—and he did it in a variety of ways—grew up in Lewis County and, for those of you that are here, unfortunately, his wife was unable to be with us this morning. But Glenn Lough was a very, very special kind of guy from everything that I've read about him. Unfortunately, I never had the privilege or the blessing to get to meet him and talk to him but, when I read about his life, it's very, very special.

And, today, we have a chance to pass this resolution and, hopefully, in a few weeks, we'll be able to see it approved on both sides of the capitol, honoring one who took care of people at home and throughout the state who traveled.

Glenn was a pastor and he served in his local churches, he served several churches, he was from Lewis County, had a wife and a family, and . . . but, more importantly, his passion was engineering. And Glenn developed a couple of processes, in concert with some of the people that are standing in the gallery, that are used today to repair bridges around the state. As a matter of fact, when he was killed last year, he was traveling back from doing an assessment on a particular bridge.

Mr. President, it's an honor today to stand in support of this particular resolution to honor Glenn Lough, as an engineer, as a pastor, as a national guardsman, serving with the group—as I understand—out of Buckhannon, as a very valuable human being who loved and who served.

Mr. President, I urge passage of this resolution.

REMARKS OF  
HONORABLE  
TOM TAKUBO

*Friday, January 26, 2018*

SENATOR TAKUBO: Thank you, Mr. President.

I don't know if any of our crew from RAZE is still here, but I had promised them that I would just educate the members a little bit more about what they do. They are an anti-tobacco movement. It's a group of students and they get together in something called Crews in both middle and high schools as well as community groups. And they work together to bring attention to the dangers of tobacco through activities called commotions. Now, I'd never heard of any of this, but the commotions, I guess, is like, you know, organizations and rallies. During the first four months in 2017-18 school year alone, over 2,300 students participated in 1,660 commotions throughout the State of West Virginia. They've reached audiences, fellow students, peers, teachers, community members to educate them about the

hazards of tobacco use and resources that can help them quit. Since they began in 2001, the number of youth tobacco users in this state has decreased dramatically. According to the West Virginia Tobacco Prevention Youth Tobacco Survey, from 2000 to 2017, the number of high school students who have never smoked more than doubled. The number of frequent, heavy, daily, and current smokers decreased from over 11,284 in 2000 to 1,314 in 2017. In the year 2000, 42.2 percent of tenth graders in this state smoked and that number has fallen to just 7.1 percent in 2017.

I can tell you through several years of being in clinical practice one of the most potent things, the best incentivizers to get somebody go quit smoking is a child. Now, whether that be in the intensive care unit after they've just had their chest split open, and they're lucky to get through their bypass, or split stem to stern, from, you know, being fortunate enough to survive the lung cancer surgery when even those adult children come in with those big tears welled up in their eyes where they just about lost mom or dad. It's not the fear of themselves, but when they see what they're about to lose with their children, it's a potent motivator to get them to quit smoking. So, I'm very proud of—if they're still listening or here in the capitol, there's about 600 or so here today—for the work they're doing. But, I would like to refocus my comments just a little bit.

You know, it is campaign season and we have all at one point or another—and I think absolutely sincerely—gave speeches or talks where we've said we're tired of West Virginia being at the top of every list that we want to be on the bottom and vice versa. We're tired of being on the bottom of all these lists that we want to be on the top. But one of those lists that we're not moving the needle much is tobacco. Tobacco remains the number one preventable, preventable, nobody has to die from it. It's a preventable cause of death in the United States. But West Virginia ranks the highest of all. Our kids rank the highest, our adults rank the highest, our pregnant mothers, teenage, especially on Medicaid, it's almost 45 percent. When you talk to a neonatologist and we talk about the drug epidemic, but you forget what tobacco does to kids, they're born rigid, stiff, irritable, agitated. You talk to the obstetricians, and they'll tell you stories that . . . in Southern Appalachia, they all have them, where mothers will encourage daughters to start smoking while they're pregnant even though they may have not been a smoker prior to because it makes the birth process easier. Well, it does that because the

body weights are lower in a smoking mother. That's the culture we live in.

When I joined the Legislature just three years ago, the mortality rate of the drug epidemic, we're all keenly aware of that, there's a lot of effort right now . . . I've spent every day so far since we've been back in session working on a large bill that will be hitting the Health Committee on Tuesday to try to combat the opioid epidemic. When I joined the Legislature three years ago, 31 per 100,000 were dying of overdoses in this state, far and above more than any other state in the country, and that number's up to 52 per 100,000, so it's getting a lot of attention. The Governor's Office—we've created the Office of Drug and Policy Control—there's legislation coming forward. But tobacco, currently, is killing 222 per 100,000 in this state, over four times that amount.

So, what is the Legislature . . . what have we done to try to combat this? Well, we raised the tobacco tax last year 60 cents. Now, West Virginia University did a really, really good job, I think it was a 60-page report that showed \$1 increase, and it has to be high enough to make a difference and that difference they felt was at least a \$1 or more would drop smoking rates in the state by 14 percent. Eight of that 14 percent were kids. Don't pick it up in the first place, the ones that were up here asking us to help. We fell short of that. The tobacco companies simply adjust the prices a little bit and smoking goes on. We removed all tobacco cessation funding from the budget. These kids, part of what came about was when that was put in the budget back in 2000 to fund these kids—and they were doing a great job—we removed every penny of it. Maybe we want to retain our place as number one. I don't know.

What can we do? We can restore the funding. And so, I know we've had a horrible budget climate and even though that one-dollar increase helped the budget, a full \$1 increase, according to WVU, would have attributed \$277 million in savings in health care costs alone, decreased bypass, decreased lung cancer, decreased admissions to the hospital, decreased ER visits. We fell short of that.

We can encourage, and it may require legislation, I always feel that if something can be done without legislation, that's best. I've been working with the department, with PEIA, regarding methods to help people that are smoking quit. You know, Chantix, I hate to speak about a specific drug, but there's no other

drug in its class and the studies speak for themselves. You've got about a 33 percent chance of quitting with Chantix. I have patients every single week that asks for that and Medicaid . . . you can't get it. You got to jump through three or four hoops and you're not talking about people, they want to quit but they don't have a high motivation to quit. If I was able to write that prescription and they get it, it's about a 33 percent reduction, success rate in them quitting. Next best would be antidepressant. That can be available. The next one is patches, that's only about 10, 12 percent. That's available. Why are we limiting the most successful methods we can to try to get these people to quit?

We've got some legislation that is coming about, Senate Bill 61 (*Prohibiting smoking in motor vehicle when minor 16 years old or less is present*) and 13 (*Raising age to purchase tobacco and related products to 21*), and I would encourage everybody to take a peek at that. Now, that's increasing the smoking gauge a little bit. Sunset that one if you want. I know that there's a lot of talk about freedom. I would certainly would be the first guy to stand up, and I'm all about personal freedoms and free choice, but sunset it for three years, if you're 18 years old and you're already addicted, let them smoke if that's what we want to do. But the kid that's 15 years old today, they shouldn't be addicted any way, it's against the law. Sunset it. Let it take effect in three years from now to let them know that when they turn 18 they're not going to be able to smoke.

Senate Bill 61, we tried to talk about last year. Don't trap a kid in a car. And again, we talk about the freedom of that parent. Well, it's their right if they want to smoke. Well, that's fine, but what about the freedoms of that kid? You know, I've got a patient that lost half of her lung function. She's got a literally 50 percent lung capacity, never smoked a day in her life, and she would tell me stories—which is what prompted the legislation in the first place—that her dad was a chain smoker and he was a patient of mine, so I know she's not fibbing. And when he would start to light up, she could just feel her airways tighten up—it's like breathing through a straw. And if she complained about it—she would lay on the floorboard to try to breathe to get home—and if she complained about it, the dad would teach her a lesson and roll up the window. Now what about her freedoms? Now I'm not saying go smoke if you want to smoke, but, you know, at least when she got home she could get out and get to her room or go outside, but when you're trapped in a closet, which is a

confined space like a car, what's wrong with trying to bring something forward to the communities and people of West Virginia and say, "Hey, don't do that." And that's what that bill's trying to do.

But anyways . . . I'm proud of the work we do in this body. When friends ask me, do I think I've made a difference, I know we have. And I'm proud of the Senate, I'm proud of the work we've done, however, I can't say that for this one topic. And I know we can do better and I would encourage all of us to do so.

Thank you, Mr. President.

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**REMARKS OF  
HONORABLE  
RON STOLLINGS**

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*Friday, January 26, 2018*

SENATOR STOLLINGS: Thank you, Mr. President.

And, again, I could only echo what the Junior Senator from the Seventeenth has said. But, just to take it another step, you know, vaping is on the increase and that's something we need to worry about. Nicotine might be down, or, the smoking traditional . . . But we have to worry about the vaping. We also know that nicotine is a gateway drug, that people that are addicted to one drug are at an increased risk for being addicted to another. In some of these surveys that we use to triage who we would choose to start someone on a pain medicine, really, if you are a nicotine user, that's a real red flag that you should not start them on that because they are more apt to be addicted.

Tobacco 21, we have a bill in here—and it didn't even go to the Health Committee—that would raise the age of the tobacco that he mentioned to 21. Where this has happened, there's lots of good data showing that less people are becoming addicted. We know that the longer someone puts off using a potentially addictive substance, the less likely they are to be addicted.

We heard from Jeremiah Samples in our Senate Finance Committee meeting that tobacco-related costs for West Virginia annually is \$1.8 billion—with a "b." You know, we cut away \$1.5 million for tobacco cessation. So, we

really need to fix that. We talk about how important it is to have a healthy workforce when we try to grow and diversify our economy. I put to you that if we can keep people from using tobacco, that's the biggest step toward having a healthy workforce.

So, I echo the remarks from our pulmonary doctor in the body and, coming from a primary care doctor in the body, I think we have some heavy lifting to do and we need to work on it. We can have some major, major impact if we do a couple of these things.

Thank you.

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**Designating January 29, 2018, as  
Jefferson County Day**

*(Adoption of Senate Resolution 19)*

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**REMARKS OF  
HONORABLE  
PATRICIA PUERTAS RUCKER**

*Monday, January 29, 2018*

SENATOR RUCKER: Thank you, Mr. President.

I'm just very excited today because Jefferson County Day is a day in which the county that's the furthest away from where we are is able to come here and tell you all of the wonderful advantages that we have there in the Eastern Panhandle. It is, literally, the doorway to Maryland and Virginia. And we are just growing, thankfully, because of the wonderful work that our county does, the Development Authority, the Chamber.

It is really a wonderful thing to represent Jefferson County. I'm right at the very tip on the mountain where we have just recently had a study done because there's a lot of trouble with the cliff there, rocks falling on the road. I'm looking forward to hearing a report from that the study done.

But, I just urge you all to please come out, get to know these folks, they're working really hard and a lot of Jefferson countians work outside of this state. And it is one of the issues that we have to deal with that we need to get them involved in

our communities and would love to be able to bring more jobs so that they can be with their families more.

Thank you very much and I urge adoption of the resolution.

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**REMARKS OF  
HONORABLE  
GLENN D. JEFFRIES**

*Monday, January 29, 2018*

SENATOR JEFFRIES: Thank you, Mr. President.

Last year, my first year here as a state senator, I told a lot of you here on the Senate floor of my dad, what he meant to me, and what he did for me, and what he taught me. There was another individual in my life that, when my father passed away in 1988, that took me under his wing. And that was my grandfather. He taught me a lot of things as I was maturing into an adult. And one thing that always inspired me was his ability to be able to tackle problems. He was a mechanic by trade, but he was also a certified licensed electrician, HVAC . . . he could do everything. And as I watched him and worked with him in numbers of places here in West Virginia, especially in Putnam County, one day I asked him, I said, "PawPaw"—I always called him PawPaw—I said, "How do you do this? How did you learn all of this?" He said, "Glenn" he said, "If there's a will, there's a way that it can be done." So, he could tackle problems and it made me start thinking about our Legislature, our state, the history of our state. So I went back and I started looking at some problems that happened within this state and pulled out a couple of them that I wanted to talk about and to show what this legislative body did back in 2003.

On January 1, we had 39 physicians that walked out of four hospitals in the Northern Panhandle. When that happened, they took extended leaves of absence to protest the rising costs of what . . . medical malpractice insurance. It was a moment that shocked—some say the nation—but it shocked the people of West Virginia. And it took action by Governor Wise and the Legislature. Eight days later in his State of the State address, Governor Wise proposed reforms to our medical liability laws and help with the insurance premiums from tobacco

settlements and funds. It was House Bill 2122 that was introduced on the third day of the session, then it was worked on for nearly two months by committees in both houses. Differing versions were passed and sent to conference. Both chambers passed the bill again on March 8; it was vetoed, corrected, and passed again the same day, and then was signed by the Governor on the eleventh day. Press accounts show that those months, they were long, difficult roads, stakeholders giving some and not being too happy about doing so. But in the end, all sides came together and hammered out the solutions that were needed to keep our doctors here in West Virginia.

I look back and I can see which of our colleagues participated in that problem—and many of them are in here: Senator Trump was in the House at the time, sponsor of the Governor's bill; President Carmichael, you, Senator Blair, Senator Beach, and Senator Palumbo were in the House; Senator Plymale served on the conference committee; Senator Prezioso was Chair of Health; Senator Boley, Senator Unger were also a part of finding the solution. Where there is a will, there is a way.

The next problem that was addressed by our Legislature was the massive unfunded liability in the workers' compensation program, 2005. Governor Manchin made it the centerpiece of his agenda when he took office. For decades, industry and labor, medical providers, and those who received benefits knew that the system, nearly 100 years old, was quickly heading toward insolvency. The fund to pay benefits was running out of money, premiums for the state business were some of the highest in the nation. And I can remember that when I went into business in 1997 what those premium costs were. There were many reasons for the crisis, which I do not want to talk about today.

But my point is, once again, the Governor, the Legislature, Democrats, Republicans, and all stakeholders in this system came together to find a solution. And once again, not everyone was happy, not by a long shot, but everybody worked towards solving the problem. And once again, where there is a will, there is a way.

Mr. President, I believe, today, we have another crisis that is beginning here in this state. This time it does not directly affect just business or workers. Mr. President, I believe that this crisis is vital to our growth and the building of our future of all citizens that I believe is every bit important as those that I have discussed

today. What concerns me today, this crisis that I believe that is brewing, it's about our compensation for our professional educators and our teachers and our school service personnel and our state workers. Each of us knows that West Virginia has, I believe, no chance to grow unless we have a stable, educated workforce. Mr. President, you were out front with this community college, free technical community college—which I think is a great idea—and you understand that we need an educated workforce. As an employer, for a long time, the member of an Economic Development Authority in my home county, Putnam, I can tell you that some of the first questions that come up is about an educated workforce. And then, also, about a drug-free workforce.

You know, our teachers, we expect so much of them, yet, we compensate them so poorly for the job that they do for our children. We expect them to join with parents, for many times, to substitute for parents, to prepare our children for their futures. It's an awesome responsibility that we ask of them. I am certain that each of us personally knows teachers who have dipped into their pockets to pay for supplies for our students. We know teachers who work long hours even after school is done. What we never hear about, that they would never say, is our teachers that pay for school supplies, lunches, clothing for children who are less fortunate. A teacher may be the only smile a child may see that day, the only gentle hand, and, maybe, the only hug for that day. A teacher may provide the only space in which a child feels safe, protected, and cared for. A teacher may provide a child with the only reason to stay off drugs.

Our teachers fight for our children every day to make sure they are well, happy, and educated. Our teachers shouldn't have to fight for a salary that pays the bills that gives them a decent and affordable health care and pension. We made a promise a long time ago, passed legislature, even though it is put into code, it would bring teachers' salaries to our national average. Mr. President, we have fallen short of that because it was in 2019 when we should have had them up to the national average. And I know that we've would have worked toward that. According to *Education Week*, our teachers are the sixth worst paid in the country. In addition, they have costs of PEIA that keeps escalating, amounting to a salary reduction for our hard-working teachers, school service personnel, and our state employees.

Mr. President, what I have learned in history is that this body has always come together to fix problems. Mr. President, I believe if there is a will within this body, we will find a way to be able to compensate our teachers, our school service personnel, and our state employees.

Thank you, Mr. President.

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**Celebrating achievements and contributions of Monongalia County**

*(Adoption of Senate Resolution 20)*

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REMARKS OF  
**HONORABLE  
ROBERT D. BEACH**

*Tuesday, January 30, 2018*

SENATOR BEACH: Thank you, Mr. President.

Ladies and gentlemen, as the Clerk has stated, today is the day that we honor my favorite county . . . that being Monongalia County. And I have done this resolution every year since I've been here and, believe it or not, it gets longer and longer each year. So, I'm not going to go and read everything that's on here because we would be wasting some time here this morning and I know we have other things to get to. But let me paint a picture for you if I can, Monongalia County established its authority in 1776 along the banks of the Monongahela River, but, to add a few other things, imagine yourself if you could live in a community where you've received recognition as the Best Performing Small Metro Area, Top College Destination, Smart Places to Live, Best Quality of Life and Knowledge of Worker Metros, Most Secure City, Best Small Town to Live In—this was the *Men's Journal*, Best Sports City. And over the time that I have been in the Senate, they have accomplished a lot more and here, just recently, they received the Patti Hamilton Image Award in Monongalia County. We are a land grant institution founded in 1867. And my favorite, and I've worked with many of the folks here that you see standing at the back of the room and so has the Senator from Marion County, is the award-winning baseball park which has become an anchor in a lot of ways for Morgantown in what's locating to Morgantown as far as economic development goes.

Morgantown's a wonderful place. We also have festivals that are recognized nationally in regards to the MountainFest, University Arts Series, Coopers Rocks and the trail systems we have there . . . and the list goes on and on.

But it is my pleasure to welcome these folks you see standing at the back of the room and I welcome them to the front of the room here in just moments to have a photo. But if we would just take a moment to recognize these folks, I know they'd greatly appreciate it.

Thank you.

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**Celebrating achievements and contributions of Monongalia County**

*(Adoption of Senate Resolution 20)*

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REMARKS OF  
**HONORABLE  
CHARLES H. CLEMENTS**

*Tuesday, January 30, 2018*

SENATOR CLEMENTS: Thank you, Mr. President.

Echoing what my colleague from Monongalia County said, I'm proud to represent part of Marion County. And, every time I go over there I say, "Man, if I have to move, this is where I'm going." It's a wonderful community, the people work together. And I believe *Forbes* magazine said you're a recession proof city. And I think that is a wonderful remark to make about any community, but it's the hard work of the people of Monongalia County that have put you where you are today and I salute you very much.

Thank you.

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**Recognizing Bryan Schuerman for being named 2017 WV Outstanding Earth Science Teacher**

*(Adoption of Senate Resolution 21)*

REMARKS OF  
HONORABLE  
ROBERT D. BEACH

*Tuesday, January 30, 2018*

SENATOR BEACH: Thank you, Mr. President.

On behalf of the senators from North Central West Virginia, we have a familiar face with us here today. Recognizing Bryan Schuerman, who used to be a regular face on WDTV, Channel 5 in Clarksburg for many years. We're recognizing him today, ladies and gentlemen, as the National Association of Geoscience Teachers Award for Outstanding Earth Science Teacher of the State of West Virginia.

Bryan has been with us here in the State of West Virginia for many years. Bryan and I also share the same birth date—I don't think he knew that—but I'll share that with everyone. Although I think Bryan might have a couple of years on me, I'm not sure. But Bryan, again, has been a familiar face for many of us in North Central West Virginia. We're glad that he's here, we're glad that he's been recognized in this manner. It's a very high honor to be doing this and to be recognized in your field of choice. Most of us go through our life in our field of choice not to be recognized and you have, sir. And we're very grateful that you're here with us today and thank you.

Thank you, Mr. President.

**Increasing access to career education and  
workforce training**

*(Passage of Eng. Com. Sub. for Com. Sub.  
for Senate Bill 284)*

REMARKS OF  
HONORABLE  
CRAIG BLAIR

*Tuesday, January 30, 2018*

SENATOR BLAIR: Thank you, Mr. President.

Before I start explaining this bill, I would like for the members to know that I put a five-page explanation on your desk. You'll see my signature on the top of it for everybody. Rather than me explain for five minutes, I did a little bit of compression here for us from that matter, but there's a lot of good information in that.

With that said, Senate Bill 284 authorizes two separate programs being aimed at increasing access to career education and workforce training. First, the bill authorizes advanced career education programs—and I'll probably refer to this in a few minutes as ACE. The ACE program will connect community and technical colleges and career technical education centers with county boards of education in order to create defined educational pathways that begin when the student is in high school and ultimately lead to associate degrees.

The second part of this bill creates the West Virginia Investment Grants Program. Under the investment program, the council will award grants covering the full cost of tuition at any eligible community and technical college to qualified applicants. The bill also requires the council to report on success and retention rates of the program and authorizes the council to promulgate rules.

The bill sets eleven eligibility requirements for the grants, which include: (1) Being a West Virginia resident; (2) having completed a secondary education program; (3) having not already been awarded a post-secondary degree; (4) being at least 18 years old; (5) meeting the admission requirements of the applicable community and technical college; (6) meeting any additional qualifications of academic promise established by the council through rule; (7) having completed the Free Application for Federal Student Aid; (8) being enrolled in an eligible program; (9) being enrolled in at least six credit hours; (10) completing West Virginia Investment Grants application form; and (11) passing a drug test prior to each semester.

The investment grant will be renewed for each student until the course of the study is completed as long as the applicant maintains a satisfactory academic standing, including a grade point average of at least 2.0, also is making progress towards completion of the program and is demonstrating satisfactory participation in the community service program to be implemented by the council.



The bill also requires that each recipient of the West Virginia Investment Grants enter into an agreement which requires the repayment of the amount of the grants awarded to the recipient, in whole or in part, if the recipient chooses to reside outside the state within two years following obtainment of the degree or certificate for which the grant was awarded.

Lastly, the bill creates in the State Treasury a special revenue fund to be known as the West Virginia Invest Fund, which is to be expended for the purpose of administering the West Virginia Invest Grants Program. The fiscal note estimates the cost to the state on this as \$8 million.

I reserve the right to close and I urge passage, Mr. President. And I'm open to any questions.

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**Increasing access to career education and workforce training**

*(Passage of Eng. Com. Sub. for Com. Sub. for Senate Bill 284)*

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REMARKS OF  
**HONORABLE  
MARK A. DRENNAN**

*Tuesday, January 30, 2018*

SENATOR DRENNAN: Thank you, Mr. President.

I stand today in support of this bill. I'm a convert. I must admit when I came to the Senate and I heard about free community and technical college education, I was a little concerned. We all know nothing in this world is free. But the more I learned about the structure of the program and the safeguards that are in place, my skepticism turned to optimism. This program has the potential to transform our state and keep our sons and daughters home.

And if you'll entertain me just a minute, I'd like to say how community and technical colleges affected my life. And, you know, my father graduated from high school in 1961 and he immediately entered the workforce. He drew great satisfaction from a hard days' work and by the time my brother and I came along, he was working for the Betsy Ross Bakery down the

road here in Kanawha City. Sometimes he did route sales and drove a truck, but what he really enjoyed doing was working the docks and loading the trucks.

About 1978, the Flowers Bakery bought Betsy Ross Bakery and my dad found himself unemployed. The Chemical Valley at the time was still a very active place and so he began making application to many of the plants that are here in the Valley. But without experience or any training, the offers just . . . they just did not come. So, his search turned from inside of West Virginia to the Carolinas and to the Midwest . . . leaving West Virginia was almost a foregone conclusion. At the same time, he enrolled in a chemical operators' training program at the local technical school. He studied hard. I can remember he and my mom—and I was really young—going back and forth. He wanted to get not just straight A's, but 100 percent. He said the competition was steep and he needed to be at the top of his class in order to get a job. Afterwards, he did get a job. He was offered, received an offer from one of the plants here in the Valley and we remained in West Virginia.

Today, between my brother and our wives and our children—there's seven of us. Community and technical college worked for my dad. It kept my brother and I here raising our children instead of in the Carolinas or in the Midwest. I envision this program doing the same for more of our citizens and affording them career opportunities that let them stay in West Virginia and raise their families.

Mr. President, I urge passage of this bill.

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**Increasing access to career education and workforce training**

*(Passage of Eng. Com. Sub. for Com. Sub. for Senate Bill 284)*

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REMARKS OF  
**HONORABLE  
KENNY MANN**

*Tuesday, January 30, 2018*

SENATOR MANN: Thank you, Mr. President.

I, too, rise in support of Senate Bill 284; and it's an honor to get to support this bill. I think this is something a long time coming. Our committees on Education, Finance vetted this bill thoroughly and I commend the senators for that process to make sure that everyone had an opportunity . . . and we opened a lot of doors to make sure no one's left out.

And, in my opinion, this bill fills a request from our business and industry folks out there that have urged us to really help and do things to support growing our workforce here in West Virginia. And I think we've answered that call in this bill. And, I'll say that, if everything goes well, I hope our colleagues over in the House sees it this way as well. So, you know, I think this bill, in my opinion, deserves a so-called "moon landing" speech and I know technically today we're not physically landing on the moon, but, you know, for education in West Virginia, maybe we are.

And as I said in our Education Committee, I want you to remember this day and remember that we voted this through and changed education in West Virginia for the better. And so, with that being said, Mr. President, I'll say this, this bill is one small step for this legislative body, and one giant leap for education and the people of West Virginia. And I urge passage of the bill.

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**Increasing access to career education and workforce training**

*(Passage of Eng. Com. Sub. for Com. Sub. for Senate Bill 284)*

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REMARKS OF  
**HONORABLE  
SUE CLINE**

*Tuesday, January 30, 2018*

SENATOR CLINE: [inaudible] in support of this bill.

I think this bill is going to help a lot of young mothers and a lot of young adults that think that they can't afford an education, not even a community college . . . and there's a lot out there that would go to community college, they just can't afford to do it even with grants and with college scholarships. I, for one, know when I

first started trying to get a better education for myself as a young mother, I took classes everywhere, anywhere I could get them. I took correspondence classes from Penn State, I took from every college they are in our local area and even in our state on that end. I have taken some classes somewhere, at some time, trying to get what I thought I needed to do, you know, to have a better life for my family, and my husband did the same thing. And without community college, and as cheap as it was then, we couldn't have done it then, and, with this, I think people that think that they can't even afford that, they'll be able to go on and get an education because, you know, education has nothing to with how much money you make, you know, how old you are, where you come from, what families you're from. Education should be available for everybody, everywhere to be able to go as far as they can go in life . . . and I think this bill will do just that.

Thank you very much.

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**Increasing access to career education and workforce training**

*(Passage of Eng. Com. Sub. for Com. Sub. for Senate Bill 284)*

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REMARKS OF  
**HONORABLE  
MICHAEL J. ROMANO**

*Tuesday, January 30, 2018*

SENATOR ROMANO: Thank you, Mr. President.

Mr. President, you know, this has been a pretty good group effort and I remember when you stood back here and championed this bill. You know, we all got behind it and I think it's a real achievement for West Virginia. And, you know, of course it couldn't have passed without you guys, because you're all in the majority. But you did that, you embraced it and I just want to say that I think the Education Committee, moving the age down to 18 was a major change. You know, because it takes the children who we were going to lose between 18 and 20, and gives them a pathway to success. You know, I remember President Bush's No Child Left Behind, by changing this age and what this has done, we truly will leave no child behind in West

Virginia because every one of them will get the opportunity to have a good career and make a good life for their families.

And I thank you, Mr. President.

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**Increasing access to career education and workforce training**

*(Passage of Eng. Com. Sub. for Com. Sub. for Senate Bill 284)*

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**REMARKS OF  
HONORABLE  
ROBERT KARNES**

*Tuesday, January 30, 2018*

SENATOR KARNES: Thank you, Mr. President.

I'm much like the Senator from Putnam, very skeptical about the idea of yet another free handout that we're going to promise to the folks of West Virginia, particularly their kids, that, you know, in many ways, might not be able to afford. And so, as I saw this bill move through the process, and we had both internal discussions as well as committee discussions, and so on, and we made sure we put in appropriate safeguards to help control the costs as well as to tailor the program in a way that is really focused on moving kids in West Virginia to the workforce in West Virginia, so that it's not something . . . 'cause I see us constantly training folks in our higher education institutions to work in a different state, but this is clearly designed to try to keep them here, keeping them working in West Virginia. And so, those kind of solved a lot of my concerns, the way we approached that.

Because I very much believe in the power of education, but I also very much believe in the power of the appropriate education. And I think that this answers part of the question that has really needed to be solved for a while. This idea that everyone should run off to a four-year institution and get a four-year degree in something as though that's the magic, you know, solution for the world and it always left out the fact that we have a lot of tradesmen in West Virginia. But we need a lot more. We need plumbers, we need welders, we need IT technicians, much like what I am, and this bill answers that question. To say that it's not just

about getting an education, but it's about getting an education that's really appropriate in terms of the needs of the state, as well as in terms of the needs of the individual students who will be getting this education that we're actually targeting this at a place that we have not been properly serving in our higher education institutions and that is for these tradesmen roles, for the, you know, the two-year roles that are really going to fill a lot of needs in West Virginia.

And so I'm rising in support of this bill and I urge adoption.

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**Increasing access to career education and workforce training**

*(Passage of Eng. Com. Sub. for Com. Sub. for Senate Bill 284)*

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**REMARKS OF  
HONORABLE  
ROBERT H. PLYMALE**

*Tuesday, January 30, 2018*

SENATOR PLYMALE: Thank you, Mr. President.

I think I want to change the focus a little bit. We've all been talking about community and technical colleges, but let's go to the heart of one of the main components to this bill, and it's the advance career education. If you go back . . . and let's give Dr. Kathy D'Antoni a lot of credit. Her doctoral dissertation was the EDGE Program (Earn a Degree, Graduate Early). That means that you go through and start in high school and you can graduate from a community college early. You also take the simulated workplace that she's been doing in West Virginia, where you look at the issues we have with drugs, and kids have to come in, they have to check in like they're checking in to work, they have to do a drug test and then you add in what the Southern Regional Education Board has done in the advance career curriculum. We're also the only state in the country that's looking at this at the middle school level. We have to expose kids to the . . . what are out there in career pathways early in life so they can make choices by the time they can get into high school that this program will afford them to. These are the opportunities that we've been looking for for a long time.

I think the other element of this is how you tie this in with the Department of Commerce. The Department of Commerce is going to be looking out there for what kind of jobs that we need and make sure that those pathways are filled. So, to me, one of the major elements of this bill is the fact that a kid in the ninth grade, while we don't have slots for them now, can actually see that, if I do this in the ninth, tenth, eleventh, and twelfth grade, I'll automatically go into this program at the community college level and most likely I'm going to graduate early and I'm going to go out into the workforce making more money than, sometimes, you get in a four-year degree.

We've got to make these things available to students, we've got to show them what those pathways are, and we've got to articulate those in such a way that they can see that they can stay in West Virginia and they can have a good life.

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**Increasing access to career education and workforce training**

*(Passage of Eng. Com. Sub. for Com. Sub. for Senate Bill 284)*

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REMARKS OF  
**HONORABLE  
C. EDWARD GAUNCH**

*Tuesday, January 30, 2018*

SENATOR GAUNCH: Thank you, Mr. President.

I didn't intend to speak, but this is a momentous occasion. I think we'll look back on this in years to come and say this was an important day in the State of West Virginia. Helps me when I hear the comments from the Junior Senator from the Fourth talk about and puts a face on this bill. And for me, this bill will be known as Mikaila's bill, a young woman on the west side of Charleston who's been attending BridgeValley, who has aspirations of being a graphic artist. But she's been going one semester, taking off a semester to earn the money to go the next semester. My wife's sort of adopted her as a surrogate granddaughter. And she's helped her, encouraged her, and there's nothing wrong with personal responsibility, and she's doing that and she continues. But it's young people like Mikaila

who will benefit from this, who will be able to get that education, get a job, support her family, escape the things that, hopefully, so many others will be able to escape in this district which is close to me on the west side of Charleston.

So, I thank you, Mr. President, for your leadership. Thank you all for supporting this, making the bill better in committee and by amending it. This is a wonderful opportunity to improve the lot of many Mikailas in the State of West Virginia.

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**Increasing access to career education and workforce training**

*(Passage of Eng. Com. Sub. for Com. Sub. for Senate Bill 284)*

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REMARKS OF  
**HONORABLE  
CHARLES S. TRUMP IV**

*Tuesday, January 30, 2018*

SENATOR TRUMP: Thank you, Mr. President.

I rise in support of this bill, in strong support of it. And if the members will indulge me a little bit, I want to tell a little story. It sort of brings this home for me anyway. And, it's a Proctor & Gamble story, and so . . . . When Proctor & Gamble made its announcement about coming to the Eastern Panhandle, all of us knew at some level that that was going to be a game changer, that it was very big deal for West Virginia, for the area where we live. I live in Morgan County which is the next county over and we were happy for our friends and neighbors in Berkeley County without thinking that there would be much, necessarily direct, impact on Morgan County which was farther away. But it just shows, you never know what you don't know. And this bill ties into this, let me, if I can . . . . Everybody knows Proctor & Gamble makes the most famous brands in the world, they are household names to everybody: Dawn, Bounty, Oil of Olay, Head & Shoulders, there are dozens and dozens, Crest toothpaste, brands that every person knows.

In Morgan County and Berkeley Springs, in a little town, we have an old county hospital, it was built in the thirties, the original part of it, as

a home for crippled children. There are pictures of FDR coming to Berkeley Springs, you know, for the dedication of that. A new hospital was built within the last ten years and there were questions for a long time about what would become of that building. Well, let me tell you what's become of it. Because it really is exciting for all of us in Berkeley Springs. The people at Proctor & Gamble to whom I've spoken, and others have spoken, have said, the most important thing for us is quality assurance, because all of our products are personal, they're used by people on their skin, their hair, toothpaste in their mouth, they have to have the most exacting and rigorous testing of every aspect of it, you know, way before it ever, you know, gets a brand label and through the production process that has to occur, every raw ingredient that that company takes in to make one of its famous products has to meet exacting, rigorous specifications. So, the people at Proctor & Gamble said we have to have . . . we have chemists, we have, you know, physicists, but not all of the people we have to have, we certainly have to have some that have master's degrees and bachelor's degrees in chemistry, but not everybody who's involved in that process has to have that kind of degree. And so—it's really a great story—in conversation with Pete Checkovich and Ann Shipway, the folks at Blue Ridge Community and Technical College, what they've done for Proctor & Gamble is design a degree program, an associate degree program, which is, I guess, it's a lab chemical technician. And they are teaching people to run—I'll try to make this story shorter—they've taken over the old hospital in Berkeley Springs. Mr. President, we never thought we'd actually see a physical presence of Proctor & Gamble in Morgan County. But they've taken over the whole wing of the hospital and if you walk into that room, you'd see long rows of these—I'm sure they're ridiculously expensive—gas spectrometers and devices that are used to test the purity and standards of the ingredients that go into Proctor & Gamble's products. And in Berkeley Springs, in that building, a combination of a degree program, crafted by Blue Ridge, Proctor & Gamble, they're training people to do that lab testing under the supervision of the, you know, master's and bachelor's degree chemists. But people are operating high tech machines, will be in Berkeley Springs, doing that critically important testing. It just shows, to me anyway, it's not something that two years ago I ever would have conceived, but it shows what can be done with community and technical colleges working together with the private sector and what it's meant for and what it's going to mean

for in the future for the people in my area is, I think, truly remarkable.

And this bill, this bill, Mr. President, opens that door. It's going to open that door to kids not just in Berkeley Springs, but all over West Virginia who have opportunities. You know we talk about the jobs of tomorrow and, in truth, we stand here, we don't know what they are. But our community and technical colleges, our four-year colleges, are in the process of crafting those and we want to make them nimble to be able to respond to the needs of an ever-changing, seems like the older I get, the faster the rate of acceleration of change is. You know, there are moments when I feel like the technology has just passed me by. But, I'm excited for, you know, our children, our grandchildren and this bill, Mr. President, opens the doors.

And so, I support this bill. And I want to compliment you, I compliment Governor Justice, our colleagues on both sides of the aisle. This is an important step for the future of West Virginia and it brings home what we mean when we say we're going to have a workforce ready for the jobs of tomorrow.

I urge passage of this bill.

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**Increasing access to career education and workforce training**

*(Passage of Eng. Com. Sub. for Com. Sub. for Senate Bill 284)*

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REMARKS OF  
**HONORABLE  
CRAIG BLAIR**

*Tuesday, January 30, 2018*

SENATOR BLAIR: Thank you, Mr. President.

A lot of great remarks here today. The word momentous was used—perfect description of where we're at here today. I want to add just a couple short remarks, then I'm going to be done.

But one of the things that we're actually doing here is adding a tool to the toolbox of guidance counselors in this state to help people like me, and others. We're also adding tools to

the toolbox for job creation and job retainment and businesses wanting to locate here. I guarantee you, we're going to see the day when this pays dividends to the State of West Virginia and here is why—we hear all these things, what businesses are looking for, well, when you have the lowest amount of students with associate degrees and bachelor degrees and things like this, this at least gets our associate degree numbers up. That has a bearing on businesses wanting to locate here and expand here and that in turn grows the tax base so that we can do other things for the people of West Virginia, including pay raises. But we can't do it the way that we've done it in the past.

I've dreamed about this since I was a farmer riding a tractor, 21 years old in Berkeley County, growing apples and peaches. Because when I was in school in 1976 and '77, they really wanted to push you to college education, got to go to a four-year, four-year, four-year. It didn't fit for me and it doesn't fit for a lot of us. But we can still be very, very, very productive.

And I've got to add one last thing to this. When you put people into the workforce, it takes them off the entitlement rolls. That, in itself, pays dividends and also attracts business. We get the people in our state back into the workforce. This gives them the opportunity for that. Next to fixing workers' comp, I believe that this is the very, very best piece of legislation that we will have passed out of the Legislature and I can't wait to see this board light up green.

Thank you, Mr. President. And I do urge passage.

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REMARKS OF  
HONORABLE  
MARK R. MAYNARD

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*Tuesday, January 30, 2018*

SENATOR MAYNARD: Thank you, Mr. President.

There was an open forum last night at Spring Valley High School addressing public education. I wasn't there, but I heard shots were fired toward me. But I'm flattered though that things had to be fabricated in order to come up with something negative about me, so . . . I'm a product of public education and in this state we have to make public education one of the most

important things we do because, you know, the little Christian schools and home schools, that's a definite important part, but the majority of our kids are going to be educated in the public education system.

I graduated from Wayne High School in 1990 and it's near and dear to my heart and, if I could back to one time in my life, it would probably be from the years '86 to '90 when I was in high school. You know, just a great time—great teachers, great students, friends. When my daughter went through Wayne Elementary School, I volunteered every day and I would change letters on the marquee and when she went to middle school, I did the same thing. And they had some old lockers there and I'd bring tools in of the morning after I dropped her off and tighten up bolts and fix doors and until about 9, until I opened my business, and then I'd go start my day. Then when my daughter went to high school, she was on the softball team, and she played since she was in the second grade and I was asked to be the announcer at the home games and, to this day, that will probably be the highlight of her softball career for me getting to announce my daughter and all the friends that I've witnessed growing up . . . and it was just a very special time. But after she completed her freshman year, she wanted to go to a Christian school. She's raised in the church and, you know, how could I tell her no? She wanted to, you know, be in church with prayer and, you know, with Christian values. And so . . .

Even though my heart was in Wayne High School, my alma mater, one of the few left high schools that hasn't been consolidated and, you know, combined with other schools, it's such a pleasure to go to my home high school football game and it's the school I went to on the field that was going on when I was there.

But since everybody's so interested in my public education bills, and just my education bills in general, I thought I'd list and talk about every single one that my name's been attached to. So, I hate to tie up the session any longer, but it's just in my heart to talk about it.

Senate Bill 19 (*Requiring teachers to post online calendar of class activities*)—my idea. As my daughter was going through middle school, it was hard for me to know what chapter she was on, when her tests were, and when her homework was due. Long before I ever became a senator, I went to the board of education, and went to the principals, you know, wanting to know how I could find out this information. My

daughter, you know, said they would skip around from chapter to chapter, you know, unlike when I went to school we'd go chapter through chapter. And, sometimes, she didn't even have a book. But I really couldn't get any answers. So I thought when I was elected to the Senate, you know, I want to do this, to get those parents involved with a schedule where they could have a three-way communication between the student, the teacher, and the parents to know when homework was due, when the tests were going to be, and what chapters they were covering. Now, I know that all parents wouldn't take the time to do that. And I probably may have missed a few days, but I just . . . when I did have the opportunity to read a chapter with her and, actually, I could've probably learned some stuff myself that I missed when I was in middle school . . . . But, you know, it got fought with opposition and I was merely just trying to do the right thing.

And every single bill here that I have attached my name to, I'm just trying to do the right thing. And that's what I told myself to do when I was up here. I'm not going to worry about a special interest group, or who's got money or who's going to donate, I want to do the right thing for West Virginia and, if I leave here, then I will be able to sleep at night knowing that I tried my best.

S. B. 20 (*Requiring election of State BOE members*)—electing the State Board of Education members; I found out that that's a constitutional amendment that would need to take place—bill drafting didn't catch it—but, nonetheless, I was just looking out for the best of this state and thinking that would be a good idea to let those members be elected.

S. B. 28 (*Relating to hiring of school personnel*)—that's the one that was mentioned last night. And oh, you know, lots was said, you know, about how bad of a bill it was. I'll tell you the whole genesis of that bill. I was at a board of education meeting in my district and they were begging me and other legislators that they are losing applicants that are good, qualified employees for a position that is not available. So, let's say there's going to be a vacancy in the future of a posting of an employee or teacher that's going to be retiring. They were complaining that there's good applicants that they lose that may go to another state or may go to another industry that they're not able to kind of secure for this future vacancy. S. B. 28 was only for that reason; just to give them a way to receive an application for a future vacancy.

Now, you know, it's been twisted into something that, you know, I hear different things about it. But that was the intent and I really think that's what the bill would do.

S. B. 29 (*Requiring school counselors to advise graduating students on availability of student aid*)—counselor's student aid. I read in a legislature paper that it would be good if all students, all seniors, were presented with and asked to file for student aid. Some students, you know, that may not even think they were eligible for college or higher education may be eligible, and through student aid be able to do it. But counselors—I had a counselor contact me and said that there's students that wouldn't even want to go to college, so there's no need to really make them apply. You know, you never know how a student would be toward higher education if he knew he could get a free ride or at least help. Also, they use the excuse that grandparents don't have time for the paperwork. But, you know, again, I was just doing that because I felt like it was the right thing to do. I wasn't asked to fill out any student aid when I was in high school, but I would have liked to have been asked.

S. B. 128 (*Establishing education expenses tax credit*)—it's a \$1,000 tax deduction. I was a lead sponsor on those bills and I added my name onto this one, S. B. 128 which is a \$1,000 tax deduction for public school teachers for supplies that are bought for the classroom and, also, it's a \$500 tax deduction for nonpublic school students to help out with supplies and stuff that are bought.

S. B. 130 (*Creating Tim Tebow Act*)—I signed onto this one, Tim Tebow bill. You know, I just hate to see private schools and home schools that aren't able to participate in school activities. However, I do realize there does need to be a cost incurred and something done with, probably, the school aid formula to allow for, you know, equipment, uniforms, and the such.

S. B. 349 (*Providing teachers with a three percent pay raise*)—nobody's talking about that one—it's a three percent teacher pay increase. For some reason, you know, the teachers haven't mentioned any support for that. With PEIA, I've been getting lots of information on it and lots of emails . . . . And just to let everyone know here, maybe that's listening in, in the budget bill that's supplied to us on the first night of session, it's already line-itemed in there and I trust our Finance Committee on both sides of the rotunda and the Governor to come up with the best thing

to do for that. And I look forward to voting on that budget bill.

And I appreciate your time today.

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**Decreasing and adding appropriations  
out of Treasury to DHHR and MAPS**

*(Passage of Eng. Senate Bill 385)*

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REMARKS OF  
**HONORABLE  
RON STOLLINGS**

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*Wednesday, January 31, 2018*

SENATOR STOLLINGS: Thank you, Mr. President.

I rise in opposition to this bill. It does take money from medical services, Medicaid, and puts it into roof repairs. We all know that making budget choices is never easy. And I know we struggled last year to get it done, but this Legislature finally passed a budget and one thing in it included was \$23 million for Medicaid for health services. We have heard the Deputy Secretary in our Senate Finance Committee talk about all the issues that they have with regard to funding very important programs like child protective services, foster care, etc. This supplemental appropriation takes \$23 million out of Medicaid and kisses goodbye to the \$69 million in federal matching funds that we would receive when it's spent. In making this change, the bill doesn't keep the money in health care services but rather spends it on roof repairs. And I know that roof repairs are needed, facilities are expensive to keep up, but we sure do have a lot of problems that more money in health services could help.

And what about adult dental services? We could have provided a one-year window to allow Medicaid to be used for dental services for adults which would have drawn down the federal match and helped a lot of people even if it couldn't be funded on an ongoing basis. I know that no one in this body needs to be reminded of our opioid crisis to realize that this money should have been kept in health services and spent on services that address the problem. We could expand substance abuse addiction services that qualify for Medicaid, such as behavioral health services, services for children of addicts, rapid response teams for overdose victims

with intervention teams offering resources within 48 hours. We could have devoted this money to address the DHHR's child protective services crisis. Although we have lost the matching funds with this proposal, at least we would have been addressing the health of the citizens with the money set aside for Medicaid. Kids are languishing in shelters and detention centers because we don't have available facilities. In fact, if we want to do away with the three-to-one match, we could use the \$23 million for the PEIA reserve fund to help eliminate the proposed changes for PEIA to state employees for next year—another health care expense that is a huge need. Instead, we are doing what I believe is an unprecedented step by taking this already appropriated money out of Medicaid. I know of no instance where the State of West Virginia has ever taken money away from Medicaid in this manner.

I urge defeat of this bill.

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**Decreasing and adding appropriations  
out of Treasury to DHHR and MAPS**

*(Passage of Eng. Senate Bill 385)*

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REMARKS OF  
**HONORABLE  
MICHAEL J. ROMANO  
AND  
HONORABLE  
CRAIG BLAIR**

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*Wednesday, January 31, 2018*

SENATOR ROMANO: I would ask the Finance chair to yield, please?

MR. PRESIDENT: Senior Senator from the Fifteenth yield? Senator yields.

SENATOR ROMANO: Thank you, Senator.

Senator, I don't have the benefit of being on the Finance Committee and I just heard what the Senator from Boone said. But how much is this transfer of appropriation, how much is it?

SENATOR BLAIR: Twenty-three million.

SENATOR ROMANO: Did I understand him that we're going to lose a three-to-one match from the federal government if we make this transfer?



SENATOR BLAIR: It has the potential to lose that match.

SENATOR ROMANO: If we leave it in the appropriation that we made last year during the budget process, if we leave it there and use it for certain expenditures that are eligible for matching funds, we get a \$3 for every \$1 match from the federal government?

SENATOR BLAIR: That . . . what you're saying right there is correct. Yes.

SENATOR ROMANO: Can you explain that to me why we would give up—I'm going to do the math real quick here—\$69 million. Why would . . . in our current state of financial distress, and I know things are getting better, at least that's what we hear, why would we give up \$69 million that we have a lot of uses for in this state and that we actually appropriated it for last fiscal year?

SENATOR BLAIR: Well, actually, I'm rather proud of this and keep in mind that this is a Governor's bill. In reality they're tax dollars regardless and we got to quit feeding off the federal government—and this is me speaking personally right now. You know, in years past, it has been all about how many federal dollars can we draw down. Well, maybe it's about time that we stopped doing that and looked forward to the future and take care of ourself. Okay, now these moneys are being reappropriated and this is the Governor's Office being able to manage. They may be redirecting things in the DHHR on their own. That's what the Executive Branch's job is to do. This is a Governor's bill that brought forward. We didn't have this discussion in Finance for that matter. I might be a little bit better prepared for it if I had, but, maybe not as well. But again, they're tax dollars regardless, whether they're federal tax dollars or state tax dollars. Other questions?

SENATOR ROMANO: Yes, Senator, I do. I mean I appreciate what you're saying. My entire elected career I've tried to avoid inefficiency and waste of tax dollars, but you're not telling me that helping people with mental disabilities who can't otherwise afford treatment is a waste of tax dollars, or helping the opioid crisis is a waste of tax dollars. I mean, certainly we need that money. I'm not just comprehending, you know . . .

SENATOR BLAIR: Are you arguing . . .

SENATOR ROMANO: Just one second . . .

SENATOR BLAIR: . . . that with the facilities in place that with the HVAC and maintaining the buildings . . .

SENATOR ROMANO: . . . that's an important . . .

SENATOR BLAIR: . . . in any area is a bad use of tax dollars as well?

SENATOR ROMANO: No, I'm not saying it's a bad use at all, Senator. I'm saying that why would we give up \$69 million in order to patch a roof? Surely, we can find that money somewhere else. I know it's a lot of money, I know things are tight, but we're giving up \$69 million. How can that make any sense?

SENATOR BLAIR: Well, I think that you need to ask the Executive Branch that question, okay . . .

SENATOR ROMANO: Can we get him up here?

SENATOR BLAIR: . . . instead of this chairman. Do just that because they're the ones that sent this up and we're working with them to get this through. And, again, it's before us here today. If you're not comfortable with this, feel free to vote "no."

SENATOR ROMANO: Senator, the only thing I want to ask you, I just want . . . I mean, you're recommending this bill; you want us to pass this. That's why I'm asking you. I don't see the justification for it. I mean I'm not being silly or trying to agitate in any way. I just can't understand how we can justify that and I'm not really hearing anything, with all due respect, that makes me feel like it's a good bill that we want to give up \$69 million. I mean, I keep saying that to myself that we're going to divert money from this Medicaid fund to patch a roof and do some other important things. But, in the process, give up \$69 million of desperately needed money that we need for our citizens. I mean, I can't imagine that's saving money. I agree with you, shouldn't use federal money if we don't need it, but I think we desperately need it.

SENATOR BLAIR: Well, with all due respect, my experience so far with this Executive Branch, that they are trying to do more with less and we have to give them the latitude to be able to do what they believe is the right thing. I think that that's what we have here in this bill today, is working with the Executive Branch, from that standpoint. Do I have all the

answers that you're asking? Absolutely not. I don't even to pretend to have that. But I am giving the due respect to the Executive Branch on giving them the latitude to be able to do their job and to be able to move forward and manipulate the moneys around. We know that that's taking place all the time to be able to get the jobs done, to be able to maintain the services in this state government.

SENATOR ROMANO: Thank you, sir. If I may speak to the bill briefly, Mr. President.

MR. PRESIDENT: Senator may speak to the bill.

SENATOR ROMANO: Thank you, I just want to briefly oppose this bill.

You know, I leave the benefits of this Medicaid money to the doctors, to the physicians we have here in the Legislature. But, you know, I'm a CPA and an attorney and I can do math. And it just doesn't make any sense to me that we would, you know, want to divert money out of a particular fund that's going to cost us three times more money . . . not from West Virginia, but money that the federal government's willing to give us to help us with important causes that I believe in. That we're not handing this out to people who aren't willing to work. We're handing it out to people that can't help themselves. And how do you justify that? How do you justify taking \$23 million out when it's going to cost us another \$69 million?

Now, you know, my friends and colleagues here, I just don't know how we can vote for a bill like that. I mean, where's the common sense? Where's the common sense to say let's find the money somewhere else, let's find some other waste, some real waste and inefficiency, and patch that roof. Let's not take it out of the people who need it the most and, in the process, give up \$69 million.

I strongly urge a "no" vote to this bill.

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**Decreasing and adding appropriations  
of Treasury to DHHR and MAPS**

*(Passage of Eng. Senate Bill 385)*

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REMARKS OF  
**HONORABLE  
MICHAEL A. WOELFEL  
AND  
HONORABLE  
CRAIG BLAIR**

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*Wednesday, January 31, 2018*

SENATOR WOELFEL: Thank you.

Will the Chair of the Finance Committee yield?

MR. PRESIDENT: Does the Senator yield? Senator does yield.

SENATOR WOELFEL: Thank you. And I have the greatest respect for the chairman. Like the gentleman from Harrison, I'm not on the Finance Committee.

I heard you say that it's time we take care of ourselves; don't depend on the federal government.

SENATOR BLAIR: Reduce our dependence.

SENATOR WOELFEL: You said that, right?

SENATOR BLAIR: Yeah, reduce our dependence on the federal government.

SENATOR WOELFEL: Okay. What about the . . . ? I've been told that as many as a third of our preschool children are either babies that were addicted at birth or have a parent who's addicted now. Now, who's going to take care, I mean, why would we take money that's designed to help those families, I mean, who's going to take care of them, aren't they the least among us, that we have an obligation spiritually to take care of, to help out, or do they need to just tough it out through that?

SENATOR BLAIR: They have the sufficient cash balances to be able to do that as well. What we're talking about here is \$23 million that the Governor's Office is redirecting and we're giving our stamp of approval on it here in this appropriation. But keep in mind that it's us not spending \$23 million in the DHHR, from what I described about earlier, and that's why it's not the \$69 million. Okay, we're not getting the draw down from that standpoint. We're using the resources where the Executive believes that they can be better utilized.

SENATOR WOELFEL: Okay . . .

SENATOR BLAIR: Your reach out there to say that drug addicted babies are not going to be taken care of is, I believe, an inaccurate reflection of what we're doing here today.

SENATOR WOELFEL: I can't rely on your statement on that. I don't . . . And don't blame the Governor. You're the one that's advocating this bill.

Let me ask you this. The Gates of Hell have been unleashed on West Virginia with respect to opioids. It's not a cliché. Have you been to Lincoln County? Have you been to any of our counties? This is the worst crisis, I think, the health crisis, in the history of our country. And so, we have three bills here—this is the first one—that are all taking money out of Medicaid that could be used, I don't know whether it's matchable or not, but could be used to fight that battle. Are you comfortable that we're doing all we can and need to do with the Medicaid program through DHHR to battle the opioid abuse? Are you convinced that there's plenty of money to fight and win this war against the opioid crisis?

SENATOR BLAIR: I am convinced with all my being that we are going to beat . . . we're doing more now than what we've ever done and doing it for less, to fight those battles of addiction that we have in this state which, again, is a deterrent to job creation and job retention in this state which will grow our tax base so that we can have less of an argument about what we are right now here today.

SENATOR WOELFEL: What are we going to tell those three-year-old kids in the preschool, sir? I mean, I like trickledown economics; I can have that argument with you some other day. These are real people in our state, who can't fight for themselves, they can't take care of themselves. And . . . do you . . . I mean are you going to vote . . . do you intend to vote in favor of this . . . are you going to vote for this bill?

SENATOR BLAIR: Oh, absolutely, I intend to vote for his because I do have the confidence in this administration and the DHHR, specifically, Jeremiah Samples. Maybe I shouldn't call out names here, but I have been working with him behind the scenes on many things and I have the utmost confidence that we are heading in the right direction on this.

SENATOR WOELFEL: So, we have plenty of money . . . we don't need all of these tens of

millions of dollars to fight the opioid crisis? We can put that roof on that jail. Right?

SENATOR BLAIR: You should always remember, it's not how much money that you throw at a problem, it's the solutions that you bring to solving those problems. It is not always about dollars for fixing issues. That is a wrong perception that we've been dealing with for decades in this Legislature as well. Throwing money at problems and expecting solutions doesn't necessarily equate results.

SENATOR WOELFEL: So, you must think that we have plenty of health care facilities to treat our addicts. That . . .

MR. PRESIDENT: Just for the purpose of the body, the chair is recognized for purposes of questions as it relates to this specific program.

SENATOR WOELFEL: Do we have, I mean, are we spending enough money on health care facilities to treat opioid addiction and we don't need to throw any more money at that? Can you answer that for me?

SENATOR BLAIR: I believe, and I don't have the numbers in front of me, I will get them and come back to you with them. But I think that you will actually find out that we are devoting more resources to that.

SENATOR WOELFEL: Well, I appreciate that. Are we . . .

SENATOR BLAIR: More resources doesn't necessarily mean money, as well. More resources though.

SENATOR WOELFEL: Man, I wished I lived in your community. You know, it must be great there.

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**Decreasing, increasing and adding  
appropriations out of Treasury to DHHR  
and Department of Administration**

*(Passage of Eng. Senate Bill 388)*

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REMARKS OF  
HONORABLE  
MICHAEL A. WOELFEL  
AND  
HONORABLE  
CRAIG BLAIR

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*Wednesday, January 31, 2018*

SENATOR WOELFEL: Would the Chair yield?

MR. PRESIDENT: Senator from the Fifteenth yield?

SENATOR BLAIR: Yes, sir.

MR. PRESIDENT: Senator yields, you're recognized for questions.

SENATOR WOELFEL: Have these funds been the subject of the federal three for one matching?

SENATOR BLAIR: They would only be subject to the three-to-one match if we spent them on something that would be . . . to where you could draw a three-to-one match.

SENATOR WOELFEL: So, by taking this money out of what was already approved, we're going to lose out on the three for one matching for these funds. Is that right?

SENATOR BLAIR: No, that's inaccurate because we have a cash balance available to where we could still use it for where we're drawing from these accounts, where we're transferring the [inaudible] from, we can still provide the services that we were doing before. There really aren't reductions on services.

SENATOR WOELFEL: Not the question. I didn't understand your answer. What's three times . . . how much are taking out of DHHR here?

SENATOR BLAIR: Sixteen point four million.

SENATOR WOELFEL: Okay. Can our man tell us what three times that is or can you tell me that?

SENATOR BLAIR: That's with the assumption that they would use that \$16.4 million on services that they could draw down the match. There is no guarantee that they would be using . . .

SENATOR WOELFEL: Okay.

SENATOR BLAIR: . . . that money to draw down a match.

SENATOR WOELFEL: What's the number that we would be potentially walking away from . . . federal matching?

SENATOR BLAIR: It all depends. I'm not . . .

SENATOR WOELFEL: Alright, could it be as high as \$48 million?

SENATOR BLAIR: You can do the math times three if that's the argument you're wanting to make, but the argument could be made that the \$16.4 million could be spent within the system that has no match at all.

SENATOR WOELFEL: Okay, I understand that. Is it about \$48 million then that we potentially, federal matching, that we could be walking away from? Potentially?

SENATOR BLAIR: No, it's \$16.4.

SENATOR WOELFEL: Alright, and three times that is what? I'm not trying to trick you, it's not a math test.

SENATOR BLAIR: And I just answered that question . . .

SENATOR WOELFEL: \$48 million.

SENATOR BLAIR: . . . previously. That all depends. You can use your math and do the three times for that and have that for that number, but that is saying that they spend the money to where there is a match. Not all of the money that is in these accounts over there are being used to draw down federal dollars. So the assumption that it's a three-to-one match, I believe, is an erroneous assumption.

SENATOR WOELFEL: Who told you that? How do we know that?

SENATOR BLAIR: Who told you that you're getting three – to – one?

SENATOR WOELFEL: I'm not saying that. I'm asking, you're answering.

SENATOR BLAIR: Well, I've given it to you.

SENATOR WOELFEL: Who told you that? I haven't heard the answer.

SENATOR BLAIR: Do you have further questions?

SENATOR WOELFEL: Was it the Governor?

SENATOR BLAIR: I don't get your questioning.

SENATOR WOELFEL: Who told you that we're not going to waive the three for one match, if anyone?

SENATOR BLAIR: Who told you we were?

SENATOR WOELFEL: I don't . . . no one told me that.

SENATOR BLAIR: That's right, you have the same answer I have.

SENATOR WOELFEL: Okay. Alright. Fair enough.

Thank you.

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**Decreasing, increasing and adding appropriations out of Treasury to DHHR and Department of Administration**

*(Passage of Eng. Senate Bill 388)*

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**REMARKS OF  
HONORABLE  
RON STOLLINGS**

*Wednesday, January 31, 2018*

SENATOR STOLLINGS: Again, I rise in opposition to this bill.

I'll spare you the repeat of my reasoning from the last bill. But, for the same reason, I oppose this bill.

Again, we're taking \$16 million that are . . . these dollars are potentially matched three to one. They're in medical services—if we use them on our poor people at our hospitals, at our doctors' offices, they would be matched three to one. If we use these dollars to bring down the IDD Waiver Program, the people that are on this waiting list for five or six years that we heard

from the Deputy Secretary—12 . . . 14 . . . 15 hundred of them—it would draw down three-to-one dollars because it is in medical services. If we choose not to do that and leave these people on the waiting lists and if we, you know, don't deliver health care services such as oral care for adults, then, no, this is just \$16 million. But if we wanted to use it for these high-need poor people to help improve their lives, their health, which, by the way, is among the least healthy population in America, the Medicaid population in West Virginia. So, it wouldn't maybe hurt the DHHR to use this money maybe in a wiser fashion.

So . . . and it certainly makes me wonder if we have a structurally sound budget when we have to take money away from providing these much-needed health care services and use it for, you know, paying attorneys.

So, I am again in opposition of this bill.

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**Decreasing, increasing and adding appropriations out of Treasury to DHHR and Department of Administration**

*(Passage of Eng. Senate Bill 388)*

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**REMARKS OF  
HONORABLE  
RICHARD N. OJEDA II**

*Wednesday, January 31, 2018*

SENATOR OJEDA: Thank you, Mr. President.

I just . . . I find it kind of ironic that, you know, we're talking now about how, you know, we have to worry about this money going to here and going there. You know, I thought we were great. I thought everything was going well. You know, obviously, if we're able to take the equipment inventory tax off, we're doing great, we don't need to worry about money.

You know, I'm just going to be honest with you and I keep saying this: You know, there is a lot of issues across our state right now, you know. And if we have the ability to take away the inventory tax that's going to benefit the Governor directly and benefit the wealthy people in this state, maybe we need to start

looking at the other people that truly matter that keep this state operational—our state employees, our teachers, our correctional officers, our firefighters, our police officers. It's about time that we start focusing on them.

Thank you, Mr. President.

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**Decreasing, increasing and adding appropriations out of Treasury to DHHR and Department of Administration**

*(Passage of Eng. Senate Bill 388)*

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REMARKS OF  
**HONORABLE  
JOHN R. UNGER II**

*Wednesday, January 31, 2018*

SENATOR UNGER: Thank you, Mr. President.

As I'm listening here, I just . . . some of the things that are brought up and I just wanted to try to mention and shed some light on it, maybe, some of my thinking of it. Senator from Wetzel keeps talking about that this is this year's budget, not next year's budget. You know, we still have six months to go for this year's budget and we're taking money out of this year's budget to shuffle into this other account. And so, you know, we don't . . . we go by July and July—not January to January. So we have until July where this money could be utilized to help people in need.

The other thing is I keep hearing, you know, we shouldn't be dependent on the federal government or the taxpayers' money, we shouldn't talk about three-to-one match. But, Mr. President, let's really be looking at this. Actually, that is our money. It's our money we sent to the federal government that we're bringing back to West Virginia to use in West Virginia. I mean, the people of West Virginia pay federal taxes, sent the money to Washington and this was a way in which we could match it and bring that West Virginia money back to help West Virginia and not California and Maryland and Pennsylvania, or you fill in the blank. This is our money we're bringing back to West Virginia so it's not going to be used in other states—to help our people, West Virginians. So, when we talk about three-to-one match, keep in

mind that's West Virginia money that we've sent.

The last thing is, senators talked about court-appointed counsel and the need. I know there's a need for that. But let me tell you, people I work with that are in recovery, people who are abusing drugs and alcohol, you know, we may need less counsels, may need less jails, if we can actually get a hold and a handle on the opioid epidemic. I've had correction people in my office talking to me—and this has not changed over the last couple of years—but they tell me that at least 85 percent of the people that are in our correctional facilities are there because of drug-related issues. Eighty-five percent! Now, to me, I think that if we get an investment three-to-one match from the federal government to come in and help people so that they don't use or get them recovered so they don't need counsel, we save money paying lawyers. Also, we save money where we don't have to put new roofs on prison facilities 'cause we don't have to lock people up, but they actually can be productive and actually go out and work and pay taxes and that we all benefit, share prosperity, to me I think this is a great investment. But, I think we're being short-sighted here. We're taking and we're balancing a budget, supposedly, it was appropriated to them last year as in everybody said this was a fiscally sound budget. It's amazing we have so much excess in our budget from last year and we're not even finished—we're a little half way finished with this budget and we are calling it "excess." We have no idea what's in front of us for the next six months that we're spending and we're robbing these accounts and the services that people could use, as far as fighting this opioid epidemic and other types of medical problems that we have so we can have a healthy population.

Mr. President, what I'm hearing today is very disturbing and I would urge that we vote this down.

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**Recognizing contributions and efforts of Donate Life West Virginia partners**

*(Adoption of Senate Resolution 23)*

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REMARKS OF  
**HONORABLE  
GREGORY L. BOSSO**

*Thursday, February 1, 2018*

SENATOR BOSO: Thank you, Mr. President.

It's an honor to stand and be a representative on this particular resolution. We've seen what contributions an individual can give in legacy, through death, as others get to live through their contributions. Sometimes it's an eye, sometimes it's a liver, sometimes it's a kidney. Most recently, my church in Summersville has had the opportunity to pray and watch what can really happen in the life of one who was, from birth, suffering as the result of some kidney anomalies. She just recently received a kidney and is recovering. Before, she was suffering. She had some energy, but she was suffering. But now, she's full of life because of somebody's life-giving contribution through death.

This is a very important initiative. It's important that all of us give through donating. And sometimes it's just simply marking a spot on our driver's license saying, "Yes, I'm willing to be an organ donor." But this is very, very important as we see others live through their living contributions.

Thank you.

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**Celebrating efforts and contributions of  
Greenbrier County Elder Abuse Awareness  
Committee**

*(Adoption of Senate Resolution 24)*

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**REMARKS OF  
HONORABLE  
STEPHEN BALDWIN**

*Thursday, February 1, 2018*

SENATOR BALDWIN: Thank you, Mr. President.

I'm proud to stand in support of today's resolution. We're privileged to have a number of community leaders here today from Greenbrier County who have made it their life's work to combat elder abuse and they've seen some positive results that I want to be able to share with you all today.

As I think folks know, unfortunately, elder abuse is all too common in our communities, with much of that tied up in the drug crisis and so our honored guests here today have seen too much abuse. They've seen too much neglect and they decided to come together as a community and do something about it. So, as volunteers, they brought together law enforcement, folks from the nonprofit world, social services, health care, small business, all together at the same table to form a coalition. That coalition was trained in elder abuse prevention and for the past three plus years they have been training others in our community to identify and overcome elder abuse.

And one outgrowth of that work that they've done has been the establishment of a multidisciplinary investigative team—which these are common in the work of child abuse, but they have not often been used in the work of elder abuse. And so the results that they've seen are an increase in prosecutions of abusers and additional resources for victims. But perhaps most importantly for our community, they've raised awareness about the prevalence of elder abuse and they've given people an opportunity to do something about it. They're also happy to work with other counties, to share this model that they've come up with so that other communities can achieve the same results.

So, Mr. President, I thank our guests for being here today. I thank the Senate for recognizing their important work in protecting some of our most vulnerable citizens.

Thank you.

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**Designating February 2, 2018, as Dental  
Hygienists Day**

*(Adoption of Senate Resolution 25)*

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**REMARKS OF  
HONORABLE  
RON STOLLINGS**

*Friday, February 2, 2018*

SENATOR STOLLINGS: Thank you, Mr. President.

We all know it's Dental Hygienists Day here at the Legislature and we also know what an important group of people this is for our overall health of our West Virginia population.

West Virginia has 1,412 total active dental hygienists. As preventative specialists, they contribute to the oral health of West Virginia residents and provide an essential service contributing to their total health. They give their time and effort in order to provide oral health care to individuals of need such as children, senior citizens, individuals with low income, individuals with disabilities.

This body has passed legislation that has enabled them to practice what they do in a much better light . . . public health supervision, for example. And they do a tremendous job here in West Virginia and it's only fitting that we honor them. And I urge adoption of the resolution.

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**Increasing salaries of certain state employees**

*(Passage of Eng. Com. Sub. for Senate Bill 267)*

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**REMARKS OF  
HONORABLE  
ROMAN W. PREZIOSO, JR.**

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*Friday, February 2, 2018*

SENATOR PREZIOSO: Thank you, Mr. President.

I stand in support of Senate Bill 267, not because I think it's the right thing to do—I believe it's a vehicle that we can continue to have this discussion. I hope our colleagues across the hall take the issue more serious than we did. As a matter of fact, I'm a little disappointed, being in the State Senate, having the opportunity to be in the House of Delegates—I consider ourselves the more deliberative body. I thought we would address the issues that are of major concern to this state and this is probably the top issue that's a major crisis in the State of West Virginia.

Yesterday, along with my colleagues here in the minority, offered two amendments to address this issue. The issue is very simple: We

can't put qualified teachers and retain teachers in our classrooms, to teach our children, without having competitive salaries. When I look across the states that surround us, each one of those states pay a lot more money; their average salary is a lot higher than West Virginia's; and for a young student who graduates from college and has a teaching degree, when they look at the debt that they've accumulated through financial aid, it's not a very difficult decision to go where the money is. And, right now, our state is looking at 725 nonqualified teachers in our classrooms. And that's a crisis. That's a major crisis. I would hate to think that we're going to lose a generation of students just because we can't step up and do the right thing.

Mr. President, I hope that we continue to look at this issue. I know that it's difficult; but there is a way. We can dig down and find the money to pay our teachers what they're worth; we can dig down and find the money to pay our service personnel what they are worth; and our State Police. We haven't had a State Police recruiting class since, I believe, I was Chairman of Finance. We've got to step up and do the right thing. I just hope that our colleagues across the hall keep the issue on the front burner and we continue to look and, in the end, pay our teachers, our service personnel, and our State Police what their value and what their worth is.

Thank you, Mr. President.

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**Increasing salaries of certain state employees**

*(Passage of Eng. Com. Sub. for Senate Bill 267)*

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**REMARKS OF  
HONORABLE  
ROBERT D. BEACH**

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*Friday, February 2, 2018*

SENATOR BEACH: Thank you, Mr. President.

Ladies and gentlemen, I sat here yesterday and listened to a lot of debate in regards to the amendment. We could probably go through that all again today. I heard a lot of very eloquent prose, if you may think of it that way. And I also heard a lot of stuff that was just simply . . . just



words. And I sat here contemplating whether I should stand and rise and speak to the issue at that time . . . but in my email box this morning, I came across a letter from a teacher and I would like to share it with you, if you would just indulge me for a few minutes. I think it best represents who a teacher is and how these teachers feel above us here in the galleries today. It could have been written by my father, who was a teacher for 35 years. It could be written by my daughters, who teach today. But I think it expresses the thoughts of a teacher and why they're teachers here in the State of West Virginia.

"Teachers don't teach to become rich. I teach because I love students. I teach because I was inspired as a kid and I want to do that for my kids as well"—meaning her students.

"I remember sitting in Mrs. Steinberg's class reading *Arthurian Legends* and falling in love with the lore. I remember taking French for four years because Mrs. Clise was tough and made me feel proud of what I accomplished. I remember hearing Mrs. Zachery read *Snow Treasure* to us out loud and feel like I was there. I remember making shadow boxes of scenes from our novels. I remember how fun and interesting and challenging it was.

"We all remember those teachers, the ones that inspired us, opened our creativity, made us feel important. I teach because I want to be that for my students. I teach because I want to introduce kids to literature. *A Wrinkle in Time*, a novel that they can relate to and understand easily. I teach because there are preschoolers in the county that don't talk in class ever because they speak with little English or the words that they say don't sound the same as the other kids in the classroom. I teach because one of my precious little girls thinks that the word for snowman, is "Olaf" because that's the only English word for snowman she's ever heard. I teach because my students' moms and dads work countless hours in restaurants, nail salons, hospitals, and the oil and gas industry . . . cleaning homes, building houses, running restaurants and businesses to make sure their high school student graduates or because they don't understand the school system because they didn't attend an American school. I teach because my student's mom tells me in broken English that she can't help her with her homework because she can't read in English and she can't read the book assignments. I teach to help my students write college entrance essays, fill out college applications or help them

navigate applying college without a Social Security number. I teach my student to pronounce words correctly because she is so self-conscious of her accent. I teach because my student has been in eight schools and she's in second grade. I teach because I care, I care about these kids. I want them to know how smart and powerful and brave they can be in this world. I teach because that's how teachers made me feel and I want to do the same.

"Teachers know we are entrusted with this country's most precious resource . . . our state's most precious resource . . . our children. I would protect my kids from anything. We are taught what to do even if a shooter comes into school. If there is an emergency, I wouldn't think twice about making sure my kids are safe. I've seen bruises on my students . . . I've called CPS . . . more than I want to share.

"Teachers don't just teach to become rich, we teach because we love it. We are exhausted. We stay at home late; we sit at home researching teaching strategies; we worry about our kids. We teach our kids on and on and on. We correct them because that's the way we make them better. We go to conferences in summer, and we'll do it again, because this is what we do. We are teachers.

"I have a Master's Degree; I'm not even sure how much. I've presented at international conferences. I've served on national panels, committees that create English-learning experiences. I teach college courses to teachers who teach college courses later on. I instruct professional developing in counties and across the state. Teachers, again, don't teach to become rich."—and that's evident by these folks in the gallery—"We teach because this is who we are. We are professionals. We have college debt to show it—the amount of time we have spent earning our degree.

"There are 700 vacancies"—725 as the gentleman from Marion County just indicated—"We need teachers in this state, teachers who teach not to become rich, because that is who we are. Isn't that who you want teaching in our classrooms? Teachers don't teach to become rich, but we have to live. How much is a professional, educated, experienced, sympathetic, caring person worth in that classroom—anywhere in our country, in our state, or in our county? We're forty-eighth, we can only go two more spots until we're on bottom. Teachers don't teach to become rich. What are we teaching our children? That their

worth is so low, that their parents mean so little, that we don't invest in our teacher's classroom. The natural gas companies are valued more than people who zip up their jackets, teach them to read, how to count, how to be creative, and how to have their own voice.

"Teachers don't teach to become rich. We teach because that is who we are, we teach because that is who we hope to continue to be."

I indicated earlier that my father taught for 35 years in the State of West Virginia. I can recall in 1990 when the strike was going on and we're sitting around the kitchen table and he's waiting to go out on a picket line someplace or here in Charleston to protest with his fellow teachers. And he said to me, you know, "One time we used to be on an even playing field with attorneys and physicians." And what he was trying to emphasize was the fact that both the income and the respect were equal. And I'm not saying that's disappeared in this Legislature, or that it's disappeared in the last 20 years. Things began changing a long time ago and we let it get away from us.

I'm going to support this bill for that one percent. I don't support the one percent by any means, but I do support us giving something to them and keeping this bill moving forward. But it's unfortunate we're at a position in our state's history right now with teachers and service personnel, public employees, and state troopers, that these folks have to break away from the classroom to come down here to get their message across.

I thank you for allowing me to speak to you today.

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**Increasing salaries of certain state employees**

*(Passage of Eng. Com. Sub. for Senate Bill 267)*

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REMARKS OF  
**HONORABLE  
MICHAEL J. ROMANO**

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*Friday, February 2, 2018*

SENATOR ROMANO: Thank you, Mr. President.

I stand for the same reason the gentleman from Monongalia stood, not to support this bill, but to explain why I have to vote for it. This is all we're going to give the teachers. This is all we're going to give our service personnel. This is all we're going to give our State Police. And I would not want to vote "no" despite my displeasure with this bill, despite the fact that the amendment that we offered yesterday was roundly defeated.

But, I want you to think about what we're really giving them . . . \$8 a week raise. What would we do with \$8? You can barely buy one lunch. Thirty-two dollars a month. Service personnel, \$3.50 a day . . . \$29 a month. What good does that do them? What good would it do any of us? We spend that much walking out and getting snacks out of a machine. I just don't understand why we can't do better.

You know, I talked a little bit yesterday—and I'm not going to go back over everything—but we've given huge tax cuts to some of the richest people in the world. We're getting ready to reduce our business personal property taxes when we're already the eighteenth lowest business tax state in the country. Already eighteenth. Who do we think's going to come across our borders if we lower that anymore? I've said it here a thousand times in my four years here: Put money in the hands of working people and everybody in West Virginia will do well. These are professionals. These are professional working people who get up every day and go to work and teach our children. You know we say we're worried about education, but if we don't pay our teachers, we're not going to have good educators.

But again, I'm repeating what I said yesterday. I just want to make clear that I'm going to vote for this bill because there's just no other choice.

Thank you, Mr. President.

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**Increasing salaries of certain state employees**

*(Passage of Eng. Com. Sub. for Senate Bill 267)*

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REMARKS OF  
**HONORABLE  
MARK R. MAYNARD**

*Friday, February 2, 2018*

SENATOR MAYNARD: Thank you, Mr. President.

I appreciate the sentiments from the other side of the aisle, but . . . and everyone on this side of the aisle would have loved to have seen a three percent increase. I'm not on the Finance Committee, but when you add something that will add \$40 million to the budget of a state that's, you know, just now kind of getting on its feet and recovering . . . that's what you offer in the Finance Committee and let them crunch the numbers, see if they can find the money, you know, to do that. This one percent is a compromise. We would love to give more, but you can't just hit the Senate with this \$40 million hike in the budget on the floor. That's something you handle in the Finance Committee. So, as much as we would like to give three percent, it was only responsible for us to do that. And, you know, I'm sure everyone here on this side of the aisle would have loved to have done it but it just wasn't the process that it happens in, so had the Finance Committee made that amendment during, you know, while you are vetting the bill in the committee, that would have been the proper procedure.

Thank you, Mr. President.

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**Increasing salaries of certain state employees**

*(Passage of Eng. Com. Sub. for Senate Bill 267)*

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**REMARKS OF  
HONORABLE  
STEPHEN BALDWIN**

*Friday, February 2, 2018*

SENATOR BALDWIN: Thank you, Mr. President.

I want to rise and stand in support today of Kristen. Kristen is a teacher from my home district. She wrote a letter to me last week and I want to share a brief part of that letter with you and I ask that, as I read that, you consider putting yourself in her shoes for a minute. She writes, "I've been a teacher for 10 years in Monroe

County. I'm also a product of Monroe County schools and I'm very proud of that. This is the only place I have ever lived or worked and I love it. This is where I've chosen to raise my children and build a life. However, I have recently questioned whether I should stay in this profession or even in this state."

She goes on to talk about how her PEIA premium is going to double under the new system. How one percent salary raise is not going to keep up with inflation and she says that she is grateful for her job. She's grateful for her students, but she worries if the system can sustain itself and she ends her letter by saying, "I love West Virginia. As John Denver said, it is 'Almost Heaven' and I'm sure you all feel the same way." She says, "Thank you for your time and I hope you will consider these things and our situations as you move forward in the legislative session."

So, I'd just like to ask us to all put ourselves in her shoes for just a minute. How could someone who loves the state, how could someone who loves her own community, who loves the work that she does every day and does what she feels called to do, in the place she loves more than any place else in the world, ever consider not doing that work or not even living there in the future. What could cause her to come to that point? It's because she's afraid, she's afraid for her future, her professional future and for her family's future, and she's not alone. Our state employees deserve not only our respect, but they deserve our support for the good work that we do, and I'm afraid if we're not careful, we're going to lose our best and brightest for good.

See, yesterday I stood up in support of the three percent raise for teachers, for service personnel, and for state troopers. Unfortunately, that failed. I'm going to vote in favor of today's one percent raise but it's with a very heavy heart because one percent's not enough. But I heard my colleagues and I believe you, I take you seriously, that you want to do better, you want to do better than one percent so, if we vote in favor of this today, then we have the opportunity to do that moving forward and I appreciate that willingness and I look forward to us being able to that so we can take care of those who take care of others.

Thank you.

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**Increasing salaries of certain state employees**

*(Passage of Eng. Com. Sub. for Senate Bill 267)*

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**REMARKS OF  
HONORABLE  
DOUGLAS E. FACEMIRE**

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*Friday, February 2, 2018*

SENATOR FACEMIRE: Thank you, Mr. President.

You know, it's funny how things change in one's life. I'm a product of the Braxton County school system, me and my wife, both. And, when I was a little feller going to school, I was probably a little ornery. But I never felt once that my teachers didn't love me. We had a good school at Sutton Elementary, and then we went to Sutton Junior High, and then Braxton High School. But all through my life as a student, I knew my teachers cared. I knew they wanted me to have an education that would benefit me. I didn't go to college. I went to work . . . and I've been successful. I couldn't have done it without my education. And unfortunately, when you're a little feller in school you don't appreciate the things that people do. We said the Pledge of Allegiance. Where did you all learn the Pledge of Allegiance? I learned it in school. More than books, I learned how to act . . . and when I acted wrong, I got a whipping. I got a lot of them. But I deserved every one of them. But I always knew that they wasn't whipping me to be mean. They cared about me. They could have just as easily let me run awry. But they cared. But they did teach me things like writing, and reading, arithmetic . . . and I'm pretty good at it. I've been a successful businessman in this state because of what the teachers have done for us.

Now, we've heard about the money. Unfortunately, seems like everything comes back to money. This is my third time this session standing up and saying, "The money's there." We can fix this problem with zero burden on our citizens. Why would we not do this? All we have to do is increase the severance tax on oil and gas, the richest corporations in the world, and we have no problem anymore. It's that simple. It is that simple. To do the things that we all know we should do.

And I want to close by saying one thing: Thank you all to the teachers. Because without what you all done for me and my family, we wouldn't be where we are. My three kids was the first kids in our family to graduate from college . . . Braxton County educated. And I'm proud of that fact. But my grandma always told me, "Don't tell me you love me, show me you love me."

Thank you, Mr. President.

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**Increasing salaries of certain state employees**

*(Passage of Eng. Com. Sub. for Senate Bill 267)*

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**REMARKS OF  
HONORABLE  
JOHN R. UNGER II**

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*Friday, February 2, 2018*

SENATOR UNGER: Thank you, Mr. President.

I just want to mention that, you know, none of us would be here without the teachers, and I think that's evident. There would be no lawyers, or no doctors, or even legislators if it weren't for teachers. And I know we sit here and we say, you know, we need to support the teachers and how much we need to support them. But all those are words and, I guess, they're looking for action.

You know, it's disingenuous of us to talk here and say we don't have \$40 million to be able to raise at least the teachers the three percent when we're going to talk about taking the inventory tax off that's going to cost \$140 million to the state. Twenty million a year—we're giving businesses a tax break. But we can't pay our teachers that put employees in those businesses. I just don't understand it.

You know, I mentioned, Mr. President, yesterday, that it's our constitutional mandate that we as a Legislature shall provide, by general law, for a thorough and efficient system of free schools. It's our constitutional mandate that we take an oath of office to do. It's not our constitutional mandate to make sure businesses

prosper, although it's a good thing. But we have an obligation to take care of what is important to us now and we're not doing it. We're not doing it.

Mr. President, I mentioned yesterday that this whole thing, this one percent we're voting on today, is an insult. It's like going to a restaurant, ordering a big meal, and leaving a penny tip. I mean, that's what it is. It's a slap in the face. And, to me, I'm outraged by this.

Mr. President, I'm going to tell you one thing is: I think the Pharaoh's heart is hardened. And, you know, the reason that I'm hoping that . . . with this bill, I'm really hoping that some hearts will be unhardened and softened to do this.

And I just want to read a passage—and this is what I'm hoping with this bill eventually will become—out of Matthew. Matthew 13: Indeed, in their case the prophecy of Isaiah is fulfilled that says: "You will indeed hear but never understand, and you will indeed see but never perceive. For the people's heart has grown dull, and with their ears they can barely hear, and their eyes they have closed, lest they should see with their eyes and hear with their ears and understand with their hearts and turn, I would heal them."

I'm hoping this body will turn and the hearts will be unhardened and, Mr. President, I'll close with this: Here's my penny tip.

Thank you.

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**Increasing salaries of certain state employees**

*(Passage of Eng. Com. Sub. for Senate Bill 267)*

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REMARKS OF  
**HONORABLE  
ROBERT KARNES**

*Friday, February 2, 2018*

SENATOR KARNES: Thank you, Mr. President.

It sort of feels like Groundhog Day in here. I thought yesterday was political grandstanding

day but, apparently, it's today, too. The very people who had \$100 million surpluses just a few years ago, the very people who could have given these raises easily at those times and brought our public employees pay up to, you know, more reasonable levels, today insert themselves as the protectors of the very people that they did not do that for. We inherited an economy that was in shambles, created by those same people. And as I noted yesterday, I've been here three years, this is my fourth, this is the first year we've had a surplus. And the first thing we did is come forth with a raise for public employees. It's as much as we can do. We'd all like to do more, but this is what we have. And I think most of us consider this to be a down payment on future attempts to bring that employee pay up to where it should be. But this is what we've got.

And, so, you know, I rise in support of this bill and, you know, I would just ask people to consider how we arrived where we are, what we've done in the last few years to turn things around, and to, maybe, give us a little bit of credit for what we've done. And, again, I urge passage.

Thank you, Mr. President.

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**Increasing salaries of certain state employees**

*(Passage of Eng. Com. Sub. for Senate Bill 267)*

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REMARKS OF  
**HONORABLE  
MICHAEL T. AZINGER**

*Friday, February 2, 2018*

SENATOR AZINGER: Thank you, Mr. President.

I just want to make a few comments. I, basically, sat silent yesterday, but I think it needs to be said—and I'm going to kind of follow up on my friend from Upshur—but, for decades, for decades, the other side of the aisle, which is actually there over—got to make a distinction—my friends over there that I actually know are all good men . . . but when we got into power the teachers' pay was essentially what it is now, it was given to them by the other side of the aisle.

Rainy Day Fund was full. You can make the argument that Rainy Day Fund, which is taxpayers' money, there could have been a pay raise given to them out of that in previous decades, but it was not. So here we come into power and we start to try to line things up and we have hundreds of millions of dollars that we have to find somewhere to fix the budget that we inherited, this deficit and this bad economy that we inherited . . . so we're trying to fix it.

And so, we have a budget that we have to fill the last couple of years, and then, all of a sudden, we start to pass some bills that are creating stability in the economy and things are starting to look good. In December, it looked good and then January comes and we're \$28 million in the hole; \$28 million in the hole. So, what's that say? Well, that says to me that things are a little shaky right now, but they're starting to stabilize. But you got to have some patience here with us. One percent, at this point, I think is reasonable. We're not saying that we're not going to give any pay raise in the future. One percent is reasonable. We're trying to be reasonable here and help our friends that teach our children and our service workers, trying to be reasonable. Just reason with us.

My friend mentioned raising of the severance tax. And with all due respect, we don't want to raise a severance tax. We already compete with our state to the north, Pennsylvania, that has zero severance tax. Ohio has a less severance tax than we do and, I think, all the other states do, but raising taxes on industry is not the thing to do right now when we have to get economy stabilized and going up. We do not want to raise taxes now. And this inventory tax—which is a splendid, wonderful idea because the inventory tax is one of the most punitive taxes and one of the taxes that hurts productivity, which drives an economy more than any other tax. If we get rid of the inventory tax, it will create the prosperity to make up for the \$140 million that we're going to lose from.

We've got to start coming up with ideas in West Virginia that are going to start improving our economy and cutting taxes and getting rid of punitive taxes is one of the ways to do it. We've got to. This is a lot of silly talk in here and we have to get our economy going and we have to cut taxes and cut regulations and we got to do it now so that we can help those teachers in the audience. We've got to get serious about it and today is a good start.

Thank you, Mr. President.

**Increasing salaries of certain state employees**

*(Passage of Eng. Com. Sub. for Senate Bill 267)*

**REMARKS OF  
HONORABLE  
SUE CLINE**

*Friday, February 2, 2018*

SENATOR CLINE: I stand for this bill. Mr. President, thank you.

I stand in favor of this bill not because it's one percent, that's not enough. I know that's not enough. And we all know that's not enough. We're all products of teachers here in this whole world, in this whole United States, and this whole state, everywhere. And I'm personally am so tired of hearing about how hard hearted I am, how mean I am, how bad I am, and how you all are the people's people, you're for the people, and you all are the ones that are saving the world. Well, you know what? That is not true. You put us where we are right now. And people need to know that. And they need to know we're trying to get out of this mess and we're trying our best to work our way out so our state could be a shining city on the hill instead of down here in the gutter where we've been for 35 or 40 years or even longer. And I'd like to know this from all the teachers everywhere, and all the people on this side of the aisle, from 1990 to 2014, why did the teachers not get any raises except that little \$500 they get all the time? You had money, you had power, you had both sides of the aisle, you had it all. They should be getting a lot more money than they're getting right now. And it's a shame that they're not. And I stand with them because I know they need more money. And I appreciate everything they do every day.

But I am just tired of this posturing, and this lying, and this attacking each other, this is not what we're here for and I want it to stop. We are going to get this economy back up running and we're going to have more money so we can give these people what they deserve so that we can be competitive with our states around us, so that we won't have to go over in another state, so they won't have to leave their homes and their children and their families . . . and, like my family did, and go somewhere else and work. And that's what we're trying to do. And I hope

that message gets out to everybody and that's all I got to say.

And thank you very much.

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**Increasing salaries of certain state employees**

*(Passage of Eng. Com. Sub. for Senate Bill 267)*

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**REMARKS OF  
HONORABLE  
TOM TAKUBO**

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*Friday, February 2, 2018*

SENATOR TAKUBO: Thank you, Mr. President.

I, too, sat quiet yesterday. I just kind of prefer to stand though and just put my support for this bill. There is no one, you know, people from back home and social media, and they say, "Gosh, Tom, why did you vote against that?" There's not a . . . you know . . . at some point a light should click on and we're all West Virginians. We all have family, friends, people we've been touched by deeply, some of my fondest memories are of things that happened in school and with teachers. There's none of us that wouldn't like to give a tremendous teacher more than a raise. When I walk out of my time that I'm here in the Legislature, there is nothing that would thrill me more than to be able to walk out knowing that not only did we give our teachers pay raises, we got them above the national average. I'd love it to be number one—that's probably not attainable but, gosh, wouldn't that be great? But we have to be fiscally responsible.

We inherited a heck . . . . It's been a pretty miserable time on Finance Committee trying to figure up . . . . Last year, I was commissioned with a subcommittee with the duty to go into DHHR and cut \$50 million. We were in such financial straits just a year ago, it's only 12 months ago. And we sat for three nights with the entire department looking line item, by line item, by line item, and saying, "Where in the world can we possibly get a scrap of money?" And you look and listen to these horrible stories with the opioid epidemic, and the foster kids, and that in itself's almost an epidemic, and people . . . IDD waivers, and we're trying to scrap, and I say, "I

can find \$50 million where we can use in West Virginia to help our citizens," but for me to go back and take \$50 million away from these people, we just didn't have it. And so, the Governor comes in and his first idea last year, throw \$450 million taxes on the backs of the people that already aren't being paid enough. That was the plan. And the Republican caucus stood together, stood strong, worked with the Governor, and convinced him—we were in here, what, five months or something last year? And in twelve months, think about that, in twelve months we were predicted to have a \$200 million plus deficit walking into this session just a year ago. And in twelve months we turned that around till we have a small \$20—\$30 million surplus. Now that sounds like a lot, but there's a lot of need in this state. And the first thing, the first thing that we did was try to give our teachers a raise. It wasn't what they deserve, but it's what we've got. At the same time, we're trying to be as fiscally responsible as we can.

Now, I got a lot of grief saying, "Well, you know, you're trying to pay for these college and technical schools, what about that money? Well, this is more about the teachers and about our service personnel and our State Police, those things are vitally important. But it's not just the teachers, it's the kids, and those futures of those kids in your classrooms that we've also have to be concerned about. Not everybody is made to go to college. Doesn't mean they're not smart, bright individuals, but they're not all college-ready individuals, but they're smart, they're skillful, but they need help. We have displaced coal miners that have capabilities, but they need help; they may not have the funds. We have single mothers on Medicaid that right now don't have hope. If we can provide . . . our Senate President led the charge, and I was so excited, I've been excited for months, to hopefully pass this, the charge of President Carmichael. If we can get that, if we can get technical and community colleges paid for, that's an investment in the future. Why is our teachers not paid with the amount that they should be? It's because the biggest funding we have is our tax base, and we have the lowest workforce participation in the country. We don't have people with good jobs. If you listen to our Commerce Secretary, Woody Thrasher—doing a wonderful job—if you listen to him, one of the biggest problems we have of getting people back to work is they need to be skilled, they need to have trades, and that's what we're doing. We're giving the opportunity for that single mother right now that's on welfare to, maybe, go back to nursing school, get an RN degree and be making \$50,000 a year. She's no longer pulling

or needing from the state, but instead she's contributing back to the state. And when those funds come up, then we have the opportunity, then we have the funds to get our people where they need to be.

It's vitally important for everybody to have patience. It's easy. I see posted on Facebook, I get upset, and I can certainly understand why the people out in the State of West Virginia, but I would ask you to take pause, and to just think in your hearts for a moment. Is it really true that your elected people, and most of the people from your area is going to know who you elected, are they that cold hearted that they don't care about teachers, they don't care about the State Police? That's not true at all. We're just trying to be fiscally responsible with what we have so that we have a brighter future for our kids going forward into tomorrow.

And I'll end with this. Just think about what I've had to say. The other thing I'm just going to, I was going to leave it alone, but I'll bring it up. They talked about the inventory tax. You look at . . . when you go to Columbus, I want everybody to take a real hard look, when you go through Circleville, Ohio, there is a huge factory. It's about a million square feet. I want you to think about that, a big factory, we all go to Columbus, or take your kids up or go shopping . . . They desperately, that company wanted to be here in West Virginia. That was a lot of manufacturing, high paying jobs, right here in West Virginia, that tax, they couldn't make the numbers work. The inventory tax is keeping jobs out of this state. So it's not that we want to give big business and make richer companies richer, we're looking out for the kids you're taking care of, we're trying to do things that will not be a disincentive, that those companies will come into our state, you'll improve the tax base, we're educating and giving opportunities for those that are graduating that's why the age just dropped to 18 and those people out there, give them an opportunity to make a good earning, a better life for themselves, pay into the state tax base so that we can all have a brighter future. And, in the future, we all can bump that pay up to where it needs to be. And that's why I support this bill at this time.

Thank you, Mr. President.

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**Increasing salaries of certain state employees**

*(Passage of Eng. Com. Sub. for Senate Bill 267)*

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REMARKS OF  
**HONORABLE  
MICHAEL J. ROMANO**

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*Friday, February 2, 2018*

SENATOR ROMANO: Thank you, Mr. President.

You know, I've sat here, and we all should have our say, and I'm fine with that. But you know, I've never heard anybody over here say, "It's you versus us." You know, we talk about "us" as the Legislature, "We should have passed the amendment. We should give them more money." "We."

Now, you're in charge. You have the majority. And, you know, that's a big responsibility and I understand that. But, you know, to call us liars is very inappropriate, particularly for this body. You know, the facts are—and we can talk about the past all you want—the facts are though, in 2014, we had the third fastest growing economy in the country. Our unemployment was below the national average . . . we're still the only state that fully paid its OPEB liability (Other Post-Employment Benefits). Our pensions had moved from the fiftieth worst funded to the twentieth. We had the seventeenth lowest tax structure in the country. And we had a Rainy Day Fund that had a billion dollars in it.

The last increase, the last pay raise that was given to these teachers was almost three times the one we're talking about now, that was in 2014, and every year we funded PEIA and did not raise—and when I say "we," I wasn't here, I'm just talking about the Democrat majority—and they funded PEIA.

So, let's not use the word like "lies," we're here in the present. We're trying to do something in the present . . .

MR. PRESIDENT: Senator, if I could, we are recognized to speak to this bill.

SENATOR ROMANO: And I am, Sir.

MR. PRESIDENT: That may be appropriate under Remarks, but . . .



SENATOR ROMANO: Thank you . . . . But, you know, this bill just doesn't provide enough. And we've been able to find money in the past. I brought up yesterday, you know, the tax decreases we've given certain industries over the past few sessions. We were able to find that money. We're talking about the inventory tax now. The reduction inventory tax, great tax to get rid of. It's a gross income tax that should be a net income tax of some kind. But we can't get rid of that and put it on the backs of the people.

You know, my friend from Kanawha mentioned Ohio. West Virginia has the eighteenth best business tax structure, business tax climate in the country. Ohio's is in the thirties. So, if it's the personal business property tax, then we ought to take that up and exchange it for another business tax. But, our teachers . . . let's not make it partisan. We need to work together to try to find a way to increase the salaries of the people who educate our children. It's a paramount, a paramount issue for us.

Thank you, Mr. President.

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**Decreasing and increasing appropriations  
from Treasury to Higher Education Policy  
Commission**

*(Passage of Eng. Com. Sub. for  
Senate Bill 386)*

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**REMARKS OF  
HONORABLE  
ROBERT H. PLYMALE**

*Friday, February 2, 2018*

SENATOR PLYMALE: Mr. President, I rise in support of this.

However, I do want to bring up something because last year and the year before we haven't had the transparency of budget conferees, this would have been caught last year. In a request by Marshall University to equalize the cuts that they got from the med school and the main campus would have been caught in our budget conferees the way we normally do.

And I ask that you make sure that we have that transparency this year and we conduct business like we have normally done for all but

the last two years and do budget conferees where people from both sides of the aisle actually have a chance to look at these things. And these kind of issues will not come back to us where we have to correct it and the Governor has to send something up and we have to have a request from Marshall University like this.

Thank you.

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**REMARKS OF  
HONORABLE  
RICHARD N. OJEDA II**

*Friday, February 2, 2018*

SENATOR OJEDA: Thank you, Mr. President.

You know, I know that it's been a rough couple of days. But yesterday, I submitted a bill and it's asking for a 2.5 percent natural gas severance hike. Now, that's going to equate out to about \$70 million, but if everyone drives around and you go up through the Beckley area, you're going to see a lot of pipes in the ground, a lot of pipes on the sides of the road. When those pipes are connected and they make those straws and they stick those straws in our cup, that 2.5 that equals \$70 million can quickly become \$350 million.

Now, my bill that I submitted yesterday, I want you all to amend it. It doesn't bother me. Let's work together and do something together where we can absolutely finally make these people that are in the rafters happy.

We know that we are standing on right now the richest grounds in the United States of America, and we know that it's coming. If 2.5 percent equals \$70 million and the straws are in the cup, and the next thing you know it's \$350 million, well then, we will be able to easily give real raises, not percentages, but real raises. And you know what, I know that you want to do that. I know that you want to do that. As long as I've been here in the Senate, I don't think there's anyone that has malice in their heart. But what we could do with that kind of money, we could make it to where a person who works for the state, state employee, police officer, a state trooper, correctional officer, teacher, bus driver . . . with that kind of money that we can get from the natural gas they would never have to worry about a hospital bill, they wouldn't have to

worry about insurance because we could cover that. And if we was able to take that kind of money and we could turn that into real salaries, we are standing on the richest grounds and if we do what is right, we can make it until West Virginia is the most thriving state in America.

Now imagine what happens if we're able to actually give our teachers and service personnel the raises that they deserve. That would make people from the other states wanting to fist fight to get to this state and fight for those jobs to fill up those 728 vacancies that we have. That's a fact.

Now, what else would that do? That right there would strengthen our education system which will bring opportunity to West Virginia. Many people that come here, Fortune 500 companies, when they come to locations, they send a problem solver. And what that problem solver does is he brings his family. And when they park and they get out of the car, the first thing they say is: "Where are we going to live?" If the area looks like it's dying, they don't want to stay. Where are my children going to go to school? If the schools are run down, or they don't feel that the education that is going to be provided for their children will allow them to be able compete, they want to leave. But if we have the ability to finally do what is right by these people, by calling on the gas underneath our feet, it would do so much for our state.

Now, what would that do, after our schools are strengthened, and our roads strengthened, because of what we have underneath our feet? That would bring businesses to our area because we would finally be thriving. That would bring corporations to our area and create those jobs that we need. You know, I got it. The equipment inventory tax is going to bring jobs to our state, right to work is going to bring jobs to our state, the road bond is going to bring jobs to our state. We're still struggling guys. We're sitting here messing with things that we think are going to bring, you know, opportunities to our state. We have the capability now. Why are we worried about these people that have already stuck their stockpile of gas pipes on the side of the road? They're here. They're already knocking trees down in certain areas. They're here and they're here to stay. There's nothing wrong with us looking at them and saying we want more. Two point five percent, that's nothing. That's nothing. Amend my bill, ask for five percent, ask for 10 percent, because, let me tell you something, if you think we have money issues,

if we were to raise it to 10 percent, we would never want for anything again in the State of West Virginia.

Ladies and gentlemen, it's time for us to start looking past the faces of the people that are here, that are fighting for nothing more than profits for the people that aren't even from our state, that are making millions and billions that don't care about us. And start looking at those faces in the gallery. And that, ladies and gentlemen, is what we need to do and we can do it. And I'm begging you because I know that you care. I wasn't here, most of you wasn't here when all the things that could happened didn't happen. I know you . . . Craig Blair, I know he cares. I know that senator cares, we spend a lot of time out back there. He does. Guys, I know you care.

We can fix this, Mr. President. All we have to do is stand together and do what's right by our people. It's underneath our feet. They want it, let's not give it to them. Let's make sure that when this is over with, in the end, we get something. We gave coal away, but we cannot give natural gas away. Let's use it to heal our people. Let's use it to strengthen our education, our roads, let's use it to make these people want to stay here. Let's use it to absolutely save West Virginia.

Thank you, Mr. President.

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**REMARKS OF  
HONORABLE  
ROBERT D. BEACH**

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*Friday, February 2, 2018*

SENATOR BEACH: Thank you, Mr. President.

Ladies and gentlemen, I think earlier when I was speaking and reading a letter from the young lady here that sent it to me via email, I think I neglected to mention her name. And I'm hoping we can have this printed in the Appendix to the Journal, but I do want to give credit where credit is deserved. And the young lady is from Harrison County, her name is Jessica Moats. If there's anyone in the gallery that knows Jessica, please thank her for me personally.

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REMARKS OF  
**HONORABLE  
RON STOLLINGS**

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*Friday, February 2, 2018*

SENATOR STOLLINGS: Thank you, Mr. President, members of the body.

Today is the official unveiling of the thirty-fifth Governor of the thirty-fifth State of West Virginia. Our friend, Earl Ray Tomblin, who's had 42 years of public service—very strong connection to this body as the longest serving Senate President, the first Lieutenant Governor of West Virginia. He's great friends of members of this body from both sides of the aisle. He's had many national accolades, he's a former president of the Council of State Governments, former chairman of SLC, the 2009 recipient of the Excellence in Legislative Leadership Award from the NCSL, he's had very high positions in the National Governors Association. And, folks, in times of fiscal struggles, he was a very fiscally conservative Finance Chair, President of the Senate, and Governor. In fact, he cut about a half billion dollars out of the state budget.

So, I hope at 1 o'clock you folks will be willing to go down and help with the unveiling of his portrait.

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REMARKS OF  
**HONORABLE  
MARK A. DRENNAN**

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*Friday, February 2, 2018*

SENATOR DRENNAN: Thank you, Mr. President.

Yesterday, I'd planned to stand and talk about teachers. We went a little long, maybe it's appropriate that I got to delay my remarks for one day.

You know, my wife and I are both products of the public education system, maybe it's ironic that I was a senior in Winfield High School in 1990 when the teachers last struck. One of my favorite teachers was a rabid union member, but she

made a big difference in my life. She was my psychology teacher, caused me to go into . . . seek my undergraduate in psychology and I won't mention her name today, but I will say S-S-B-L-T and she'll know what that means and some others that go to Winfield will know that.

Today, my children are public school students there . . . at Mountainview Elementary School in Putnam County. I could not be more pleased with the education that I received and the teachers that I had, and the teachers that are helping to shape the life and lives of my children.

I know we've talked a lot today about salaries and there's a lot of people here in the gallery, but there's another issue that I've been looking into that's weighing on their minds. And as I sat here yesterday, and we always have our computers up and there's a lot of discussion about teacher salaries and teacher pay raises—it's certainly something that I support. Lot of us have talked about that today. But, you can see notifications coming up on my computer screen, and it says the name of the person and it says the subject line and one after the other after the other was talking about PEIA. I attended one of the public hearings at the University of Charleston prior to this session beginning and there were hundreds of teachers that were present and I stayed for all of their talks, having a little bit of experience in the health insurance industry, I understand increasing health care costs. In fact, about this time last year in December, I, myself, was on Facebook ranting about my own health insurance premiums rising \$500 per month. I called my insurance company, rude, upset, angry. I quickly checked myself knowing that the person I was talking to had nothing to do with my plan changes. As I began the conversation, we had a conversation about the other callers. She said some were in tears. I guess, at least, I knew I was not alone. In my final act of defiance against my insurance hikes, I voted with my feet and I chose a new plan. I chose a new company and I left. I know not everyone has that luxury and everyone that are in the gallery with us today, you don't have that luxury.

You know, when teachers, and administrators, and school board members, and superintendents started to call me, I began researching the PEIA program before coming to the Senate and I didn't even know that PEIA

premiums were based on income and, frankly, I find that absurd. You know, health insurance is a product like any other and the price of any product should not be based on your income. But, I'm sure when PEIA was conceptualized, that that was a selling point. It was a decision that was made many years ago but in today's market, it just doesn't fit. This decision has caused the problem of winners, and losers and, in some cases, abuse.

In my research, I requested from PEIA their talking points, their last three years of financials, this year's proposed premiums schedule and compared it with last year's premiums schedules and I compared it with the commercial market. To be honest with you, I was a little concerned at first. As I dug into it, I have to give the PEIA Board a little bit of credit because under their direction, claims have maintained, have been pretty flat over the last few years. I've sat in a board room and had to make tough decisions about plan design, in order to keep premiums low and to keep them from skyrocketing. And you have to give this body and the Governor credit for fully funding PEIA. What I've learned is that for every additional dollar that the Legislature and the Governor puts in, that the teachers have to put in a corresponding additional amount and so, if we add \$100 to the plan then teachers have to add \$20 and when you take that across 84,000 PEIA members, it's \$100 million to the State of West Virginia and it's \$20 million to teachers and public employees.

But I think there are some things that we can do. Some of the issues causing the most concern has been the Go365 app, the fitness tracker, and the combined household income. Again, I have to give some credit to the PEIA, and this body, and the Governor, because they listened. We listened to your concerns and your emails and, in turn, PEIA listened to us and the Governor concurred and this week made the Go365 app an optional program and eliminated the \$25 surcharge for nonparticipation. Household family income is a work in progress. It was proposed because there are some inequities; most prevalent is taxpayers subsidizing high earning spouses on the plan. For example, it has been given to me and many people here that you might have a teacher and who's married to a surgeon and their premiums are based on the salaries of the teacher without consideration that they may be subsidizing even other teachers who are in the plan.

First, the only people that are affected by the changes to PEIA combining household family

income are individuals who are adding their spouse on Plan A. I think that's a lot of people though. The rest of the people on the plan shouldn't see dramatic increases, in fact, they'll see a reduction in their costs.

However, I struggle with this proposal and I'm certain that these changes will affect more middle-income families rather than punish those who are abusing the system. So, how can PEIA address those abusing the system without placing an enormous burden on hardworking families? And these are just a couple of ways that we can do that. I'm not advocating for some of these, but you could enact a spousal carve out—where, a spousal carve out, simply put, means that if your spouse can get health insurance through their employer then they must do that. It's pretty common in the commercial market. You could enact a spousal penalty which is sort of like a carve out but it just charges a surcharge on the spouse. And three, I know this is under consideration and the Governor made an announcement yesterday and I think there's been a delayed press conference today, but it's a compromise position that says that if both spouses are state employees, then their salaries are averaged for the purpose of determining their rate tier. I do think this is a good proposal but I don't think it goes far enough.

The last thing I'll suggest and I'll close is I would suggest that maybe PEIA and their board consider, and take it seriously, maintaining the same premium structure that there was in FY '18 and start to study how we can get in line with the commercial market with PEIA and maybe eliminate income altogether as a decision-making factor in premiums.

I appreciate teachers coming today and if anybody would like to stop by my office and talk more about this issue, you're certainly welcome and I appreciate your time.

Thank you, Mr. President.

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**REMARKS OF  
HONORABLE  
CRAIG BLAIR**

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*Friday, February 2, 2018*

SENATOR BLAIR: Thank you, Mr. President.

I just realized something . . . that I had left something out of my remarks earlier pertaining to Senate Bill 267 so I want to share it. And it's going to be very, very brief. But I think it's important as well.

One of our greatest exports in this state is our youth. Especially our best and brightest. They are actually a product of the hard work that our teachers give to this state. They are an example of the work that they do. But our best and brightest leave our state. The work that we're doing right now in this chamber and the other end of the building and the Governor's office, is making it so they have an opportunity for employment in West Virginia to keep them at home and it grows that tax base.

But, I just wanted to say that because I missed that part of it earlier and it's important to teachers that are here today to hear just that as well . . . is that we want to keep our best and brightest at home so that we can put them into the workforce and make West Virginia live up to its potential.

Thank you.

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REMARKS OF  
HONORABLE  
RANDY E. SMITH

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*Friday, February 2, 2018*

SENATOR SMITH: Thank you, Mr. President.

I'll be brief. I just want to stand and say how grateful and blessed that I am to be here in this building and part of this process. It's not easy. You know, I probably benefitted from the public school system more than anybody. You know, I'm nobody, I'm a coal miner, hillbilly, country boy from Tucker County that has been a coal miner for 39 years. And I came and got involved because, basically, because of my kids and grandkids not wanting them to leave the state because . . . those of you that know me, that's the love of my life.

You know, one of the people that changed my life was my—believe it or not, it took twelve

years to get through my thick skull—but it was my twelfth grade English teacher. And . . . she changed my, you know, kind of got me because . . . Most of you probably know 'cause I'm still kind of ornery now, but I was pretty ornery as a young man, nothing bad, you know, I didn't do drugs, alcohol, stealing, or anything like that, but, boy, I sure was mischievous. And I believe a lot of times I was passed just so they got me out of their class for the next year.

But, every day I come through this building I look up and see that gold dome, I think how in the world did I get here? Why I'm here? There's only one reason, it's God's will or I wouldn't be here because I sure didn't know what I was doing, you know what I mean? If it wouldn't be for God's grace, I wouldn't be here and the people I represent who trust me and depend on me to do the right thing. You know, I'm not rich, never will be, don't want to be, but one thing I was taught growing up is respect people, treat people like you want to be treated. We all have disagreements here, you know, sometimes it gets heated, I get passionate sometimes, too. But I can usually say that everyone is respectful—and I was taught that in school. And I was taught that at home. And I thank God that I had that, you know, atmosphere growing up because I can remember being the kid in the class, you know, first, second grade, my second grade teacher, Miss Shafer, never will forget, she'd take me back and . . . because I was the kid that had the holes in their shoes, and had patches on their pants because we couldn't afford any better. And my second grade teacher would get me a pair of shoes and switched . . . where nobody would know it—I'll never forget that. And she also taught me what respect was.

And my granddaughter, she's a little bit of a worrywart. The one's a junior in high school and the other one's only seven years old but, I got a text from her, she's all upset because she thought her Pappy was getting beat up because of live news feed coming across Facebook, you know, and she got a picture of me coming and people yelling at me and my granddaughter got all worked up over that and she just texted me—I got eight or nine texts from her now that I haven't answered.

But I'd just like to say going forward: Respect goes a long way. I treat the janitor here the same way as I treat the Governor, or anyone in this body. And a lot of times, I think we, as a society, we lose sight of that. And I'd just like to say that I am so grateful and so humbled to be in this house to try to do what is right to move this state forward. And I think everyone here has the

same purpose in mind, but I think from my humble beginning, you know, I've been beat up, I've been covered up, I've been run over in the coal mines . . . . I mean, it's a wonder I'm still walking. You know, I have a lot of health problems but it never stops me from wanting to go and do what is right and I think we'll eventually get this problem solved, we'll get everything figured out. We have. You know, this is my sixth year here, we will get through this. We'll be friends when we're done and I honestly think that we will get to where we need to be. And, like the gentleman from Logan says, there's not anybody here that doesn't want to do the right thing. You know, I was taught that you take responsibilities for your actions and, you know, you don't blame someone else for what's going on . . . and when you leave this life, leave this planet, you try to leave it better than what it was when you came here. And I truly believe in those principles.

But I'd just like say, Mr. President, how humbled I am to serve with each and every one of you and have the opportunity to come into this building and represent the people of West Virginia and try to do what's right. And I just ask that everyone involved, please just show respect for each other. We can, you know, we can disagree, but let's be respectful about it because we have . . . like I said, my granddaughter's watching this and she's not the only one that see what is going on and they're seeing how we react to how the people around us act. So I just ask, just be respectful and, again, like I said, I just thank God that I'm here and no matter how crazy it seems sometimes, and how bad it seems, it's still the best system in the world or everybody wouldn't be wanting to try to get here into this country where we're at.

And, with that, I'm going to say God bless West Virginia and God bless the United States and God bless you all!

Thank you.

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**Congratulating Wyoming East High School golf team for 2017 Class AA state championship**

*(Adoption of Senate Resolution 26)*

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REMARKS OF  
HONORABLE  
SUE CLINE

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*Monday, February 5, 2018*

SENATOR CLINE: Thank you, Mr. President.

It is my honor, along with the Junior Senator from the Ninth, to welcome back the Wyoming East High School golf team. I would like to recognize the team of being the 2017 West Virginia Class AA back-to-back state golf champions. The team also had two members earned All-State honors.

Thank you for joining us in this session. Please welcome them and give them a round of applause. We're very proud of them.

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REMARKS OF  
HONORABLE  
C. EDWARD GAUNCH

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*Monday, February 5, 2018*

SENATOR GAUNCH: Thank you, Mr. President.

I see several of us here today have these red boutonnières on. Today is set aside in these chambers to honor life—the most basic essence which was breathed into each of us by God. We are, each one of us, created in his image as a special representation of him. We have individual DNA, no two of us are the same, and we've done this today. We acknowledge that this is Honoring Life Day here, but we haven't passed a special resolution or honored any specific group or any individuals.

Mr. President, we, as human beings, have been guilty of many sins since the beginning of time. Human beings are sinful by our very nature it seems. We've harmed our fellow man in innumerable, egregious ways. National origin, race, ethnicity, gender, and religion are but a few reasons we've used for our meanness. As Daniel did for the nation of Israel, we should all repent for those corporate, national sins, I believe. And because today is set aside as a day to celebrate life, I'd like to spend just a couple more minutes discussing the subject of abortion even though it causes some of us to be uncomfortable and probably should. It's not politically correct and maybe not even politically expedient, but we need to have the discussion.

First thing I'd like to do is acknowledge the Roman Catholic Church and other evangelicals who have never wavered in their advocacy for life . . . from conception to natural death. They have been the voices crying out from the wilderness. In the name of choice, we have legitimized the deaths of more than 60 million lives. Sixty million individuals. Sixty million. I can't help but wonder if one of those was meant by God to be the next Ronald Reagan or Abraham Lincoln or Franklin Roosevelt or Jonas Salk or Homer Hickam or Neil Armstrong or Martin Luther King, Jr., or Katherine Johnson or Billy Graham or Pope Francis or Randy Moss or Tom Brady or Aretha Franklin or Bach or Beethoven or, perhaps, even somebody who would be sitting at one of these desks. It grieves me, Mr. President, that our society, our culture, and my generation will be the one remembered for this dubious distinction. It reminds me of Proverbs 14:12 which says, "There is a way that seems right to a man, the path of which leads to destruction."

Mr. President, it's my desire today that every opportunity we get, that we choose life.

Thank you.

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REMARKS OF  
**HONORABLE  
MICHAEL J. ROMANO**

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*Monday, February 5, 2018*

SENATOR ROMANO: Thank you, Mr. President.

I hesitate to stand but I feel obligated to remind everybody, you know, as a Catholic, you know, I abhor abortion and what it's about and, at the same time, I have to remind all my friends here that there's millions of children that are born into poverty, that don't have enough to eat, don't have a roof over their head, don't get a good education, have no chance to become something in life. We need to be just as worried about those children too and make sure what we do here enables their parents to take care of them and when their parents can't take care of them, we need to stand up for those that are less than us.

They go together. They really do. I certainly respect other people's religious beliefs, or lack of thereof, as our Constitution requires, but I

certainly don't respect our inability to care for those who need our help the most. And I just felt that that was appropriate to say Senator coupled with your comments.

Thank you.

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REMARKS OF  
**HONORABLE  
ROBERT KARNES**

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*Monday, February 5, 2018*

SENATOR KARNES: Thank you, Mr. President.

You know, obviously, I have pretty strong feelings in the cause of life, but sometimes there's consequences that we don't even think about. And, I remember a few days ago the Senator from Brooke County had a piece of paper laying on all of our desks talking about how many people we lose each day in West Virginia to out-migration.

And one of the things we talked about a lot last year was the fact that we're probably going to lose a congressman in the next census. If we had 70,000 more people, roughly, we wouldn't lose that congressman. And, if you go back and just do a rough count of how many children we've lost right here in West Virginia, it's probably about 70,000. We're losing a Congressman in two years because of what we've done to our unborn children in this state.

So, there's consequences that go beyond the horrific act of abortion. There's consequences for the State of West Virginia that's going to mean something in just a couple of years and that's something that we should keep in mind as well.

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**Designating February 6, 2018, as West  
Virginia State University Day**

*(Adoption of Senate Resolution 28)*

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REMARKS OF  
**HONORABLE  
C. EDWARD GAUNCH**

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*Tuesday, February 6, 2018*

SENATOR GAUNCH: Thank you, Mr. President.

This is West Virginia State University Day at the Legislature. Makes me proud as an alum of West Virginia State. I'll try to curb my enthusiasm and just keep this to a minimum, but a few things you need to know about West Virginia State:

Founded March 17, 1891, 127 years ago, as a public historically black college and university on its campus in Institute, West Virginia. It was one of the original groups of African-American Land Grant Colleges and is, in fact, one of our two land grant institutions.

In 1954, the Brown versus Board of Education, the Supreme Court decision, changed West Virginia State University. It was like integration in reverse. And 10 years after Brown v. Board of Education, I was one of those students, a 17-year-old who walked on that campus. And I can't tell you what a difference in my life . . . changed everything for me. I'm proud to be part of the West Virginia State family.

West Virginia State has 77 academic programs, leading to 23 baccalaureate and 5 masters degrees. The university is incredibly important to this valley, to this region, and to the entire United States. It's estimated economic output of \$254 million. College Choice, based upon data provided by *U. S. News & World Report*, National Center of Education Statistics, and PayScale rank West Virginia State University the second best public college or university in the State of West Virginia.

And, present company excluded, it's alumni numbers are incredible. And they include celebrities, politicians, business people, athletes, military leaders, other business leaders, distinguished individuals who have distinguished themselves across the globe and changed this world. People such as the Tuskegee Airman, Colonel Spanky Roberts; NBA legend, Earl Lloyd; NASA mathematician, Katherine Johnson; and on and on and on.

Mr. President, it's fitting and proper that we pass this resolution recognizing this exceptional institution.

**Designating February 6, 2018, as West Virginia State University Day**

*(Adoption of Senate Resolution 28)*

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**REMARKS OF  
HONORABLE  
MARK A. DRENNAN**

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*Tuesday, February 6, 2018*

SENATOR DRENNAN: Thank you, Mr. President.

You know, in 1952, my eight-year-old mother lost both of her parents. She and her four siblings were raised by their other two sisters who were 21 and 17, about three miles from West Virginia State. In 1954, as my colleague has described, segregation ended and it afforded my aunt, Roberta, who was then 19, the opportunity to attend West Virginia State where she earned her degree in chemistry and mathematics. She had a long career at Union Carbide and the State of West Virginia in the state lab. Now 82, and I spoke with her last night, she wanted me to share how the staff and the faculty at West Virginia State welcomed her immediately. Since then, our family has had many graduates of West Virginia State, including myself.

I urge adoption.

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**Congratulating Hurricane High School boys' soccer team**

*(Adoption of Senate Resolution 29)*

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**REMARKS OF  
HONORABLE  
MARK A. DRENNAN**

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*Tuesday, February 6, 2018*

SENATOR DRENNAN: Thank you, Mr. President.

It is your pleasure and mine to offer this resolution congratulating the Hurricane High boys' soccer team for winning the 2017 Class AAA State Championship, led by their head



coach, Jim Dagosteen. This team, 36 members strong, displayed talent, determination, dedication, and spirit on the way to winning the school's second state championship in soccer. Finishing with a record of 19-1-4, this team will be remembered as one of the very best West Virginia soccer teams in its history.

I urge adoption.

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**Congratulating Hurricane High School  
boys' soccer team**

*(Adoption of Senate Resolution 29)*

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**REMARKS OF  
HONORABLE  
GREGORY L. BOSO**

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*Tuesday, February 6, 2018*

SENATOR BOSO: Mr. President, I also support this particular resolution.

The guys standing behind me probably wouldn't like me most time when they take to the pitch because I wear one of the alternative-colored jerseys with a couple of cards in my pocket. But I will tell you, Hurricane has traditionally been a very strong, a very vibrant, a very smart team on the soccer field. And, unfortunately, this year I didn't get a chance to go watch them but I listened to a little bit to some of the outcome of their games. And I was very happy because I've got friends from the Hurricane area.

When we get to looking at our soccer players, as a whole, we call it the "beautiful game." Why? Because these soccer players standing behind us, when they take to the pitch, there's no pre-set play. They have to react at a moment's notice to change conditions when the defense comes upon them. In order to score those goals, it takes a team effort. It's not necessarily a single individual.

Mr. President, it's a team effort and I applaud them for their accomplishments and their desire to do their very best. I support this resolution.

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**REMARKS OF  
HONORABLE  
COREY PALUMBO**

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*Tuesday, February 6, 2018*

SENATOR PALUMBO: Thank you, Mr. President.

I just want to make some brief remarks about the debate we had last Friday on Senate Bill 267 (*Increasing salaries of certain state employees*), the pay raise bill. In a lot of respects, it was a good passionate debate. But in other respects, I thought it skirted the line of Rule 8 of the Senate or were violative of it. Rule 8 of the Senate requires us to avoid all indecorous or disrespectful language on the floor of the Senate. And, at times, there were good comments on the merits of the bill, other times there was a lot of finger pointing. I think there were things that would classify as name calling, calling people grandstanders or, you know, posturing—finger pointing back and forth. And one member of the Senate went as far as to call other members liars. And that's something I've not really heard on the Senate floor in my time here. I think the comment was, "They were tired of all the lying that was going on."

Clearly, Mr. President, that's not consistent with Rule 8 of the Senate Rules. And I call on you, Mr. President, to try to reestablish what the Senate has always been—a place where respect is given across the board to all members. We treat each other with respect. It's not the rule with exceptions. It's the rule period. And I think that we can continue to have good debate and discussion about issues without getting into the . . . what you'd find in a middle school hall/room, name calling, finger pointing and things of that nature, Mr. President.

And I just thought it was important to point out the senator who called out other members of the body for lying, in that same speech made a comment that teachers had not received a pay raise since 1990, other than the increment that has been provided year after year for teachers. And I wasn't armed with the information as we were sitting here Friday but I am armed with it right now and I do want to go over that with the members of the body. In 1990, teachers starting salary was \$15,918; teachers received a \$1,000 raise in 1991; a \$2,000 in 1992; a \$500 raise in 1994; a \$500 raise in 1996; a \$750 raise in 1998; a \$750 raise in 1999; a \$750 raise in 2000; some of these numbers are rounded off, they're not exactly; 2001, a \$1,000 raise; in 2002, \$800 raise; 2005, \$1,400 raise; 2006, I think that was the year that more steps were filled in; 2007, \$900 raise; 2008, \$1,600 raise; 2011, \$1,500 raise; 2012, I believe it was \$2,000; in 2014, I

think it was another \$1,000. So there were 16 separate raises provided from 1990 until 2014. I think you can make a good argument that they weren't enough and that it didn't do enough to keep up with what other states were doing, but to say no raises were provided from 1990 until 2014 is just not consistent with what's gone on in the Legislature during that time period.

Thank you, Mr. President.

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REMARKS OF  
**HONORABLE**  
**MICHAEL J. ROMANO**

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*Tuesday, February 6, 2018*

SENATOR ROMANO: Thank you, Mr. President.

You know, there is a lot of things that transpire in this chamber that divide us, we have different philosophies. I always tell people that my Republican friends in the chamber aren't evil, they just have a different idea of how to move the state forward, different from what I believe, perhaps, different from what the people out there believe, whether Democrats or Republicans. You know, this pay raise issue is going to be one of them; fixing PEIA is going to be one of them.

But we did have an opportunity this year already, this session, to work together on something that I think was critical. Which was the community and technical college free tuition for our children—you know, to help the kids that need direction and need skills to be able to be successful in our state. And that's something we all did together, we made it better together. You know . . . and I just think we need to put our arms around that and embrace that and get our friends over in the House of Delegates to move that bill forward. If that bill dies over in the House, it will be just a pity that we did not seize upon the opportunity to improve, and I mean really improve, the chances of success for our kids. You know, when you're 18 years old or you graduate from high school, to be able to have the ability to go on and get a skill, a real skill that's going to pay real money, is unique in this world and we're giving them that opportunity. And, certainly, this body did it together and I certainly hope that we when we talk to our friends over in the House that we get them to do something because it is something that we can say we did

on a bipartisan basis. We all contributed to that and, certainly, we want to get them over there to see the light, see the importance of that, and make it a law in this state.

So, thank you, everybody.

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REMARKS OF  
**HONORABLE**  
**RANDY E. SMITH**

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*Tuesday, February 6, 2018*

SENATOR SMITH: Thank you, Mr. President.

It's with great regret and sadness that I want to report to the body that we had our first coal mining fatality today in Barbour County at the Sentinel Mine. You know, the investigation's just starting. Said it was a rib roll. But, if the members don't mind, I'd like to take a moment of silence to remember the family. Just keep the family in prayer as they go through this tragedy.

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**Designating February 7, 2018, as  
Veterans Visibility Day**

*(Adoption of Senate Resolution 30)*

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REMARKS OF  
**HONORABLE**  
**RYAN W. WELD**

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*Wednesday, February 7, 2018*

SENATOR WELD: Thank you, Mr. President.

On behalf of the individuals who sponsored the resolution, who are in this body, on behalf of the Senator from Wetzel and the Senator from Logan who are the other veterans of this body, Veterans Visibility Day is a big day. It's a pleasure to have, and an honor to have, these gentlemen with us—the men and women from West Virginia who have stood up, who've worn the flag in service in their nation.

And, as I prepared for today's remarks, you know, we all hear about, you know—and it's in

the resolution—that West Virginia has the highest number of veterans per capita in the nation. But I started to think about one unique piece of information that makes West Virginia's veterans stand out. You know, there are a lot of veterans, a lot of veterans in different states that fought for the formation and the creation of the United States. But there are a large number, a significant number of veterans from West Virginia who fought for the creation of this state and it's a pretty unique position because not many other states can say that—that their own people fought in a war that created their own state and that's why we're all here. And I think that that puts West Virginia in a very special place in the nation.

And it's truly an honor to have these individuals with us and to do the things that we have done to move forward their cause and to try to help those who have served the nation. And I think back to, you know, last . . . in the special session, when we exempted military pensions from state tax and, you know, that's something that I had been in part of the discussion on since I was in the House a couple of years ago and I know that many people here had been involved in those discussions. But the truth is, is that the people that are in here now, we did that. And we made that happen. And think it was something that was long overdue and I'm very proud to be a part of the body that did make that happen.

So, Mr. President, it's my pleasure to be a part of this resolution to welcome these people here today.

Thank you.

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**Designating February 7, 2018, as Go Red  
for Women Day**

*(Adoption of Senate Resolution 31)*

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REMARKS OF  
HONORABLE  
TOM TAKUBO

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*Wednesday, February 7, 2018*

SENATOR TAKUBO: Thank you, Mr. President.

The resolution would designate today as Go Red for Women Day and this is to bring some awareness. You know, cardiovascular disease remains the number one killer of women across the United States. In fact, it's killing about one woman every 80 seconds across the United States. And the sad part is, about 80 percent of that can be completely prevented.

Risk factors such as your blood pressure, not indulging in tobacco, keeping your cholesterol numbers under control, and maintaining some regular physical activity is very helpful. The American Heart Association's Go Red for Women movement motivates women to learn their family history and to meet with a health care provider to determine their risk factors for cardiovascular diseases and stroke.

The Go Red for Women encourages women to take control of their heart health by knowing five numbers that can be life-changing: Their total cholesterol; HDL (you know, everybody gets that confused, HDL or LDL, high is in—I tell my patients—high is in heaven and low is where you don't want to go); blood pressure control; keeping their blood sugar controlled; and their body mass index (keeping their weight under control).

The goal and the hope is that by increasing awareness, speaking out about heart disease, empowering women to reduce their risk for cardiovascular disease by doing all of this, thousands of women can be saved each year.

It is for these reasons that this resolution and the Senate urges all citizens to show their support for women and the fight against heart disease by commemorating this day by wearing the color red. It's for these reasons that I encourage adoption of the resolution.

Thank you, Mr. President.

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**Honoring heroic actions of Brooke  
County Deputy Sheriffs Devin C. Baker,  
Kristen L. Richmond and Shane S. Siranovic**

*(Adoption of Senate Resolution 32)*

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REMARKS OF  
HONORABLE  
RYAN W. WELD

*Thursday, February 8, 2018*

SENATOR Weld: Thank you, Mr. President.

You know, on September 11, 2001, the entire world saw heroic actions that were performed by police and firemen in New York City. But, as you can all see, on September 11, 2017, in Wellsburg, we had quite a fire. And we saw a lot of, you know, actions that day that really were above and beyond, but nothing like what was performed by some of the deputies that stand here in this chamber that I have the pleasure of working with every day at the Prosecutor's Office.

Deputies Baker, and Richmond, and Siranovic, went into this building with the fire, just as you see in those photos, not wearing protective apparatuses—they didn't have helmets on, they didn't have masks on, they had on what you see them wearing right here today. And because of their actions, they saved two juveniles that were in that building. And I think that it's actions like that that sometimes in the national discourse in the past year or so, Mr. President, maybe we've missed. And its people like that that are in our communities that we really owe a debt of gratitude to. One of the corps maxims of the Air Force, Mr. President, is "service before self." And I think that putting yourself in a situation like the one that you see there, knowing the dangers, but knowing that you are serving your community, I think is the embodiment of that maxim, Mr. President.

And so today, I stand in full support of this resolution and I'm honored to have these, you know, these folks with us.

So, thank you, Mr. President.

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**Honoring heroic actions of Brooke  
County Deputy Sheriffs Devin C. Baker,  
Kristen L. Richmond and Shane S. Siranovic**

*(Adoption of Senate Resolution 32)*

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REMARKS OF  
HONORABLE  
GREGORY L. BOSO

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*Thursday, February 8, 2018*

SENATOR BOSO: Thank you, Mr. President.

Boy, those pictures make it real real. When you're on the truck and you roll up to something like that, we call it "looking the devil in the face." Why? Because it's quite a challenge. But for those who arrive on scene and look the devil in the eye, and step in to take care of someone, that's remarkable. John 15:13 says it real vividly. It's a verse that I live by. And these do too because we've seen it: No greater love has any man than this, that he lay down his life for a friend.

These, Mr. President, that stand behind me, did just that. This is admirable what they did and I think it's worthy of this resolution.

Thank you.

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**Recognizing WV School of Osteopathic  
Medicine for excellence in medical education**

*(Adoption of Senate Resolution 33)*

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REMARKS OF  
HONORABLE  
STEPHEN BALDWIN

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*Thursday, February 8, 2018*

SENATOR BALDWIN: Thank you, Mr. President.

I'm proud to stand in support of my friends and neighbors from the nation's leading provider of rural primary care doctors. And I want to repeat that for you all, I think it's important for this body, the Senate of the State of West Virginia, to know that the West Virginia School of Osteopathic Medicine is the nation's leading provider of rural primary care doctors. We may not top many lists, especially those that relate to health care, but we do in that regard.

And these fine folks behind us do wonderful work in the Greenbrier Valley. They are community pillars, leaders in health care, and they've also chosen to do something positive about the drug crisis. We have placed something on everybody's desk here today. This is a tool kit that I believe they are working with counties across the state now to get into communities. It

allows for drug awareness programs and coalitions to know exactly what they can do in their particular communities to move forward. They can put it to work immediately. So, I've given everybody a copy here today and ask that you take that back to leaders in your communities so they can continue that work.

The "O" school also recognizes the importance of family here in West Virginia. They've got a Healthy Children's Initiative that allows them to work directly with students in West Virginia. Some of you may recognize Dr. Adelman from Abracadabra.

I would like to emphasize the statewide impact they have, not just in our community in the Greenbrier Valley, but across the State of West Virginia. Through their statewide campus, they place third- and fourth-year students at hospitals all across the state to provide primary care services for their community. And I think it's important to note that 80 percent of residents stay in the communities where they complete their programs. So these folks are sticking around to serve in West Virginia.

The "O" school is also a respected local employer. They provide good jobs in a growing field, they treat their employees well, they pay them a fair salary, and they provide meaningful work each day.

Last, but certainly not least, I would like to take just a moment to recognize Dr. Adelman as he will be completing his tenure as President this year, and I'd also like to recognize Dr. Jim Nemitz who has been selected by the board as the incoming President of the "O" school. So, Mr. President, I'd like to present to you President-Elect and outgoing President. These are leaders, the world's leading provider of rural primary health care docs, right here in West Virginia.

Thank you.

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**Recognizing WV School of Osteopathic  
Medicine for excellence in medical education**

*(Adoption of Senate Resolution 33)*

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REMARKS OF  
HONORABLE  
TOM TAKUBO

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*Thursday, February 8, 2018*

SENATOR TAKUBO: Thank you, Mr. President.

I just want to echo the sentiments of my fellow Senator from Greenbrier and just say, you know, again that the . . . so proud of being an alum . . . what these guys afforded for me, my family. But, not just for me, I think probably every person in this body, either directly or indirectly, has been touched by a D.O. or a graduate from this school.

And you talk about guys that get it right, I just want to highlight: 19 consecutive years at the top of the list, when you look at the *U.S. News & World Report*, so that they're not just doing it once, they're doing it repeatedly, over and over and over, doing it great.

If you guys get a chance, I would just like to mention they have these annual reports out on the flyers. If you get a chance, go through that because it is absolutely packed. It would be worth your while to grab one of these, leaf through it and, I've heard time and time again that all of us have a twin out there somewhere, so, if you turn to page 34, that is not our Majority Leader graduating from the "O" school, but boy, it sure, I think maybe his twin there in a pair of sunglasses, on page 34.

But again, I support the resolution and proud to have them here.

Thank you, Mr. President.

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**US Army SGT Denver E. Short Memorial  
Road**

*(Adoption of Senate  
Concurrent Resolution 1)*

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REMARKS OF  
HONORABLE  
RON STOLLINGS

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*Thursday, February 8, 2018*

SENATOR STOLLINGS: Thank you, Mr. President.

On behalf of the Senator from Logan, I'm very pleased to rise in support of this resolution. If you've been able to read this resolution, it's obvious that this sergeant was quite a hero and quite a warrior in World War II. And he was wounded some three different times, Denver Short was, and received four Purple Hearts, oakleaf cluster. He was in Normandy, as well as Operation Market Garden, was wounded three times as I mentioned. He was in the original band of brothers with the Bravo Company, 506th Parachute Infantry Regiment, 101st Airborne Division. And . . . he lived, after spending a lot of time in the hospital, and was able to come back to Logan area and was a quiet, humble husband and devout Christian, and a true American hero.

And I urge adoption.

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**Designating February 9, 2018, as  
Corrections Day**

*(Adoption of Senate Resolution 34)*

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REMARKS OF  
**HONORABLE  
GREGORY L. BOSO**

*Friday, February 9, 2018*

SENATOR BOSO: Thank you, Mr. President.

It is Corrections Day here in the halls of the Legislature. And, in our Capitol today, we are honored to have officers, administrators, and our professionals from the various institutions from across the state. We're also honored, Mr. President, to have the Secretary's Freedom Award for Distinguished Service recipients with us as well. Those particular individuals are: Larissa Mackall, Robin—and I know I'm going to blow this—Robin Mauck, Jeremy Dolin, Kimberly Wilson, Domenico Esposito, Curtis Dixon, Bryan Thompson, Sergeant Wesley Williams, and Jeremiah Lee Jenkins.

It's an honor, Mr. President, to stand before you today and recognize these particular heroes from the Department of Corrections, from our Regional Jail Authority, as well as Juvenile Services. These are ones who serve, Mr. President, our citizens every day, standing in harm's way between those who have,

unfortunately, sought to do harm to the citizens of West Virginia and those who seek to live peaceably here within our state. These public servants are very hidden, many times, from public view. They show up to work, they endure conditions that many of us would choose not to work in, but they serve and we're blessed by their service.

The adult and juvenile corrections' population continues to expand, Mr. President. And it's important for the agency representatives and policymakers to appreciate the nature and magnitude of the growth. It is imperative, as representatives, to plan and develop policies for the management of the correctional population for the future by providing adequate pay, benefits, and a safe and secure workplace for these public servants.

Mr. President, I encourage adoption of this resolution.

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**Designating February 9, 2018, as  
Corrections Day**

*(Adoption of Senate Resolution 34)*

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REMARKS OF  
**HONORABLE  
CHARLES H. CLEMENTS**

*Friday, February 9, 2018*

SENATOR CLEMENTS: Thank you, Mr. President.

I, too, echo my colleague from Nicholas County. These people are extremely overworked and, I hate to say, underpaid also. But they show up every day protecting us from those people that we don't want among us. There are times that their lives are totally endangered because of the situations that we're in. We have legislation coming to help take care of that. And I ask that we adopt this resolution and also look at this forthcoming legislation to help these people have a safer working environment.

Thank you, Mr. President.

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**Designating February 9, 2018, as  
Corrections Day**

*(Adoption of Senate Resolution 34)*

REMARKS OF  
**HONORABLE  
RICHARD N. OJEDA II**

*Friday, February 9, 2018*

SENATOR OJEDA: Mr. President, I wholeheartedly support this resolution.

I think that many of us have taken time to go and visit many of our prisons, our jails, and our juvenile centers. What you guys will see here is not everybody walking down this aisle is a correctional officer. There's going to be some people that are walking down this aisle that are family members of correctional officers and the reason for that's because right now their family members don't have the ability to be here today. Because right now, they're working, in some cases many of them double shifts. We do have legislation that's being pushed that's going to be able to do something for our jails, our prisons, and our juvenile centers. And I think that, you know, it is up to each and every one of us to do everything in our power to support every single bill so that we can finally do something for the lives of not just our correctional officer, but their families.

So, once again, I wholeheartedly support this resolution, Mr. President.

**Designating February 9, 2018, as  
Corrections Day**

*(Adoption of Senate Resolution 34)*

REMARKS OF  
**HONORABLE  
MICHAEL T. AZINGER**

*Friday, February 9, 2018*

SENATOR AZINGER: Thank you, Mr. President.

I just want to say a few words just because I had the honor of touring a few of these prisons just recently and these are taken care of by "salt of the earth" people and Secretary Sandy and his crew all around the state. Secretary Sandy spent Christmas Day in these prisons, visiting these prisons, and that's the kind of men and women that make up this whole . . . all of his crew— and . . . right on back, many faces I recognize that I'm honored to know.

And, just let me say a word about the legislation that's been brought up to give these guys a pay raise. That needs to happen. And I certainly support it.

So, we're honored to have you folks. You are the backbone of America, backbone of West Virginia. And, thank you so much for coming.

Thank you, Mr. President.

**Recognizing distinguished military  
service of Brigadier General John C. "Doc"  
Bahnsen, Jr.**

*(Adoption of Senate Resolution 35)*

REMARKS OF  
**HONORABLE  
RYAN J. FERNS**

*Friday, February 9, 2018*

SENATOR FERNS: Thank you, Mr. President.

Ladies and gentlemen, if I could have your undivided attention here for a couple of minutes and indulge me. We're here today to recognize and honor retired Brigadier General John "Doc" Bahnsen. General Bahnsen is joined today by his beautiful wife, Lieutenant Colonel Peggy Bahnsen—and those who know him best know that "Peggy's Husband" is his preferred introduction.

John Bahnsen is an Army Retired Brigadier General who's been designated a Distinguished Graduate of West Point, selected to the Army Aviation Hall of Fame, the Georgia Aviation Hall of Fame, and is the most decorated member of his West Point class with over 70 decorations. Those decorations include: One Distinguished

Service Cross; five Silver Stars; four Legions of Merit; three Distinguished Flying Crosses; four Bronze Stars, three with "V" device for Valor; two Purple Hearts; and one Meritorious Service Medal; the Vietnam Campaign Service Medal with seven clusters; and the Korea Defense Service Medal; among many, many others. Serving two combat tours in Vietnam as well as service in Korea, he is, in fact, the thirty-third most decorated military officer of all time.

I'm not capable, Mr. President, of words eloquent enough to give proper recognition that this true American hero deserves. So, I'll simply rely on the quotes of some of his commanding officers throughout his career:

In an OER prepared by Colonel Leach, Leach observed "Major Bahnsen is the most outstanding combat commander I know. He's intelligent, aggressive, persuasive and extremely efficient. A dynamic young officer who excels in everything he does. The bravest soldier I've ever seen."

Major General Elvy Roberts, the 1st Air Calvary Division Commander, added his observations "Unquestionably the finest combat leader-commander in the regiment. An alert, tenacious fighter with an abundance of ideas and common sense. At the forefront of all enemy contacts, night or day."

Finally, a name many of you likely will recognize, when General Patton left command, his final Officer Efficiency Report on Bahnsen read in part, "The rated officer is the best, most highly motivated and professionally competent combat leader I have served with in twenty-three years of service, to include the Korean War and two tours in Vietnam. It is emphasized that the fine reputation this Regiment now enjoys is due primarily to the actions, reactions, and methods of operation of Major Bahnsen . . . He is one of those rare professionals who truly enjoys fighting, taking risks and sparring with a wily and slippery foe. He is utterly fearless and because of this, demands the same from his unit . . . I cannot praise Major Bahnsen too highly for his fantastic performance in battle."

Mr. President, there are stories that I could tell that would go on all day about General Bahnsen and I feel honored to even have gotten to know him over the years and his wife, Peggy.

As you heard from those quotes, you know, fearless is a term often used to describe him. In

fact, he was shot down 13 times throughout his career; three times in the same day.

In his retirement, General Bahnsen remains extremely active in the community and throughout the state. He serves as a defense consultant. He's a motivational speaker, he's a published writer, pilot, and an avid outdoorsman. And, in fact, I've been honored to be his guest and the guest of Peggy at their, what is now, legendary annual dove shoot on their farm in Hancock County.

Mr. President, it's my honor today to encourage all of the members of this body to support this very worthy resolution.

Thank you, Mr. President.

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**Recognizing distinguished military service of Brigadier General John C. "Doc" Bahnsen, Jr.**

*(Adoption of Senate Resolution 35)*

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**REMARKS OF  
HONORABLE  
RICHARD N. OJEDA II**

*Friday, February 9, 2018*

SENATOR OJEDA: Thank you, Mr. President.

You know, this is the first that I've really heard. But I will tell you that as a person that's retired military, there are no words that can be uttered here today to express the gratitude that each and every one of us have. We're not worthy to be in your presence, sir, and it is just an honor to stand this close to you.

Thank you, Mr. President.

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**Recognizing distinguished military service of Brigadier General John C. "Doc" Bahnsen, Jr.**

*(Adoption of Senate Resolution 35)*



REMARKS OF  
HONORABLE  
RYAN W. WELD

*Friday, February 9, 2018*

SENATOR WELD: Thank you, Mr. President.

When I first ran for office back in 2014, someone said to me, “You know, there used to be an old retired general that lives up in the northern part of Hancock County, you ought to try to go up and see him but I don’t know if he’s still around or not, he was kind of getting on in his years.” Well, I can assure you, Mr. President, that he’s there and he’s doing very well. And it has been an absolute pleasure in the years that I’ve met him and Peggy to be a guest at their home many times to . . . you know, for someone with my background, where I’m coming from, to get his guidance and to be able to speak with them and see, you know, that they’ve come back to the State of West Virginia and they’re happy to call this place home and he has brought a wealth of knowledge that he has imparted upon myself and the Senator from Ohio. And to have them here today with us in the Senate truly is an honor and a pleasure and I’m glad that they could be here.

Thank you, Mr. President.

**Recognizing distinguished military  
service of Brigadier General John C. “Doc”  
Bahnsen, Jr.**

*(Adoption of Senate Resolution 35)*

REMARKS OF  
HONORABLE  
CHARLES S. TRUMP IV

*Friday, February 9, 2018*

SENATOR TRUMP: Thank you, Mr. President.

I rise happily in support of this resolution, also. I met Doc Bahnsen and his wife, Peggy, in a previous millennium, longer ago than any of us would probably care to admit. We all have people who touch our lives and inspire us and,

probably, General Bahnsen doesn’t even realize the inspiration that he has been to me. To know him is to admire him. He is a force of nature, he and his wife, Peggy, both. Their devotion to country, love of country, love of this state, inspires me to this day.

I urge adoption of this resolution.

**Protecting employees’ wages or salaries  
from being withheld or diverted for political  
activities**

*(Passage of Eng. Com. Sub.  
for Senate Bill 335)*

REMARKS OF  
HONORABLE  
CHARLES S. TRUMP IV

*Friday, February 9, 2018*

SENATOR TRUMP: Thank you, Mr. President.

The Committee Substitute for Senate Bill 335 is our Paycheck Protection Act. This Act protects the paychecks of working West Virginians. The way it works is . . . the bill will amend four sections of the Act, four sections of code. One of them is in chapter three, which is the elections code and then the other three sections amended are all in chapter 21. One’s article one-a, that’s section four; and then two sections in article five of chapter 21, which is the Wage Payment Collection Act.

The bill broadens the class of people who are protected from coercion or intimidation by employers for political contributions. Under current law, the prohibition against coercion or intimidation applies only to salaried and nonsalaried employees not elected—salaried and nonsalaried employees in the public sector. The bill removes those limitations so that all employees in West Virginia will be protected from coercion or intimidation of any kind for political contributions or campaign contributions. The bill makes it clear that employers or anybody else responsible for the disbursement of wages, payment of wages from withholding, they are prohibited from withholding any portion of an employee’s wages as political contributions unless the employee has provided affirmative permission for that to

occur, a written request. And the bill requires that the request be on a form that's prescribed by the West Virginia Secretary of State. And the bill would provide that such an authorization is good only for one year, one year at a time.

The bill will make it an unfair labor practice under state law for any labor organization to use agency shop fees paid to it by an individual who's not a member of that organization to make any contributions or expenditures to influence an election. So, you know, members of an organization can agree to have their dues, or a portion of their dues, used for those purposes if that's what they choose to do. But it prohibits such an organization from doing that with any fees or dues that are paid by someone who's not a member of the organization.

The bill removes—and we're in article five of chapter 21 now—it removes union or club dues from the list of items that qualify as deductions under the definition of “deductions.” And it redefines the term “fringe benefits” to mesh that up with the change in that definition that was made in Senate Bill 7 (*Relating to claims under Wage Payment and Collection Act*). We passed Senate Bill 7 out of here a couple of weeks ago. I don't know what the House of Delegates has done with it, but it made changes to that section also. So those changes that were in Senate Bill 7, as it passed the Senate, are incorporated into this bill in that section.

So . . . and it makes it clear then that dues deductions would have to be done by wage assignment and to make that easier for employees, the bill eliminates the requirement that those assignments be notarized. They only have to be signed by an employee, not notarized, and they would have to be renewed annually.

Mr. President, I'd like the privilege of closing debate, but I'll be happy to try answer any questions now. Otherwise, I urge passage of this bill.

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**Protecting employees' wages or salaries  
from being withheld or diverted for political  
activities**

*(Passage of Eng. Com. Sub.  
for Senate Bill 335)*

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REMARKS OF  
HONORABLE  
MICHAEL J. ROMANO

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*Friday, February 9, 2018*

SENATOR ROMANO: Thank you, Mr. President.

I rise in opposition to this bill mainly because, you know . . . I guess, camouflaged to the contrary, this bill's aimed at two groups. It's aimed at the teachers' associations, made up of the AFT and the WVEA, because it cannot affect private contracts between other unions and their employers. If it could, it certainly would, but it can't.

So the result's going to be the end of the teachers' associations which we've seen out here in the halls begging for higher wages and fixing PEIA. The result's going to be the elimination of those associations to a large degree because of just hurdles, procedural hurdles we've put in front of them.

But aside from all that which was aired at great length in the Judiciary Committee, we're also going to burden the employers of our state. Because, as my friend from Morgan said, we can still do a wage assignment, there are these members of these associations can still do a wage assignment and, although it's got to be done every year for thousands of members if it's going to be accomplished, and those all have to be taken by the employer every year and re-entered we're going to create thousands of dollars of additional expense for our boards of education around the state. Not only by having to enter in these same employees one time every year—and it's just not five or ten employees, it's thousands of employees. And as a former county commissioner, I can assure you, we spent thousands of dollars just doing insurance deductions and similar wage assignments that were not employee benefits. But the real expense is going to be that a wage assignment, by statute, has to be confirmed for every employer in writing by the employer.

You do the math. You do the math of how many unnecessary hours we are going to cause each one of our boards of education in having to follow the statute. Why are we doing that? I mean, all the problems we've got in this state and we are going to cause additional expense to our education system which benefits nobody and only hurts the right to collective bargain.

I would urge a “no” vote on this bill. We can take another look at it, save our employers some money, and, if we're still after the associations,

we can do what we can then. But let's not do something stupid that hurts everybody.

Thank you.

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**Protecting employees' wages or salaries  
from being withheld or diverted for political  
activities**

*(Passage of Eng. Com. Sub.  
for Senate Bill 335)*

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**REMARKS OF  
HONORABLE  
CHARLES S. TRUMP IV**

*Friday, February 9, 2018*

SENATOR TRUMP: Thank you, Mr. President.

I'll be brief. I'll just say again this bill protects all the employees of West Virginia. It has provisions in it which protect all the employees of West Virginia from coercion or intimidation for political campaign contributions. Every employee in West Virginia is protected under this bill.

This bill requires that, simply, once a year an employee sign a piece of paper that says, "Yes, it's okay to continue to take money out of my paycheck." I don't think that's an unreasonable burden for employers or employees.

I support this bill. I would say, Mr. President, what sort of government would not protect the paychecks of its working citizens? I urge passage of this bill.

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**Memorializing life of Jan Vineyard**

*(Adoption of Senate Resolution 36)*

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**REMARKS OF  
HONORABLE  
CHARLES H. CLEMENTS**

*Monday, February 12, 2018*

SENATOR CLEMENTS: Thank you, Mr. President.

It's difficult for me sometimes to look at all the many things Jan did. But I want to read some from the resolution that covers so much of what she did. She was born in 1956 to Charles and Wanda Smith—who are with us today. She grew up in Nitro, West Virginia, and graduated from Nitro in 1974, a lifelong member of St. Paul's United Methodist Church on 21st Street. She credits her parents with giving her the support, cornerstone values in her life—a strong faith, a willingness to work hard, and always treating everyone with true respect. These traits served her well throughout all parts of her life. After graduating from high school, she went to Marshall University where she gained an Associate's degree, a Bachelor's, and a Master's degree. And after college, she went to work for Ashland Oil Company.

She was successful and soon other people wanted her services. Over the years she went to work for what, at the time, was the West Virginia Petroleum Marketers' Association. And over the years though, her leadership and vision led to successful expansion of this Association's scope and membership through a number of mergers and joint ventures.

In 2015, in recognition of her success, Jan was elected to Marshall University's Lewis College of Business Hall of Fame. Through all of her endeavors in the business world, Jan always believed the education she received at Nitro and Marshall served as a foundation for all the successes that followed.

Jan volunteered as a board member on a number of advisory and governess boards including the Marshall University College of Business, Marshall's Yeager Scholars Board, and the Marshall University Foundation Board. For a number of years, she chaired the Board of Governor's for the Kanawha Valley Community and Technical College and later, it's successor, BridgeValley Community and Technical College. Jan was a graduate of the Leadership West Virginia and later chaired its board of directors. She served on the Board of Directors of Edgewood Summit, the West Virginia Business & Industry Council, the West Virginia Society Association of Executives, and was appointed to the Governor's Blue Ribbon Commission on Highways. For her ongoing efforts supporting transportation safety in West Virginia, she was awarded the Safety Champion

of the Year in 2013 by the Governor's Highway Safety Program.

Jan focused a lot of her time supporting various charities that helped West Virginia children and families in need. She led her organizations' members to support multiple fundraising drives every year to raise money for these charities. Over these years, these included Make-A-Wish Foundation, the Charleston YMCA, Children's Miracle Network, and West Virginia Children's Home Society. Through her leadership, Jan's organization raised millions of dollars for these charities. Of everything she accomplished, Jan was most proud of this.

Jan is married to her husband, Gary—who is here—for 34 years. He is with us today. They have one son, Craig. Jan passed away on May 30, 2017, bringing an end to a productive life of public service and leaving behind a host of family and friends, all of whom will miss her dearly.

I can't remember the first time that I met Jan, but she came into my office. She made a great first impression. She was always upbeat. She was always positive. When she became the Executive Director of the West Virginia Petroleum Marketers' Association, that association began to grow. She took the organization to a new level, the expansion led to the ability to do much, much more for West Virginia—the development of a scholarship, collections for charity, something of which she loved very much.

I think that the resolution says it all. Says it much better than really, probably, than I can. But she was a giving and caring person. She not only gave of her resources, but of her time to worthy causes.

State government lost a valuable resource of information, Marshall University lost a great ambassador, and West Virginia has lost a great citizen. I'm reminded of Elton John's tribute to Princess Diana—I've taken the liberty to change a couple of words—"It seems to me you lived your life like candle in the wind, never fading with the sunset when the rain set in, and your footsteps will always fall here, among West Virginia's greenest hills, your candle burned out long before your legend ever will."

Mr. President, I ask adoption of the resolution.

**Celebrating bicentennial of  
City of Weston**

*(Adoption of Senate Resolution 37)*

REMARKS OF  
**HONORABLE  
MICHAEL J. ROMANO**

*Monday, February 12, 2018*

SENATOR ROMANO: Thank you, Mr. President.

This is the two hundredth birthday of the city of Weston. Now, you know, sometimes you wonder why you're down here and why we do the things we do and, you know, leave our families and our businesses for 30 and, sometimes, 90 days. But, one of the things that I've really enjoyed about being senator is it expands your world. Expands your world to all the other counties that you represent. And, you know, I have best friends in Braxton, and Gilmer, and Clay, including my hometown of Harrison, but Lewis County, in particular, has become another one of the places that I call home.

In 200 years the city's been in existence . . . is really something to think about. I mean, you're going back, practically, to the founding of our country and Weston was one of those cities that was a western outpost. Now, imagine that, a western outpost for our country when it was formed. It was a small, little outpost along the river that provided transportation for folks when there were no roads in our state. It grew out of that into the early twentieth century to become one of the glass capitals of the world, along with Clarksburg, West Virginia. Weston Glass was known internationally, not just nationally, but internationally. However, as many of our cities have sustained, there was an outward migration, not only in West Virginia, but in other eastern states and Weston struggled for a good while. But it's people never gave up and now it is poised to become the crossroads of the new interstate system . . . that it will be realized when Corridor H is completed, and which gets closer every day, and I-79, and I think that it will become one of the great cities in our state.

But its greatest assets are clearly its citizens. I introduced many of them earlier, including the Mayor of Weston, all of whom are here today,

and all of whom are great West Virginians. And they've had many famous West Virginians out of the city of Weston, including the author, Alexander Scott Withers; statesman, Jonathan McCauley Bennett; Congressman Andrew Edmiston, Jr.; United States Senator Rush Holt; West Virginia University football player and league official—and I can remember him when I was a young man—Freddie Wyant; musician, Buddy Hayes; World War II United States Air Force pilot, Lieutenant Colonel Charlie Brown; cable television pioneer, William Adler; and longtime West Virginia Senator and friend of many of us, William Sharpe, Jr.

It is with my great honor that I urge adoption of the resolution, Mr. President.

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**Celebrating bicentennial of  
City of Weston**

*(Adoption of Senate Resolution 37)*

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**REMARKS OF  
HONORABLE  
DOUGLAS E. FACEMIRE**

*Monday, February 12, 2018*

SENATOR FACEMIRE: Thank you, Mr. President.

You know, Weston is a city that kind of mirrors the West Virginia spirit. Seems like when they're down, they're the strongest. It's a very unified town and it serves a great purpose for the center of our state. The people there are so hard to hold down—I guess is the word. Like the Senator from Harrison's talked about their industries, now they're one of the leading areas of our oil and gas exploration and it's just a good place. You know, they have the Stonewall Jackson Lake and Jackson's Mill, and just a lot of good things. But I can't emphasize enough these are real West Virginia people. They don't understand "can't" and they certainly don't understand "no".

And for this reason, I think that we're lucky to have them as part of our state. And I urge adoption of the resolution.

**REMARKS OF  
HONORABLE  
C. EDWARD GAUNCH**

*Monday, February 12, 2018*

SENATOR GAUNCH: Thank you, Mr. President.

I'd just like to take a minute . . . something important happened in Charleston over the weekend. One of Charleston's finest police officers was wounded in protecting all of us. And it just brought to mind to me of how much we take for granted our law-enforcement officers, from our Capitol Police, our State Police, county sheriffs, deputies, municipal police. We expect them to show up and be there . . . and they are. They do it without fanfare; they never make demands on us; they never show up and march . . . they just do it.

Today, I'd like to stand and acknowledge those individuals, men and woman, and to give honor to them.

Thank you.

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**REMARKS OF  
HONORABLE  
CHARLES H. CLEMENTS**

*Monday, February 12, 2018*

SENATOR CLEMENTS: Thank you, Mr. President.

I'm going to get a little bit more controversial than what's been said so far. But I need to say it and I think we need to listen and see what I'm talking about to understand the big picture.

Throughout most of this debate on the teachers' salaries, I've remained silent. I have always and always will support education. I've been married to a teacher going on 50 years. I help her take food to schools so the students will have something to eat over the weekend. I've always voted for school levies and school bond issues and I'm working with the counties in my district to ensure that they can continue to operate without creating a deficit. My support for education community remains strong.

I know, however, that I will be branded as against teachers because I did not vote for the two proposed amendments on second reading on Senate Bill 276 [sic]. Saying that I'm against education . . . it's not true. I did vote "no" on the paycheck protection legislation which should be construed as a pro-teacher vote. I have my reasons for that vote. Uninformed teachers have criticized me on social media and in person for that vote. Think about that. Please be sure that when we go to social media for information, that we look at the source and understand the whole picture.

Now, I want to talk about what is my aim for education. I hope that you will allow me the privilege of reading to you an editorial from the *Chicago Tribune* of January the twelfth of this year: There was zero surprise in Illinois when Toyota and Mazda unveiled their decision a few days ago to locate \$1.6 billion assembly line in Alabama. That's because Illinois was dropped from competition months ago. It's a defeat worth pondering. This vehicle manufacturing plant, not only did we lose the plant, but vehicle manufacturing is a synergy and a supply chain-centered venture. Wherever the industry gets a foothold, lots of players congregate. Alabama got its first auto plant in the 1990s when Mercedes-Benz went there. And now the state is home to Honda, Hyundai assembly lines, plus several engine plants and all the suppliers that supply those different plants.

Now, let's get to the meat of what was said. Why did Illinois lose the Toyota-Mazda factory to Alabama? And how does this state compete? And this state can be West Virginia. One issue is that Illinois is surrounded by states with right-to-work laws, which right-to-work rules which allow employees to exercise freedom of assembly rights to bypass union membership. Employers see right-to-work rules as a shorthand for a flexible pro-growth environment. Illinois Democrat-controlled General Assembly demonized right-to-work last year. Last year, it supported a bill that would have criminalized that concept. This puts pressure on Illinois to find other ways to prove to employers that investing here will pay off.

To us, regaining competitiveness is one thing. State and local officials must acknowledge that Illinois is a scary place for business. They need to show the world that they're ready to fix these problems. How to deal with a \$130 billion unfunded state pension liabilities—\$130 billion? It makes everyone

scared because their great fear of what can happen if they come to Illinois.

Now, what are the issues in this editorial? They were cited as the major reasons for the loss of this jobs: (1) Right-to-work. Whether or not we agree with this concept, it is here. People who make the decisions to locate industry are influenced by this concept when making their decisions of where to locate their businesses. When I look at the candidate questionnaires that I have received from many organizations, I see what their objective is. It's the dismantling of our right-to-work legislation. I want to have a chance at getting these jobs in West Virginia. When we do this, are we moving closer to Illinois or to Alabama? Unfunded pensions, while Illinois has \$130 billion in unfunded pensions, I must give credit to former Finance Chairman and House Speaker Bob Kiss for putting us on the path to fully funded pensions. Investors looking at our state will applaud that effort.

What have we done to secure a workforce? I think the passage of our bill to get free technical education to the young people of West Virginia is a great step there, so that we will have the people that are qualified to gain these jobs that will be available. I hear proposals for a way to address more funds for education. I wonder are they practical or are they just political rhetoric in an election year?

It has been said in this chamber that we don't want to discuss how we went from thirtieth to forty-eighth in pay. I wonder why? Was it because on their watch, during times of budget surpluses, we found other ways to spend moneys while our teachers' pay went down the chart? To me, it's like the car in the ditch. Do we get mad at the person that put the car in the ditch, or do we get mad at the tow truck driver who is responsibly trying to get that car out of the ditch? I think the anger of many people is directed to the wrong direction. One delegate even suggested at what was supposed to be a town hall meeting that collective bargaining is the answer to the teachers' problems. Is it? Do we want to move closer to Illinois or do we want to move closer to Alabama?

Mr. President, I think that the path that this majority party is taking to grow our economy is one of the most important things that's happened in my lifetime. I want to see our state be much better off when I leave this earth than when I came here. I will continue to fight for that goal. The book *Who Moved My Cheese?* explains

what happens when we don't accept or react to change. If we are unable to learn from the mistakes of others, or even our own mistakes, we are destined to fail. Are we moving closer to Illinois or to Alabama?

This great abundance of natural gas is not only being developed in West Virginia, but also in Ohio and Pennsylvania. If we tax this resource to the extreme, we will see those other states reap the benefits of gas development while we stand idly by and wonder what happened. For so long we have depended upon this extraction industry for our taxes, whether it was coal, timber, and natural gas. These commodities are very volatile to pricing and, therefore, a very undependable source of steady revenues that we need. A robust economy is what we need. Let's not let this opportunity for long-term growth be impeded by short-term solutions to our current problems. We like to compare our salaries with other states. My response to that is simply this: If we are to compete with the other states for salaries, we must build an economy to compete with their economy. Now, let me repeat that because that's the crux of what I want to say. If we are to compete with other states for their salaries, we must build an economy to compete with our economy. And when we build that economy, we'll be able to compete.

And please, don't get me wrong, I definitely am in favor of education because education is one of the most important things that we can give to our children. But the one thing we've got to do is ensure that our economy grows and that we are not thrown off track by short-term problems.

Mr. President, I think we're on the right track to building an economy, so let's not be diverted by election year politics.

Thank you.

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**REMARKS OF  
HONORABLE  
CHARLES S. TRUMP IV**

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*Monday, February 12, 2018*

SENATOR TRUMP: Thank you, Mr. President.

We've heard some remarkable comments today on the floor of the Senate, many of which

address important issues that we have lying ahead of us. I'd like to . . . for a moment if I may, put a little bit of that in perspective. Because today, we have a birthday to celebrate. Today, Mr. President, is Mr. Lincoln's birthday. While we have many, many big challenges that face us, some of which we've just heard about, it helps me sometimes to think about the challenges that Mr. Lincoln faced. And I think it's appropriate that we do it on his birthday—today.

Mr. Lincoln's legacy is strong in West Virginia. Stronger perhaps here than anywhere else. We honor Lincoln, our sixteenth President, as the author of our statehood, authored and born in a time of terrible, terrible conflict, turmoil, like nothing we ever saw before, nothing we've ever seen since on this continent. Think about it.

In a nation that had fewer than 10 percent of the inhabitants who are here now, during the American Civil War, during Mr. Lincoln's presidency, 620,000 casualties. We talk about numbers, you know, often on the floor of this body . . . 620,000 casualties, every one of them, every one of them an American. During those first three days of July in Gettysburg, 51,000 casualties. During one bloody day just across the river from the home of our Senator from Jefferson, 23,000 casualties in one day in Antietam, Maryland. Think about that. More people, casualties, that single day than live in my county. My county has 18,000 people in it. We have problems. We do. We have challenges that lie ahead of us. But we have no problems like those that confronted Mr. Lincoln.

And through his force of will, sheer force of his will, he preserved on this continent, a single nation for all of us. He authored for us a state to govern, to cherish. And never lost, not for a moment, not through all that horrible conflict, blood, conflagration, never lost sight of what was important. His call to unity in his first inaugural address still rings through the centuries. And his call to unity in his second inaugural address at the end of the Civil War, at that time the inauguration of the President occurred in March, it was later than it is now—March third was his inauguration in 1865, which was just a little more than a month before General Lee surrendered the Confederate Army at Appomattox Courthouse, which was only a week before Mr. Lincoln was assassinated at the theatre in Washington, D.C. On March 3, 1865, his call to unity to the nation rings to me today and helps me to keep our problems, our challenges, in perspective. He ended it with these words: With malice toward none, with

charity for all, with firmness in the right as God gives us to see the right, let us strive to finish the work we are in, to bind up the nation's wounds, to care for him who shall have borne the battle and for his widow and his orphan, and to do all to achieve and cherish a just and lasting peace among ourselves and among all nations.

As we march forward into these last four weeks of this session, Mr. President, let us keep in perspective . . . you know, I'm not saying we don't face our challenges, but let's keep them in the perspective of those who have addressed and dealt with far greater challenges before and keep in our minds and hearts Lincoln's call for unity.

Thank you.

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REMARKS OF  
HONORABLE  
ROMAN W. PREZIOSO, JR.

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*Monday, February 12, 2018*

SENATOR PREZIOSO: Thank you, Mr. President.

I reluctantly stand before you today because I had convinced myself that I didn't want to get into the bantering back and forth. But, you know, I feel like I've got to set the record straight. I keep hearing that our . . . you know, the Democrats were in charge 83 years and how did we get into this situation.

Well, let me tell you about when I came down here in 1989-90 and the state was on its heels. You know, we couldn't pay our bills; public employees couldn't go to the doctor, they wouldn't accept the payments; and things of that sort. And it would have been easy at that time to say, "Well, how did get here?" You know, we could have said, "The Governor didn't pay the retirement bills." You know, he gave pay raises and he neglected to pay the payments for retirement and we were in arrears to millions of dollars. Our retirement system was in jeopardy. That Governor went to jail. It would have been easy to say, "Yeah, you know, this Governor didn't live up to his responsibilities."

But you know what? We stood up and we accepted what we had because it was the situation. And I'm tired of hearing that we were in charge 83 years and we got to this deplorable situation. Well, let me tell you what occurred in

that time: We put a system together to pay the retirement bills; and for those of you that were here in '95 that had to face the unions and the folks with workers' compensation, this right now is a cakewalk. You have no idea what pressure is when they fill those halls with camouflage, uniforms, and things of that sort. But we stood up and did the right thing. It was a situation that wasn't easy. It was a predominantly Democratic legislature, and our friends in labor were hurting because of the workers' compensation situation. There were lines drawn in the sand. But you know what, we stood up and did the job. We didn't cry about it. We went home to the next election and took a terrific beating. But we stood up and we did the right thing. And I can go down the line, time and time again, when we stood up and did the right thing.

Yeah, I could say that, "Well, we gave pay raises this many times and, you know, we funded PEIA." What good is that going to do? We've got to face the situation now where education is in trouble. If we don't do something about it, the people of this state will. You know, who cares whether we're forty-eighth, forty-ninth, or fiftieth? The problems is now we've got to put competent teachers in the classroom. If we don't give an incentive to pay these teachers to put them back, then there's going to be heck to pay in the next election.

So I would wish that we could get our collective heads together with the Governor, who we haven't seen since the State of the State address and get at the table and let's work something out. I did see the Chief of Staff come in today. I'm surprised he's still working for the Governor. First time I've seen him since the State of the State. So can't we collectively put our bantering aside and come up to the table and let's do the right thing?

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**Designating February 13, 2018, as WV  
Child Care Association Celebrating  
Children and Families Day**

*(Adoption of Senate Resolution 38)*

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REMARKS OF  
HONORABLE  
MARK A. DRENNAN

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*Tuesday, February 13, 2018*

SENATOR DRENNAN: Thank you, Mr. President.

I'm honored to stand in support of Senate Resolution 38, designating February 13 West Virginia Child Care Association Celebrating Children and Families Day at the Legislature. These child care professionals have dedicated their lives to making life better for West Virginia's children and families. When the state courts take custody of children, these groups step in effectively using in-state resources available to them to care for these children. Their membership offers a variety of services, including foster care, adoption, and residential treatment of children.

I personally know many of these members of this organization. I know them to be outstanding, caring individuals with devotion to West Virginia's most vulnerable children and their families.

I urge adoption.

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**Designating February 14, 2018, as Tiny Hearts Day**

*(Adoption of Senate Resolution 40)*

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**REMARKS OF  
HONORABLE  
RON STOLLINGS**

*Wednesday, February 14, 2018*

SENATOR STOLLINGS: Thank you, Mr. President.

The mission of the West Virginia Chapter of the American Academy of Pediatrics is to attain the optimal health and well-being of all infants, children, adolescents, and young adults by uniting and educating pediatricians and facilitating an effective partnership between pediatricians and other child experts and advocates. The pediatricians play a critical role in improving the health of our citizens. The prevention of major threats to children's health and the control and management of chronic diseases, obesity, injury, communicable diseases, and other problems cannot solely be

managed in the pediatric office. The 2018 legislative priorities for the West Virginia Chapter of the American Academy of Pediatrics are: Providing access to health care; advancing health of the child by maintaining strong immunization laws; firearm injury prevention; obesity prevention and treatment; addressing the opioid epidemic and the neonatal abstinence syndrome; and raising the legal age to purchase tobacco to 21; and to promote tobacco cessation.

I can tell you that these fine folks work hard in providing great health care to our youngest, most vulnerable population . . . and I have information that, in some places, upwards of 93 percent are paid by government payers, certain academic institutions. On average, it's well over 50 percent Medicaid and CHIP funded. And I can tell you that when you bill a dollar, you get some fraction, usually less than 50 percent. So they are not in it for the money.

God bless these wonderful healers of tiny hearts. And I urge adoption of the resolution.

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**REMARKS OF  
HONORABLE  
ROBERT H. PLYMALE**

*Wednesday, February 14, 2018*

SENATOR PLYMALE: Thank you, Mr. President.

Today, a bill was introduced, Senate Bill 537 (*Implementing Business PROMISE+ Scholarship*), and it basically is the Business PROMISE+ Scholarship. And I do want to just say a few words . . . and I know that we've been listening to a lot of things and I'd ask for people to sort of pay attention.

This was brought to my attention from Dr. Gilbert. I'm not going to tell you that I'm the author of this, I've had discussions with him. But I think it merits us to look at it, and let me say why. I do think that the Legislature finds that the business community recognizes the critical link between education and economic development. In what Dr. Gilbert has done in his thought in this, is add an element to the PROMISE Scholarship that businesses can contribute. And they can contribute from the standpoint of adding to a PROMISE Scholarship with the idea that the person possibly could

come to work for them in the future. That keeps people here.

I'm not going to say that this is . . . there's not some flaws in this, there's always a way to improve a bill as it's first introduced. But I would like us to take a very good look at this bill. If it warrants us to take action this year, I think it would be good. But I think getting something like this in law to have businesses to respond to and higher education will be a good way for us to help prepare our workforce for tomorrow.

Thank you.

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REMARKS OF  
HONORABLE  
RICHARD N. OJEDA II

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*Wednesday, February 14, 2018*

SENATOR OJEDA: Thank you, Mr. President.

I know everybody's hungry and I know we got some committee meetings to go to, however, I think we need to bring a few issues up. Number one, last year this body, you know, passed historic legislation concerning medical marijuana. And right now, my bill, S. B. 487 (*Relating to WV Medical Cannabis Act*), is sitting, waiting to go to be actually brought up on the Health and Human Resources Committee. I have been told that if you agree with it, we can run it. I just want to state that the bill is a great bill. It's a bill that basically is almost exactly what we passed last year, except we added a few things that are positive that we saw that Colorado is experiencing. So this is something that could really benefit our people.

I know that right now you keep hearing people talking about the plants. And I know that the people over on the House side are not happy because they don't want to deal with the plants. But everybody needs to understand why it's important to bring the plants back. Because that's for the poor, ladies and gentlemen, and the poor people get cancer more than rich people get cancer. Poor people drink from the tap, and the rich people drink Evian water. If you don't believe me, research Menden.

We've got a lot of people out there that work 20 hours a week that get horrible benefits, and they're not going to have the access to the

medicine that they need. A seed that they can grow that was given by God. They're not going to have that access because we're going to deny that. Now, why are we denying that? Why would anyone want to deny people that? Big Pharma wants to deny people that because Big Pharma wants to make sure that they are the ones that are benefitting directly from any type of cure. But this is a seed given by God. There are numerous states out there . . . Arizona, a medical cannabis patient or qualifying designated caregiver may cultivate up to 12 plants if they live more than 25 miles from the nearest medical cannabis dispensary. You know, need to think about things like that, especially if you live in areas like Wyoming County where it takes two and a half hours to go from one side of the county to the other because of the road systems. California, medical cannabis patients and the primary caregivers may cultivate up to six mature cannabis plants and up to 12 immature. Hawaii, same thing. These are all states, all these are states that have seen the light and are allowing their people, especially the poor, to be able to get the medical attention, the capabilities, to be able to take care of themselves because they are not going to have the ability. That 20 hour a week job doesn't offer them decent health care. The deductibles are something that make it to where they might as well not have health care at all. And it's important.

We passed historic legislation last year. The bill is sitting in Health and Human Resources. Please, let's get that thing in there. We passed it last year, we'll pass it this year. I'm not worried about what they want to do over on the House side, there's plenty of people over there that have saw the light. There was over 20 legislators that went to Colorado this year and have come back and said, "You know what? Pretty amazing."

You know, we keep talking about a revenue source because we have so many problems, because we can't pay our teachers, our police officers, our first responders. Guess what? Medical marijuana, hemp? Revenue sources. Natural gas? Revenue source. And it's under our feet, and we're letting people come in, and we're giving it to people. We're going to give it to them because we don't have the guts to tell them we deserve more. Medical marijuana will help the people, it will help our state, and it will help those people out there. It will be that gateway to a better life for those who only have a little bit of life left. Let's do this.

Thank you, Mr. President.

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**Designating February 15, 2018, as WV  
Alzheimer's Association Day**

*(Adoption of Senate Resolution 43)*

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**REMARKS OF  
HONORABLE  
ROBERT D. BEACH**

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*Thursday, February 15, 2018*

SENATOR BEACH: Thank you Mr. President.

Ladies and gentlemen, today with us we have a very special group for me. An association that, over the last several years, has played a big part in my family, and it's the West Virginia Alzheimer's Association. And today is our day of recognition of this group.

I'm going to read a few statistics and then I'm just going to get into the personal stuff and try not to get too emotional because it does touch me very personally. Over five million Americans are living with Alzheimer's. As many as 16 million Americans will have this disease by 2050. In West Virginia, 40,000 West Virginians ages 65 or older have Alzheimer's or dementia-related diagnosis. The number is expected to increase to 39,000 by 2020 and will continue to rise to 44,000 by 2025. The cost of caring for those with Alzheimer's and dementia was estimated at \$259 billion in 2017 and that continues to rise. And by mid-century, that number will be \$1.1 trillion. Every 67 seconds, someone develops Alzheimer's here in the United States. It's the sixth leading cause of death. There are over 300,000 caregivers in West Virginia, and 108,000 of them are caring for someone with Alzheimer's or dementia. Those caregivers provide almost \$2 billion, \$2 billion in unpaid care each year. And those are hard numbers, those are hard numbers.

But those numbers mean nothing if there's not a face behind it. And my mother was one of those that dealt with this, and it had taken her life just three years ago. And I'm sure there's others in here, the Junior Senator from Wayne had indicated earlier, and the Senior Senator from here in Kanawha County. It's a very personal issue. It's one that impacts us in different ways. Sometimes that individual, like my mother, her personality still stays there, a very loving, kind

person. And other people, it takes a different turn, and they become an opposite personality of what you knew and grew up with. It's very, very personal, it hits each and every one of us. But it has an impact in all of our communities and, earlier this morning, I actually had an opportunity to sit down and listen to some stories shared by us.

You know, this is not an old person's ailment. We have someone standing at the back of the room that her husband contracted Alzheimer's at the age of 49. So someone in here right now could very possibly be walking around with it and just not be diagnosed. I pray to God that that's not the case for any of us or any of us sitting here in the gallery. But it's a possibility.

Another case that was shared with me, and it impacts the community in a different way, is that, here's a family living outside of Elkins, and they call into the Alzheimer's hotline with the phone call, "Hey my neighbor has Alzheimer's. We can't take care of him. We're going to drop him off at DHHR." Well, thankfully, there was someone they could talk to and walk them through the process, and that person was taken care of by the end of the day.

But it affects all of our communities. And I can't stress this enough that this is something we can't ignore. The numbers continue to grow and it's here in black and white. These numbers are there. The feds don't acknowledge it. There's not enough money being placed into the coffers yet to really truly get the research up and going to where we need to. Our delegation in West Virginia has done a wonderful job trying to address it, but we've got a long ways to go.

But, today, we're here to recognize these folks back here because each one of them has a story.

Thank you, Mr. President.

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**Designating February 15, 2018, as WV  
Alzheimer's Association Day**

*(Adoption of Senate Resolution 43)*

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**REMARKS OF  
HONORABLE  
RON STOLLINGS**

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*Thursday, February 15, 2018*

SENATOR STOLLINGS: Thank you, Mr. President.

Members of the body, again, I see this on a daily basis as an internal medicine doctor, and with added qualifications in Geriatrics for 10 years. And it's a thief. It's a diagnosis that I absolutely hate to make because I don't have much to offer to them. Thank God for the Alzheimer's Association and AARP, Bureau of Senior Services, because those are places that you can turn to; that families, caregivers can turn to for support.

It's financially going to have a huge impact, it's already having an impact. A patient with Alzheimer's cost three times what it takes for the same age, but without Alzheimer's. We have to, here in the body, try to support programs that these good people can age in place. They want to be in their own home. They do not want to be in a nursing home. And so, to the degree we can we need to try to let them age in place because, again, from a financial standpoint it's a lot easier and less costly to take care of them in their homes.

So there's a lot of good things, we're trying to shine a bright light on this. There's so much research being done to try to come up with a cure. And so, we . . . the federal folks are trying that . . . Senator Capito and Senator Manchin both are backing the CARE Act that would, again, shine more light, do more research.

But, when you have to tell someone, or diagnose Alzheimer's, it's just probably one of the worst things as a primary care doctor you can do. And again, thank goodness for having the support systems that you all bring to the table. For the caregivers, it's harder on the caregivers than it is the patients because they frequently don't even know they're sick. But the caregivers really are under a lot of pressure, and so . . . . And if you know someone that's caregiving, help them out if you can; a random act of kindness or something. Because they may not even be able to go to the grocery store sometimes, so help out these caregivers and let's keep foraging ahead all we can to support all of the programs that let these people have a good high quality of life and support the caregivers.

I urge adoption.

**Requesting Bureau for Medical Services  
review and update Medicaid rates for  
ground and air ambulance services**

*(Adoption of Senate Concurrent  
Resolution 20)*

REMARKS OF  
**HONORABLE  
DAVE SYPOLT**

*Thursday, February 15, 2018*

SENATOR SYPOLT: Thank you, Mr. President.

I really didn't time the resolution to come up on this day, but it just kind of worked out that way. As we heard from the Junior Senator from the Seventeenth earlier, today is EMS day. And it's a very important day for many people across the state when it comes to first responders and health response. Unlike the police and fire departments, the ambulance squads of West Virginia receive little to no funding from the state, the county, or local governments to support their services. And most squads are entirely dependent upon the reimbursement from payers such as Medicaid, Medicare, and private health insurance to maintain emergency medical coverage in West Virginia. Even the few county ambulance squads that are fortunate enough to receive an ambulance levy funds are dependent on this reimbursement rate for the majority of their operating revenue. And I'll skip down, there's a lot of talking points here . . . .

But if you live in some of the larger municipalities, if you live in Morgantown, if you live in Wheeling, or Parkersburg, or Charleston, or Lewisburg, maybe Beckley, you probably don't think too much about the EMS, you probably don't think too much about the ambulance service. You pick up the phone and a few minutes later they're there at your house. But living in Preston County, and across the district that the Senator from Tucker and I share, are very, very rural. About three years ago, I think maybe four years ago, Valley Ambulance Service closed their doors. They said, "We can't make it anymore." Last month, Mountaineer Ambulance Service went out of service. They haven't quite gone belly up yet, but they're out of service. So that's two rural ambulance services in our communities that were serving our population, they're not there anymore, they're completely gone.

So simply, this resolution sends a letter to the Bureau for Medical Services and asks them to please consider raising those reimbursement rates. The last time there was a reimbursement rate for mileage was 17 years ago, over 17 years ago. I think it was in 2000, November 1, 2000. Since that time, 71 ambulance services in the State of West Virginia have gone out of business, they've closed their doors.

Mr. President, I urge adoption of this resolution.

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**Relating generally to DNA testing**

*(Passage of Eng. Com. Sub.  
for Senate Bill 36)*

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**REMARKS OF  
HONORABLE  
MICHAEL A. WOELFEL**

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*Thursday, February 15, 2018*

SENATOR WOELFEL: Thank you, thank you, Mr. President.

Let me first say, and I'll be brief because we've covered this before, a lot of hard work has gone into this bill. And I want to recognize some of the people that have expedited its place before us today. My Senior Senator from the Fifth was very instrumental in bringing in the parties, by that I mean the State Police, Marshall Forensics, rape victims' advocates . . . . The Health Chair moved it quickly this session. The Judiciary Chair, likewise, moved the matter quickly. So all the stakeholders have agreed that this will help us modernize the way we treat our rape victims because we don't treat our sexual assault victims very well as a state. The average, as I've said before, the average delay in a sexual assault forensic rape kit is 440 days; which is just grossly unacceptable. How many of those ladies after a two-year delay, or men, or boys, how many of those folks have turned the page on their lives and do not want to prosecute? And God forbid, how many sexual predators have been out there during that intervening period, potentially, victimizing others?

So, Senate Bill 36, basically, is a major step forward. I do call on you, Mr. President, to use your leadership to get the House to take a look at this bill because they didn't even bother to put

it on a committee agenda last year—didn't even take a look at it. There was no excuse for that, they had 11 days to do that, and they never bothered to lift a finger. So we need some help to get this taken up over there.

I'll close by saying that I had a client the other day that was, the lady was 65 years old. She was raped when she was 13. She told me every relationship she's had with a man . . . her entire life has been dramatically affected by that rape.

So again, I've said in this body before, based on my experiences, that I believe one in three or four girls will be sexually abused, not just comments, physical touching, in her lifetime. And for the boys, I think it's about one out of seven in our state that have been touched sexually. So it's a pervasive issue and this bill will allow the State Police and the other parties to bring the sexual predators to justice. And I just appreciate all of the great help we've had in moving it along this session.

Thank you.

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**REMARKS OF  
HONORABLE  
MICHAEL A. WOELFEL**

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*Friday, February 16, 2018*

SENATOR WOELFEL: Thank you, thank you, Mr. President.

And I'm going to preface my remarks by asking everyone in the gallery to remain quiet during remarks tonight out of respect to the body. But I want to explain that what happened on Senate 415 (*Permitting wagering on certain professional or collegiate sports events authorized as WV Lottery sports wagering activities*) just now. Senate 415 was a bill that is going to generate through sports gambling, if it passes, sports betting, I estimate somewhere between \$8 and \$10 million a year. There was an amendment pending by the Senator from Berkeley that would have allowed that money to be directed, or at least a portion of it, to PEIA. Now, for some reason, we didn't take that up. That was laid over, laid over until another day. Another day when we don't have as many guests here.

Now, I'm a Democrat and I'm going to say this: I've broken from my party in the last week on two major votes. I broke from my party on abortion and I caught a lot of heat over it. And I

broke from my party on the Intermediate Court of Appeals. I was the only Democrat to vote for that and I got a lot of heat over that. And that's fine.

But so, today, when one of your leadership members called all the Democrats despicable—deserving hatred and contempt, that's what the definition of despicable is. One of your leadership team, Mr. President, said the Democrats were despicable for what was going on here today. I've got to stand up and speak about that. Again, I break from my party all the time and you know that. This is not a Republican issue, what brings all of these people here into this body today. This is not a Democrat issue. This is a West Virginia issue. And I think we've acted in a very disrespectful way, with all due respect to my colleagues, but if you're going to call me despicable and the person that did it stand up and yield to me, and I'd like to hear why you believed the Democrats acted in a despicable way today. And it's in the media, it's a public record. Explain to the people why, if you choose to, stand up and tell us why we're despicable.

Thank you.

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REMARKS OF  
HONORABLE  
MICHAEL J. ROMANO

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*Friday, February 16, 2018*

SENATOR ROMANO: Thank you, Mr. President.

I'm not going to belabor that point you'll be happy to know, but, you know, I would like just to take a second because the people you see up in the gallery . . . . And again, we can't let you get excited, but the people you see up in the gallery, you know, they frighten us because there's a lot of them. And man, if you're on the wrong side of them, it's a little scary. I see my President looking up there in the gallery every so often, there's a lot of good faces up there. But, you know, that's what America's about, being able to come down here and try to tell your lawmakers what you want them to do. And we're the lawmakers. I don't think we're doing a very good job. You know that last bill we just got out of here is the epitome of what we've done here. Just kind of stood logic on its head. But you know these people need our help. They

need us to do something to help them. And they stuck around here the whole day, and it's no fun to stick around here when you don't have anything to do. And I want you all to look up at them because these are all of our teachers. These are the ones we had, that you just can't just remember their faces, but these are our kids' teachers now. And we've got to do something. And it's got to be more than just a little bit. It's got to be something real. You know, it did my heart good, and I know my friends across the aisle couldn't walk out there in that hallway today, but I did. Did my heart good to see those faces, see those people, exercising their right to petition their government. It's why we're all here.

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REMARKS OF  
HONORABLE  
RICHARD N. OJEDA II

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*Friday, February 16, 2018*

SENATOR OJEDA: Thank you, Mr. President.

I'm going to beat a dead horse like I always do. But I'm going to start by basically saying that this morning we all stood up during introductions when we announced the teachers that are in the gallery. We stood up and we gave them a warm Senate welcome. It kind of reminds me when we bring the correctional officers to the floor on a resolution. It reminds me when we bring the police officers, or we bring anyone out here and we talk about how wonderful they are, and how we couldn't exist without them, but in reality, we do very little for them.

You know, this morning somebody looked up and they saw the people up there and they were from Wayne and they said, "Those are my people." But guess what? They're our people. Regardless of where you are from, if they're from West Virginia, they are our people.

We had a horrible school shooting that recently just happened in Florida. And, of course, it is always horrific when you have loss of life. Three teachers lost their lives in that shooting, and those three teachers were shielding children. The level of responsibility that we put on the backs of our school teachers is unbelievable. The bus drivers that ride on these horrific roads that we have all throughout West Virginia, making sure that our children get

to and from school safely . . . They're the ones that cook the decent meals. If you come from areas where there's a lot of poverty, ladies and gentlemen—and I know for a fact in Southern West Virginia they're all over—in many cases, that's the only decent meals that those kids get. Those people matter.

And I'm going to tell you this, that we have the ability to stop this. And I have been saying it all along. And I don't care if you don't want to hear what I have to say. What I have to say is fact! We are standing on the richest grounds in the United States of America. When Big Energy can come here and tell us that we could be the next Saudi Arabia, then how on earth can we allow for our people to remain in poverty? We can change this, ladies and gentlemen. It's about time that West Virginia stops allowing Big Pharma and Big Energy to take everything. Last year in the United States of America, we lost more people to the opioid scourge than all the lives lost in the Vietnam War. We should be kicking the door in on Big Pharma, and putting two in the head and one in the chest. Big Energy is now here and they want what's underneath our feet, and we can tell them that we want more from them. Not only can we be able to finally do something with PEA [sic] which is horrible . . . . Am I saying something funny? Because there's nothing funny about this.

Look up in the faces of these people here, ladies and gentlemen. These people are struggling and we can stop it. We can stop it easily. And it needs to happen.

Thank you, Mr. President.

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REMARKS OF  
HONORABLE  
MITCH CARMICHAEL  
(MR. PRESIDENT)

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*Friday, February 16, 2018*

SENATOR CARMICHAEL  
(MR. PRESIDENT): Thank you, Mr. President.

I want to try to . . . first, I want to thank everyone that's here tonight. I want to thank them. As the Senator from Harrison County said, they have every right, and indeed, they're encouraged to be here and to make their voices known. Frankly, with all due respect to my good friend, the Senator from Logan, we don't use

analogies about putting two in the head and one in the gut. We don't use those analogies.

What I want to say tonight, is this small state of 1.8 million people that has been mired in poverty for generations, this state that ranks forty-ninth in per capita income, that is just beginning to emerge from years of economic decline—no one's fault in this room. We've all tried; Democrats, Republicans, Independents, whoever, whatever party, we've tried to lift this state out of poverty, and we're just beginning to crawl. We just now are turning the corner. We don't have it made by any stretch of the imagination. And yet, this mountainous state, this people, it should be noted, an interesting data point, is that this poor people funds education at a level that's in the top 15 states in the nation. It's a data point that's fact. It's fact. We can sneer, we can jeer, whatever. It's fact. And so, when we look at, "Does it all get into the classroom?", certainly not. And teachers should make more money, corrections officers should make more money, public employees should make more money, and the people of West Virginia should make more money. But it should be a point of pride that the people of West Virginia, this poor people have valued education and have recognized the transformative nature of it to the extent that they've reached into their pocketbooks and tax dollars to fund education at a rate that is among the top per student expenditures in the nation.

We need to do more, we are committed to doing more. We are just beginning to climb out of this recession, and we've given, essentially, all of that surplus from this year. Now, there's some other programs that we're trying to fund, the community and technical college initiative that we all voted on, 34-0, some money for other initiatives that will stabilize our economy and continue this growth that we hope that we're on. We're on the right path. To the credit of everyone in this room, you've taken, as my good friend, my colleague from Cabell just said, he's crossed party lines to do the right things. Each of us here have. And so, we're trying to do as much as we can and, as we begin this emergence from our difficult economic doldrums, we want to do more. We're going to do more, but we have to get the economy stabilized and moving in the right direction.

This year, because of the people in this gallery, too large to their credit, \$30 million has been placed into the PEIA program to plug the hole for this year. And I get that there's angst and anxiety about what is the future of that program, and we're going to try

to take a long-term view of that, appoint some select committees, get some representatives from the organizations that are involved and affected, and try to come up with a long-term solution. But the benefit is, this year, the hole is plugged. And there's . . . I frankly challenge anyone to name another health insurance program in America that received no increases, zero increases. And, again, to those who pay those premiums and participate in those programs, it may not be enough. It may still create some anxiety for the future and we want to relieve that anxiety. But for this year, we did what we could with the resources that we had.

So then we acted upon a one percent pay raise that's not just in code for one year, and when we calculate all the other, you know, and I recognize that many don't see the step increases as a raise, and I get that, and I'm not arguing that point. What I'm saying is, it's unprecedented, essentially, to lock in that pay raise for the out years. And if we can do more, we will do more, Mr. President.

So, I'm sure this probably doesn't relieve the anxiety of many throughout the state, but what I will say is our students, our parents, the education community, we're at this crossroads in our state. We've come to this point where we're beginning to emerge from poor economic condition, and rather than begin the celebration, or more the recommitment to this focus of changing this state, we are confronted with a potential walkout or strike. I just . . . that's not where we need to be, Mr. President.

So, as we begin the process of deliberating how much, and validating how much we can afford in these programs, you know, if just the cooler heads could prevail and focus on all the good that has been accomplished and the emergence from the poor economic conditions, and let us just walk forward together with an eye towards all that we can do in the here and now, and with the expectation that we will do more as these economic conditions improve.

So, thank you, Mr. President.

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REMARKS OF  
HONORABLE  
ROBERT H. PLYMALE

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*Friday, February 16, 2018*

SENATOR PLYMALE: Thank you, Mr. President.

I don't rise often, but I do think I need to rise when I've observed things that probably, today, was the worst civility I've ever seen on this floor in 26 years. We all should be ashamed of ourselves to allow this to happen. We're not, we're not . . . yes, we're elected as Republicans and Democrats, but we're West Virginians. I represent an area of Wayne and Cabell County. I take that serious. I've taken it serious, my obligation, to try to help make education better in West Virginia.

You know, my mother taught in the school system. She went on to get her doctorate degree. I admire her greatly because my father had health problems when I was three and she went back and got her degree and finished her doctorate. When she was in the classroom, it's not the same classroom that you see now. This opioid issue that we're talking about, you look at what the kids that are coming in that are four to ten years old, what they're getting. They're getting kids that are tough to handle. And we can talk about, "Gosh, we only have this money," but the bottom line is we can't obligate a future legislature to anything. We can say we're going to give a one percent raise. In 2014 we said that we were going to raise the salaries by 2019, and we haven't done that. The bottom line is, it's about priorities and we've got to make that a priority. You have to make it a priority for this year because we can't obligate future years.

Now, I'm going to speak just briefly on PEIA. I've chaired about every committee on PEIA from 1995 on. And what we had in 1995 was access to care problems. We've had doctors that were not taking PEIA, and we have corrected that.

Now, I have a piece of paper here, trying to discourage and disparage the Democrats and saying they didn't spend money. Well, let me tell you exactly what happened during that time. What we did was because in the 80s of some poor leadership from gubernatorial that they didn't put money in pensions, we funded the pension program. When I got into the Senate, it was 6 percent funded, it's now 67 percent funded in teachers retirement. That's because we had the intestinal fortitude to take some tough decisions. This is about priorities. We had priorities to do that, we did that when we had surpluses. Guess where we put those surpluses? In the unfunded liabilities of the retirement programs because we wanted to make sure that those retirement programs, we weren't going to have to pay for them in the future, what we were left with people in the past.



So, I can speak for the 26 years I've been here. The 26 years I've been here, we've been responsible. We've taken up the issues that should be taken up and we've given teacher pay raises but we haven't given enough. But now's the time, with the kind of students, some of the students they're given with special needs, they need help. And they need help with increased pay.

Thank you, Mr. President.

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REMARKS OF  
HONORABLE  
DOUGLAS E. FACEMIRE

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*Friday, February 16, 2018*

SENATOR FACEMIRE: Thank you, Mr. President.

You know, we've heard a lot of different things today about the things with our state employees, PEIA, and so on. If we didn't have the means to be able to fix this problem, then that would be the situation. But that's not. What we have to have is the guts to fix this problem. This is the third time I've stood up on this floor and said we can fix this problem with zero burden on our taxpayers, zero burden on our taxpayers, and all we have to do is increase the severance tax on natural gas. And I understand that industry pretty darn well. Two or three percent is not going to stop anything. It's not going to slow anything down. If you drive around West Virginia right now, you'll see piles of pipe everywhere, \$3 billion worth of pipe laying on the ground. They're not going to stop. We've got something that they need, and thank God for it. All we have to do is have the guts to take a little bit of it, give it to our people who are deserving. And we can do a lot of other things for our state with this. What good is it to have an industry that's going to come in here and do what this industry does if we can't benefit by it?

Now we've heard a lot of, "We want to help" and all like that, but that don't put meat on the table. These people have had enough. I'm sorry you had to come down here today, folks. And you can call me a grandstander, you can call me whatever, I don't care. I've said this now for three times, I've talked to different members, I want to work across the aisle. Let's make this a Democrat-Republican issue. Let's stand together, Democrats and Republicans in hand,

and fix this problem and quit talking about it. It's wrong. We don't need a strike; we need guts. We need the guts to do what needs to be done to take care of these folks and the whole state in general. And if we don't, God help us.

Thank you, Mr. President.

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REMARKS OF  
HONORABLE  
STEPHEN BALDWIN

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*Friday, February 16, 2018*

SENATOR BALDWIN: Thank you, Mr. President.

This has been a stressful day. It's been a stressful day, I think, for everybody here. This has been a stressful time for folks in our state who are living paycheck to paycheck. This has been a stressful week in the life of our nation. We have experienced a horrific school shooting this week and, in light of the stressful day we've had, the stressful week that we've been through, I'd like to take off my public servant hat for a minute and put on my pastor hat. This has been a stressful time for folks, and I think it would behoove us all to have a word of prayer. So I would invite you to join me in a word of prayer.

MR. PRESIDENT: Members and guests will please rise.

SENATOR BALDWIN: "Gracious God, what is this? What has happened? We wonder how such horrific violence could be perpetrated against the very least of our society, our school children. We do not understand, oh Lord. This happens far too often, in far too many places. And we're reminded of the words of the Psalmist who said, 'My soul is struck with terror, for we feel the same.' We feel something deeper than fear, deeper than pain, for the little children who died had hopes, dreams, and joys of their own. And then we see our own children, our own grandchildren, and we mourn alongside their parents and their grandparents. We mourn for their teachers, also, who selflessly spend their lives providing care, love, and nurture; who gave their very life to protect their students.

Sovereign God, we remember your promise that you heal the broken-hearted and you bind up their wounds. Be with those whose grief is inconsolable. Walk the path of mourning they

now face, for you God have shoulders strong enough to bear this burden.

We remember in the scriptures it says, ‘Let the little children come to me, do not stop them, for it is to such as these that the Kingdom of God belongs.’ Embrace the little ones that we could not protect, Lord. Give them a peaceful home in your everlasting care.

We pray to you, oh God, for we trust in the truth that we are yours, all of us. The innocent and the guilty, the student, and the teacher, in life and in death we all belong to you, oh God.

We pray this in the name of the one who came to save us from ourselves, the Prince of Peace.

Amen.”

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**Congratulating Glen Chestnut as WV  
Outstanding Tree Farmer of 2018**

*(Adoption of Senate Resolution 45)*

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**REMARKS OF  
HONORABLE  
TOM TAKUBO**

*Monday, February 19, 2018*

SENATOR TAKUBO: Thank you, Mr. President.

This resolution is somewhat more on behalf of myself as well as the Senior Senator from the Seventeenth and the Senators from the Eighth as well because he’s our constituent.

The American Tree Farm System and the West Virginia Tree Farm Committee work to give people the tools they need to be effective stewards of America’s and West Virginia’s forest. Our privately owned woodlands are vital to our clean water, the air, wildlife habitat, recreational activities, and producing the jobs, wood, and paper that we all need and enjoy. The Tree Farm System seeks to identify and encourage exemplary, sustainable forest practices; because of that the West Virginia Tree Farm System has named Glen “Buck” Chestnut of Kanawha County as the family forest owner who best exemplifies the forest stewardship

practices that the West Virginia Tree Farm Committee seeks, encourages, and honors. Buck’s tree farm demonstrates the benefits of sustainable forestry for all forest owners. Buck’s passion, his hard work, the commitment to the land is truly inspiring. Future generations will benefit from his exemplary stewardship and efforts to share his knowledge and skills throughout the state.

And for these reasons, I certainly urge passage of the resolution.

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**REMARKS OF  
HONORABLE  
JOHN R. UNGER II**

*Monday, February 19, 2018*

SENATOR UNGER: Thank you, Mr. President.

Today is, of course, President’s Day and we’ve had an opportunity to have a lot of visitors here that, because they have a day off they’ve spent their time here with us. Some of them took the day off to be here, and I respect that and I thank them for taking that effort and be here.

Mr. President, I want to say something that the Senator from Morgan had talked once during Abraham Lincoln’s birthday about the type of person he was and what he stood for. And, of course, now we celebrate his birthday on this day along with George Washington. George Washington had put together rules of civility. We talk about that a lot, but I don’t know if we really act on it.

I got to say, Mr. President, of all the years I’ve been here, Friday was very, very disappointing for me, I know for many others. I was embarrassed to be part of this body, I actually went home and that’s why I did do a lot of praying, soul searching, this place. It was, for me, very discouraging to see how we treated the people’s house and the people in it. It was discouraging to see how we treated each other in light of that. And I thank the Senator from Greenbrier for his prayer because I think that he allowed us to refocus on some things and brought, maybe, some civility.

But, Mr. President, I just want to give warning in this debate and discussion is that you know this war that’s occurring here on this

Senate floor, I'm afraid the only casualties we're going to take are the people of West Virginia if we continue. Now, I understand we can have debates on the issue and discuss the issues and we can agree to disagree and it ought to be focused on the issue. But what I'm hearing a lot of people talk about here is, "Well, you voted on it last year." Well, you know what? I'm hoping I'm a little bit wiser and smarter this year than I was last year. Frankly, there's a lot of stuff that goes through here that I don't catch because, to me, things are a little sneaky around here at times. And so, I don't get to catch it all, but this time I do.

The one thing I want to warn, Mr. President, of something is, if we're going to start talking about, you know, "Well, you voted last year" and start attacking each other personally, you know, the one area that hasn't been brought up yet but could be very interesting is we start to bring up our financial reports. You know, our campaign finances on every bill we vote. Because I'm telling you, I looked at a few of them, and I think it does shed some light on some stuff. And I'm not saying that people are motivated on that, but if we're going to start talking about all this stuff, "Well, last year you did this and that" then let's . . . if we're going to start bringing all this information out and then we're really going to deteriorate into discussing and do character assassination and not debate the issue.

Now, we got real problems here in West Virginia. We got challenges. And right now, we have a challenge within our education system, our public employees. We cannot attract, retain, and keep the best and brightest here because we're not competitively paying them. We always talk about being competitive and attracting businesses, but what about being competitive about keeping our people here and be able to set up that environment and that infrastructure so that businesses can come and operate? You know, if you don't have a good school system, an education system that's constitutionally required, there won't be any businesses that want to come here because you're not going to have an educated labor force. If you don't have people that are able to make sure they have the business license on time and make [inaudible] of things, there's a level playing field and there's laws that are being upheld and that's so people are adequately playing by the rules and working well together than we're not going to have business here.

I got to tell you, Mr. President, one thing about in my past that you may not even know,

and many people don't know, is I had the opportunity as a young man to work in Hong Kong during the transition when it went from the British rule to the Chinese rule. Yes, from democracy to communist. I was there. I worked for the legislative council and I actually worked on what is called the Court of Final Appeal. I was a chief of staff of a legislator that actually was the Chairman of the Bills Committee to create the Court of Final Appeal, which is their Supreme Court. And I remember that a lot of the talk about the angst of those people in the sense that we're going to go from a democratic rule (a rule of law) into a communist system. And how do we set up a court system to protect our human rights and our businesses and so forth? Hong Kong is very prosperous. Called the "Pearl of the Orient" at one time. It's the crossroads. It does a lot of business, makes a lot of money, and they were very worried about it. The number one factor for businesses for Hong Kong was stability. Stability. Knowing what they were going to get into. What are the rules that they weren't going to change?

Now, you know, we need our public employees to have that stability. We need our educators to develop the workforce. And the frustration that I'm hearing from them is that whenever it comes the time when they come up and say, "Hey, we need your help," we always say, "We'd love to help you. Why don't we give you a Senate Resolution to thank you for your good work? But we can't do anything right now because we've got to be fiscally responsible." I love that term because, you know, I like fiscal responsibility. We got to be fiscally responsible. But then when businesses come in, corporations, be it natural gas folks or all like that, we want to welcome them and open them up but somehow we find money for them and somehow fiscal responsibility goes out the window. I mean, we don't talk about fiscal responsibility for them. But only these folks.

So, Mr. President, I would ask that we do get civility back here. That we do start refocusing and, also, this body start treating the people that own this place with respect. And what happened on Friday is an embarrassment. And so, I'm hoping that there's a reset button that we can now reset and we can start treating people with respect and move this state forward and make sure it's prosperous for all and not just for a few.

Thank you, Mr. President.

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REMARKS OF  
HONORABLE  
MARK A. DRENNAN

*Monday, February 19, 2018*

SENATOR DRENNAN: Thank you, Mr. President.

There's been a lot of talk today about Senate Bill 398 (*Relating to requirements for making consumer loans*) and some references to that being a sneaky process. And being new to the Senate, I was actually present on both of those occasions. The Senator from Wood is the chairman of that committee and we had a spirited debate, much like we had today, about the merits of that bill. And when the question was called, there was a division of sorts. The Senator from Wood called it "nay" and I might of called it "yea," and then afterwards, there was some, you know, some . . . maybe thought that we should've called for a roll call vote. And the chairman and I sat down and we talked about it, there were a few others that were kind of hanging out, and he said, "Well, maybe, I'll just bring it up for reconsideration and we'll debate it again and then we'll have a roll call vote." And we kind of expected, maybe, that we would have a similar debate and then we would get the yeas and nays and it would pass or fail on its own merit again.

And I just wanted to clarify that I was present for both of those, and the Senator from Wood did absolutely everything that he should've done as far as making sure that that bill had consideration, and making sure that every member of that committee, that their voice was heard.

So, thank you, Mr. President.

REMARKS OF  
HONORABLE  
RYAN J. FERNS

*Monday, February 19, 2018*

SENATOR FERNS: Thank you, Mr. President.

I rarely get up during the remarks of this body but, you know, when an accusation about sneakiness is made about this body, I take personal offense to it. I think memories are pretty short here sometimes; it was under this

leadership that new technology was put in the chambers and in our committee rooms to give live-streaming access, not just to public citizens of West Virginia, but people from all around the world. It's not like that technology just came about in the last couple years, it existed for many years prior to. People have been streaming live video for many years. But maybe credit doesn't . . . you know, some people don't want to give credit where its due for shedding light on this process. And with the advances in technology, every part of the process that we participate in here is easily accessible through the state legislature's website; every amendment, every vote is tracked.

And one of my colleagues mentioned, you know, concerns about voting records. And if we're not comfortable acknowledging what votes we made . . . I mean, there's no more fundamental explanation of what we stand for. So, why would any . . . ? I don't understand why any member would ever feel uncomfortable about being questioned about a vote that they made. I think that's, we owe that to the citizens of West Virginia and to our colleagues here in the Senate.

And lastly, I'll say about this leadership team and the current process and the transparency, it cannot be argued that the number of amendments and legislation offered and accepted by the minority party has increased dramatically since this leadership team has been in this position. And the perfect example was this morning. My good friend, the Senator from the Sixteenth, offered an excellent amendment to a piece of legislation and we just unanimously adopted that. Now, I'm not saying in every circumstance things went this way, but I know my colleague, the Finance Chairman, has personally experienced situations when he was in the minority, where he would offer an amendment, or offer a piece of legislation, and it was promptly removed, put a member of the majority's party's name on that legislation, re-offered, and passed. We don't do that here anymore; when an idea is good for the citizens of West Virginia, we support that idea regardless of who offers the amendment or the legislation.

And so, I just wanted to air that out and recite those facts about what has really been going on in the process about transparency in this body in the last three years.

Thank you, Mr. President.

REMARKS OF  
HONORABLE  
GREGORY L. BOSO

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*Monday, February 19, 2018*

SENATOR BOSO: Thank you, Mr. President.

Over the course of the last couple of weeks, we've seen a lot regarding things happening in the judiciary branch of our great state. And one of the things—and I've received a number of questions and had opportunity to render comments about that—but, as I came here, Mr. President, I had the opportunity, I was challenged, as I stood before this chamber, raised my hand and took my oath to support the Constitution of the State of West Virginia. And so, throughout my tenure as a West Virginia senator, regardless of whether it's this particular issue or any other issue, I've tried to recognize whose role and whose responsibility it is to fulfill those particular responsibilities.

Mr. President, this particular body, in the event there is a set of articles of impeachment developed by the House of Delegates, this particular body will serve as the jury in any impeachment proceedings and we'll be sworn that we will rule in an fair and impartial manner. In the course of my dealings, Mr. President, as, in my professional life, I work with the legal community all the time. And one of the things that I've always heard, but, in those particular instances, I've always felt that the evidence will convict. But until such time the evidence is there, the individual has rights and we should affirm those rights that they are innocent until proven guilty.

I think it's important, Mr. President, that we in this body, because of the delicate situation of the balance of power that we have for the purpose of protecting the people of West Virginia and the integrity of this great state, that we be very careful about the things we say and the things we do over the course of the next few weeks. Whether or not the House of Delegates develops an article of impeachment, or whether or not they do, that's their choice, not ours. But I won't, Mr. President, step up and put myself in such a position that my ability to protect, first of all, the rights of the individual, second of all, to hear the full body of evidence that's presented and rule and judge accordingly. I want to make sure that my integrity is protected and I'll do everything to do that. And I would urge this

body, Mr. President, each member of this body, to do the same.

Thank you.

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REMARKS OF  
HONORABLE  
TOM TAKUBO

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*Monday, February 19, 2018*

SENATOR TAKUBO: Thank you, Mr. President.

I just want to stand. I don't stand up often either, but I would, unlike some other senators, I would applaud what happened here Friday. I think it takes tremendous strength and leadership that . . . You know, my mother was a school teacher, too, and she always taught me that when the temperature has elevated, you're better to walk away from a conversation, let things cool down, collect your thoughts, and come back and speak in a respectful manner then to let emotions range out of control. And I think that's what was happening Friday. So, I understand there were people here in the galleries and they may have been disappointed, however, I think they would have been a lot more disappointed if we would've let tempers flare.

Now, the reason I stand is because there's been a bill today that's been in conflict that started part of the conflict on Friday, that was Senate Bill 398 (*Relating to requirements for making consumer loans*). And the reason why the temperature is so hot is because of the teachers. Now, the reality is, all of us, Republicans, Democrats, we all desperately want to help our teachers. There is not a single man or woman in this chamber or in the House across from us that does not want to help our teachers. However, there are some fundamental differences in the principles between the two sides. I would love to walk out of here and give teachers a big pay raise, I just want to be sure that we can pay for it and we can afford it in a responsible manner. We have a duty not only to our teachers, but to the other 450,000 taxpayers. And so, I, by all means, am dedicated, I'm sure like the rest of this body, including both sides of the aisle, however, on one side, it's simply we want to make sure we can afford everything we can give you. And we want to give you absolutely everything we can. But we just want

to make sure we can pay for it and that we're not hurting other citizens of the state. Whereas, the other side, it's a little bit more government intrusive. And so, on Senate Bill 398, I think that goes to play. Again, we're protecting the rights of an individual, that if they are in a desperate situation, we want to provide help for them, understanding that there's financial involvement and not for the government to become intrusive and say, "Well, that's your tough luck. If you have to, fall back on the government." I think that just very clearly kind of defined why we're having a conflict here. There is one side that is very much on the side of being fiscally responsible in all situations the best we can and those that would allow government to make that play.

And so, again, I commend the body for stepping back, taking cooler heads, and coming back and doing the work of the people of this great state.

Thank you, Mr. President.

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REMARKS OF  
HONORABLE  
MICHAEL J. ROMANO

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*Monday, February 19, 2018*

SENATOR ROMANO: You know, Mr. President, I hate to belabor this point, and I certainly appreciate the remarks of my friend from Kanawha, but, you know, I've said it here and I just have to say it again, that we always seem to be able to find the money when it's something that, you know, the majority of us want. And maybe that's how it's supposed to be because the majority rules the body. But, you know, and I've said it many times, you know, we gave millions to big coal companies, we tried to give them millions more last year, you know, we've certainly found money to give away when it needs, when somebody believed it needed to be, or the majority believed it needed to be. And this year, we're thinking about replacing the business personal property tax with taxes that go to our counties and our boards of education. I think it's an excellent idea to get rid of the business personal property tax, it's a gross income tax and that's hard on businesses that aren't making a profit to pay it. But, as I've said before, you know, we have the eighteenth best business tax climate in the country, better than all of our surrounding states, better than all but

17 other states. All we have to do in that case, instead of taking money out of the counties and out of the school boards, is replace it with another business tax that is based on net income so we stay eighteenth. Because going down to seventeenth, or sixteenth, or tenth isn't going to make anybody else run across our borders. Then we'd have at least \$20 million. At least \$20 million that we're talking about taking out this year for that tax to go towards what we need to do with it, which is help our public employees and teachers.

Thank you, Mr. President.

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**Recognizing achievements and  
contributions of Berkeley County and its  
citizens to WV**

*(Adoption of Senate Resolution 46)*

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REMARKS OF  
HONORABLE  
JOHN R. UNGER II

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*Tuesday, February 20, 2018*

SENATOR UNGER: Thank you, Mr. President.

I want to say on behalf of the Junior Senator from the Sixteenth as well as the Senators from the Fifteenth, we're very pleased to have today the Berkeley County Day. And some of you may know about it, some may not, it's one of the furthest counties from the capitol here; Jefferson might be a little bit further. But one thing about Berkeley County that we may not know is there's a popular history that, actually, the State of West Virginia would not have been ratified as a state if Berkeley—at that time Berkeley County also included Jefferson—but Berkeley and Jefferson were not part of the State of West Virginia. Lincoln was not going to do it. And the reason for it is because the B&O railroad, the B&O goes right through that area from the Baltimore to the Ohio River, through that area; as well as at that time, the Harper's Ferry Arsenal and Armory . . . it had . . . Lincoln wanted it to be part of the Union and not part of the South and, so, in order for West Virginia to secede and become its own state, Berkeley County, along with Jefferson, had to be part of it.

Berkeley County is the second most populated county in the state, the second largest education system—but it's coming on fast—it's the fastest growing county in the state. That soon it will be the most populated county with the largest school system in the state.

Cecil Underwood, a former Governor here, used to always say that Berkeley County, and the Eastern Panhandle, is the outstretched arm of West Virginia. That's where people come and get the first taste of West Virginia, is right there through the Eastern Panhandle with Berkeley County.

And matter of fact, Berkeley County's demonstrated that because we've had some major industries that have come into the area. For example, GM, and we've had Macy's, Quad/Graphics, and, just recently, Proctor & Gamble. Proctor & Gamble has over a thousand temporary workers right now where that facility is building, and they're going to have up to 900 or more full-time employees of good paying jobs.

The economic prosperity is in Berkeley County and, of course, we still remain appreciative of the rest of the state because when we were just the outskirts of D.C., and we depended on the coal from the south and north central West Virginia, we recognize that. Now, we've come our own. Actually, it's the tail wagging the dog. The economic engine is actually now in the Eastern Panhandle and primarily driven by Berkeley County. As a representative, and I know our representatives here are very appreciative of the state . . . . We are very proud to be part of West Virginia. I know there's been times where there's been talk about wanting, that area wanting to secede from the state, but that's not the general sentiment. We're very proud West Virginians, and we're proud that we can be able to be an engine, an economic engine, that's helping West Virginia drive into the future.

So, Mr. President, as we celebrate this day, I'd like for us to not only just celebrate Berkeley County, but also what it means for a community to come together, to be an economic engine that drives prosperity for all, for all of West Virginia, and that we are all in this together. So, today, I'd like for this resolution to be, as a tribute to Berkeley County, but also the hard work that the people back in Berkeley County has done and also their commitment to this great State of West Virginia.

Thank you.

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**Recognizing achievements and contributions of Berkeley County and its citizens to WV**

*(Adoption of Senate Resolution 46)*

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**REMARKS OF  
HONORABLE  
PATRICIA PUERTAS RUCKER**

*Tuesday, February 20, 2018*

SENATOR RUCKER: Thank you, Mr. President.

I am grateful for the comments made by the Senior Senator from the Sixteenth and I just want to add a little bit to it. I have to say that I'm very proud to be representing Berkeley County. It's essentially about half of the district that I represent. And I have to say that the great work that this Legislature has done in the last few years has really been demonstrated in how well it has created growth in Berkeley County. Berkeley County is a hotbed of growth. Its population has doubled in this century and, as the Senior Senator from the Sixteenth said, we have now 113,525 residents; second only to Kanawha County right now.

I want to mention that the legal reform that we have done has helped create a confidence and brought businesses . . . and also the infrastructure improvements that we have invested . . . .

I'm very happy to see some folks from Berkeley County who made that 300-mile trip that I know very well . . . and urge adoption of the resolution.

Thank you.

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**Recognizing achievements and contributions of Berkeley County and its citizens to WV**

*(Adoption of Senate Resolution 46)*

REMARKS OF  
HONORABLE  
CRAIG BLAIR

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*Tuesday, February 20, 2018*

SENATOR BLAIR: Thank you, Mr. President.

The Senior Senator from the Sixteenth made a comment about us seceding or that's been talked about which . . . I want everybody in here to know something; you see as many WVU logos, actually Marshall as well, as you do in the rest of the State of West Virginia in the Eastern Panhandle even though we're 300 miles away. We feel and live and breathe West Virginia just like every other West Virginian does. And sometimes that's forgotten, I believe, because we're so far away, especially down here when I watch the news. We're cut off. You don't get to see us in the weather, you don't get to hear too much about what's going on with the exception of MetroNews. But the fact of the matter is, is that we live and breathe West Virginia and *Country Roads* is just important to us as a song as everybody else in West Virginia as well.

But I do have one motto for those of us that come from the Eastern Panhandle. They come down and they say, "We need this, and we need that." Our job here is to make what is good for West Virginia is actually great for the Eastern Panhandle. No matter what it is that we do. And we see those benefits every step of the way as we've traveled through the years on making a difference. And that's the barometer, the canary in the mine, is Berkeley County and the Eastern Panhandle. It shows that what we've been doing here works. And that is the beginning place where you see that. But we will not stop until all of West Virginia gets to enjoy the prosperity that the Eastern Panhandle has.

I support this resolution. Thank you, Mr. President.

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**Recognizing achievements and  
contributions of Berkeley County and its  
citizens to WV**

*(Adoption of Senate Resolution 46)*

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REMARKS OF  
HONORABLE  
CHARLES S. TRUMP IV

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*Tuesday, February 20, 2018*

SENATOR TRUMP: Thank you, Mr. President.

I happily join the chorus in support of this resolution. Having the high honor and privilege of representing part of Berkeley County in the fifteenth senatorial district, I've come to admire the fortitude and the positive attitudes of everyone there. Their commitment to the growth of this entire state and, of course, of course, I'm a great admirer of their two fine exports to this chamber, the Senior Senator from the Fifteenth and the Senator from the Sixteenth.

I urge adoption of the resolution.

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**Recognizing achievements and  
contributions of Berkeley County and its  
citizens to WV**

*(Adoption of Senate Resolution 46)*

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REMARKS OF  
HONORABLE  
ROBERT H. PLYMALE

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*Tuesday, February 20, 2018*

SENATOR PLYMALE: I wanted to thank them for having a couple of people . . . First, I'd like to say that the progress that's been made at Blue Ridge, and Pete Checkovich's leadership has been very instrumental in the growth that this happened. Also would say that Manny Arvon, a personal friend, has been one of the best superintendents in the school, in our school system in the state.

But first off, you mentioned Marshall. And I wanted to thank you for sending C. J. Burks to Marshall as a part of the "304 Boys". The "304 Boys", if you know, we have more West Virginians playing at Marshall University than any Division I-A team in the country. And they are doing quite well and it's a lot attribute to C. J. Burks. He's become a really fine man, a fine ball player, and we thank you for bringing him to Marshall.

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**Recognizing importance of industrial  
hemp**

*(Adoption of Senate  
Concurrent Resolution 32)*

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**REMARKS OF  
HONORABLE  
ROBERT D. BEACH**

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*Wednesday, February 21, 2018*

SENATOR BEACH: Thank you, Mr. President.

Ladies and gentlemen, what you have in front of you, the short title for the resolution is a little misleading. Actually, it does one very important thing, it allows us to begin conversations with other states in regards to developing a compact around hemp. And we heard yesterday from the Senator from Preston County, the pieces of the puzzle we're trying to put together to get hemp moving forward. This may be, very well may be, the last piece of the puzzle and may be the most significant piece. It allows us to create a compact with the states and we have a process we have to go through, this is the first process. This allows us to take the lead on this issue and help develop a piece of legislation that will be crafted in those states who wish to participate. We develop a policy later on this year, we get that approved by the Council of States, and then from that a work group is developed, a piece of legislation is crafted, and we bring it back to each of our states for approval. The idea is to send a message to D. C. that we want to be able to move hemp across state lines. Right now, we can grow hemp and we can grow as much as we want, but we can't move it outside our state's borders to other states for them to use it and vice versa. So this begins that dialogue and it begins that legislation.

The final piece of that is the approval by Congress. We send that legislation forward once we pass it and I anticipate we can do this next session, pass the legislation, send the message to Congress to take this up for consideration for approval. Compacts are very rare, I'll tell you that right now. We may get nine a year that's passed across the United States. So, it's a lengthy process, minimum of 18 months to move it forward. But again, I believe it's a crucial piece of the puzzle, may be the most important piece of the puzzle to allow us to have interstate commerce with regards to hemp. And I ask for your assistance.

Thank you.

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**Designating February 21, 2018, as WV  
Aviation Day**

*(Adoption of Senate Resolution 47)*

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**REMARKS OF  
HONORABLE  
CHANDLER SWOPE**

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*Wednesday, February 21, 2018*

SENATOR SWOPE: Thank you, Mr. President.

As a general aviation pilot, it's my honor to rise in favor of this resolution. I think everybody's pretty familiar with commercial aviation, but may not be aware of the impact and the importance of general aviation.

To illustrate those points, there are approximately 8,000 general aviation airports in the U.S. It's a multibillion-dollar industry, with one billion in West Virginia alone contributing to our economy. I'm sure our senators from the Eastern Panhandle and from north central West Virginia can certainly speak to how important it is to their areas.

We have also an Air National Guard unit right here in Charleston which is extremely important. One of the things that may go unnoticed about general aviation is how important it is to our national security. Whenever there is a natural disaster of any kind, whether you're talking about the hurricanes in Texas, or earthquake in Haiti, or the hurricane damage in Puerto Rico, general aviation pilots all step up and fly hundreds, if not thousands, of missions to rescue people, to bring food and supplies into distressed areas. And if you haven't thought about it, often those disasters damage all other forms of transportation. And general aviation always steps up and fills that gap and fills a very critical national need.

I urge adoption of the resolution.

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**Designating February 21, 2018, as WV  
Aviation Day**

*(Adoption of Senate Resolution 47)*

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REMARKS OF  
HONORABLE  
MICHAEL J. ROMANO

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*Wednesday, February 21, 2018*

SENATOR ROMANO: Thank you, Mr. President.

It's my honor to stand with my Senator from Mercer in support of this resolution. You know, you've often heard me say here on the floor that we spend a lot of time chasing ghosts trying to change things that make no difference in West Virginia. You know, our two big problems in West Virginia are the things we love the most: Our mountains and the lack of people, the lack of population.

But if you look for our strengths, you know we can make those strengths even greater. And aviation in West Virginia is one of those strengths. It doesn't require a mile-long flat section of ground to build a huge factory on. They're compact, they move easy, and they really are a tremendous benefit to the state. I didn't know anything about aviation 14 years ago. I thought aviation was those big silver planes with the double engines on them that we used to fly back and forth when we were kids, and they disappeared with deregulation. But getting on the Airport Authority in central West Virginia, in Harrison County and Marion County, taught me a lot.

Aviation's about a lot of things, it's the hub of activity in a lot of our communities, it is where I'm from. It's education in Martinsburg and in Bridgeport where we're educating young people who graduate on a Friday and go to work on a Monday. And I'm not talking about minimum wage jobs, I'm talking about jobs where they start out \$40,000 - \$45,000 with benefits and move up immediately if they do what they need to do. It's about jobs. In north central West Virginia, we have almost 2,000 jobs in our airport. I didn't know that when I got there—and that's just amazing. It's about economic development. It's about creating a better life for West Virginia. In Harrison County, the airport hub generates almost \$1 billion in economic activity every year, and it's going up.

It is my honor, sir, to stand and recommend with great enthusiasm the support and passage of this resolution.

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**Celebrating 150th anniversary of  
Winfield**

*(Adoption of Senate Resolution 48)*

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REMARKS OF  
HONORABLE  
MARK A. DRENNAN

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*Wednesday, February 21, 2018*

SENATOR DRENNAN: Thank you, Mr. President.

It is my pleasure and yours to support this resolution celebrating the one hundred and fiftieth anniversary of the city of Winfield. Winfield is the county seat of Putnam and began to grow when Charles Brown began a ferry crossing at Winfield which increased travel and business opportunities. In the 1930s, the U. S. Army Corps of Engineers proposed a lock system on the Kanawha River and the Winfield Locks were built along with a hydroelectric power plant on the southern portion of the locks.

All that history is important, but Winfield today is much more than the river and the locks. It's home to more than 2,300 West Virginians. That's up from 900 in 1986 when I was a student at Winfield High School. If you ask anyone about Winfield, I'm sure that they will talk about the outstanding schools. I can attest to that now. This year's Milken Teacher of the Year, National Teacher of the Year, is from Winfield Middle School.

Many businesses are located in Winfield, including the iconic Dairy Freeze. I recommend the General Burger and pumpkin roll if you get down that way.

Roy Kuhl Sports and Gunther's Screen Printing, just among many of the businesses that are now located in downtown Winfield.

I urge adoption.

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**Celebrating 150th anniversary of  
Winfield**

*(Adoption of Senate Resolution 48)*

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REMARKS OF  
HONORABLE  
MARK R. MAYNARD

*Wednesday, February 21, 2018*

SENATOR MAYNARD: Also, I'm pretty proud of Winfield. It's the home of the West Virginia Drag Racing Hall of Fame which I've been involved with all my life. There's actually two dragstrips that were within a few miles of there, probably the closest two in West Virginia. My dad raced at the one near the town of Winfield and I race at the one down at Southside. So, Winfield's pretty special to me.

I appreciate this resolution.

**Designating March 11-17, 2018, as  
Multiple Sclerosis Awareness Week**

*(Adoption of Senate Resolution 49)*

REMARKS OF  
HONORABLE  
RON STOLLINGS

*Wednesday, February 21, 2018*

SENATOR STOLLINGS: Thank you, Mr. President.

This resolution designates March 11-17 as Multiple Sclerosis Awareness Week. We know that MS is a neurological disease of the central nervous system affecting 2.3 million people worldwide and the National Multiple Sclerosis Society, the Virginia - West Virginia Chapter, says that there are more than 3,000 West Virginians living with this disease and it generally strikes people in the prime of their life, between the ages of 20 and 50. And the cause and course of this debilitating disease remains unknown and no cure currently exists. However, the National MS Society has been committed for more than 70 years to a world free of MS, heightening public knowledge and insight into the disease and contributing heavily to research. More than \$900 million in groundbreaking research and \$42.1 million funding 380 research projects currently at the best medical centers, universities in the country and abroad.

We want to stop MS in its tracks, restoring what's been lost and ending MS forever. That's the mission of the National MS Society and one that all Americans and West Virginians should support.

I have a couple MS patients and, of course, again, their disease progression varies greatly. One in particular's a dear friend of mine. He played basketball with me and I know him well. I visit him at his home on occasion, but he basically has to be lifted now and his quality of life has really been impacted.

So, I certainly urge adoption of the resolution.

**Designating March 11-17, 2018, as  
Multiple Sclerosis Awareness Week**

*(Adoption of Senate Resolution 49)*

REMARKS OF  
HONORABLE  
MICHAEL A. WOELFEL

*Wednesday, February 21, 2018*

SENATOR WOELFEL: Thank you.

I'll be brief but, as a body, you've learned that the four lawyers that we have in here rarely suffer from any lack of confidence. And so, we project how smart we are on a regular basis around here and you know that.

But the last case I tried in circuit court in Logan County, my adversary is at the front of the line here. That'd be Mr. Duane Ruggier who took me to the woodshed. Duane, I haven't tried a case since then, okay?

So, I stand in favor of the resolution.

**Designating February 21, 2018, as WV  
Local Foods Day**

*(Adoption of Senate Resolution 50)*

REMARKS OF  
HONORABLE  
DAVE SYPOLT

*Wednesday, February 21, 2018*

SENATOR SYPOLT: Thank you, Mr. President and members of the Senate.

This resolution is really about being healthy. The West Virginia Food and Farm Coalition, West Virginia Farmers Market Association, some other organizations have formed an alliance and . . . Many times we see policies driven from the top down in our state but this is truly a bottom up, it's a grass roots effort. And some of the objectives that this alliance have is that they like to study the positive effects of locally grown foods and the positive effects of local agriculture to the communities. They find and develop marketing opportunities for those farmers and those products. They like to incubate and help assist those beginning farmers get off the ground and get their products to market. And they advocate, most importantly, for public policy which is supportive of all these points that I mentioned before.

In the past 50 years or so, manufactured food has become increasingly popular and it's easy to see why. Because it's inexpensive, is readily available, and, more importantly, it fills you up. You eat it and you're full. But without the proper diet, a person, even though they feel full, they might not be getting the proper nutrition they need. And there's a connection, Mr. President, between poor nutrition and certain chronic conditions, such as diabetes, obesity, high cholesterol, and hypertension.

So, West Virginia having a pretty poor track record with health outcomes, I think it's very appropriate for us to appreciate and recognize the efforts of these organizations through the alliance to bring local foods into our grocery stores and into the homes of our citizens.

Mr. President, I urge adoption of the resolution.

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**Designating February 21, 2018, as WV  
Local Foods Day**

*(Adoption of Senate Resolution 50)*

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REMARKS OF  
**HONORABLE  
GREGORY L. BOSO**

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*Wednesday, February 21, 2018*

SENATOR BOSO: Thank you, Mr. President.

Local foods, you know, are . . . I didn't appreciate until most recently we took a little trip up into the New England states. What I found interesting is how many restaurants in those areas promote local food use and they do that by saying your vegetables today came from x-y-z. And I thought it was interesting. And so, I recognize the vital importance that local foods have on the local economy but, more importantly, how important they are to the good nutrition of our children, our seniors, and for those around us.

I urge adoption of this resolution.

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**Requiring that certain documents filed  
pursuant to WV Jobs Act which include  
records of wages be considered confidential**

*(Passage of Eng. Com. Sub. for Com. Sub.  
for Senate Bill 474)*

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REMARKS OF  
**HONORABLE  
MICHAEL A. WOELFEL**

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*Thursday, February 22, 2018*

SENATOR WOELFEL: Thank you, Mr. President.

This is going to take a minute. So . . . first of all, I get up and speak, but I'm starting, Mr. President, to wonder whether this microphone is working because nobody ever seems to change their opinion based on what I say. Ever. Can the Senator from Morgan hear me? Would you raise your hand if you can? Okay.

All right, we got that out of the way. Let me say this: I missed Valentine's Day, but I'm going to talk about love for a minute. What we love here. Now, the first week I was here, we loved coal the most. We even got up and prayed to Jesus Christ for coal. I don't think we love coal as much as we did couple of years ago. But we love this: We love the Constitution and we talk about it all the time. In fact, we took an oath to follow it.

Now, this is a bill that has 17 sponsors. It's like the dream team is behind this bill. So, most likely I'm not going to be able to change your opinion, but I'm going to try.

Last year, the voters approved \$1.6 million [sic] of their hard-earned money to fix the roads. \$1.6 billion, with a "b". Seventy-five percent of the workers on these jobs have got to be West Virginians. It's in the law. Good reason. Now, I've been told by my distinct and eloquent colleague from Kanawha that we've got to trust the government to check on this. The government's going to make sure these rules are followed. That sounded like a Democrat. This is not . . . this is a situation where we need to trust the people. The First Amendment of the Constitution, and by the way, can you imagine if we were going to put a restriction on the Second Amendment? Would you get 17 sponsors on that? I doubt it. Wouldn't get any, maybe. But we're putting a restriction on the First Amendment. In the very first sentence of the United States Constitution. First of all, it recognizes our right to assemble. But it recognizes the freedom of the press. Again, it's the first . . . its place is the first amendment for a reason. It's the very first amendment. The press. They're not a villain. Look at . . . we also love our gas transmission pipelines around here. Please think about the press as a transmission pipeline to the people. To the people. They have a right to get this information about who's working on these road projects, where they're from, are they from West Virginia, are they from Guatemala, and are they being paid? The Wheeling newspaper is not exactly Mother Jones, okay? My impression of the Wheeling newspaper, and I'm holding a copy of it up, nobody from Wheeling's looking at me but I'm going to say it anyway—the Wheeling newspaper had a scathing editorial about this bill as did every other major newspaper in the state. Parkersburg newspaper. This is a bad bill. We need transparency. I'm going to tip my hat to J. B. McCuskey, our Republican State Auditor. As soon as he got into that position, his number one goal was transparency in government. Now, why would we take the opposite route of transparency? Think if we had no FOIA, how would we know about the spending in the Supreme Court? Isn't that a good thing that the public has a right to know what's going on across the building? Why would you limit the people's right to know? Why would you limit FOIA? Why would you limit transparency? Transparency is how we uncover fraud and waste in government and people that won't pay their taxes.

So, Mr. President, I appreciate your indulgence today. If you go red on this bill,

again, 17 sponsors, if you go red, you're against transparency in government. I know you people loathe, some people loathe the unions. Don't let that cloud your judgment on this. This is not a union issue. This is a First Amendment issue. This is your . . . you took an oath. It's a First Amendment issue. Transparency in government. If you go red, you're going against that. And I think our consciences are going to dictate that we kill this horrible, horrible bill.

Thank you.

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**Requiring that certain documents filed pursuant to WV Jobs Act which include records of wages be considered confidential**

*(Passage of Eng. Com. Sub. for Com. Sub. for Senate Bill 474)*

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REMARKS OF  
HONORABLE  
GLENN D. JEFFRIES

*Thursday, February 22, 2018*

SENATOR JEFFRIES: Thank you, Mr. President.

You know, when I decided to run for the West Virginia State Senate and as I was campaigning, when I was going from door to door, I asked my constituents, I said, "What are you looking for from the Legislature?" And the number one thing that they asked was, "We want jobs here in West Virginia. And we want good paying jobs here in West Virginia." So last year, this legislative body, along with the House, asked the citizens of West Virginia to believe in our actions, everything that we do, believe in us and to pass one of the biggest bond sales for construction in the history of our state. I went to town hall meetings to push for this bond and assured them of the transparency that would be there, for when this . . . if this bond was to pass, and give the citizens of West Virginia the opportunity for employment.

Now, I've heard . . . we've spoke about the West Virginia Jobs Act and I'm glad it's there. I'm very thankful that it's there. But let me go back to transparency. In my opinion, this bill removes the transparency that makes it easy for corporations to hide, which should always be public record in how our tax dollars are spent.

The bill says that the records of wages paid to employees may not be disclosed by the Division of Labor or any public office. In my opinion, right there, it takes away the taxpayer's right to know.

Now, as a business owner who has worked in this industry for over 20 years, I can tell you that this piece of legislation, if it passes, corporations will hide their wages and also they may even hide their employees so that we don't know where they came from. It's unfortunate but it will happen. Without reporting full payroll records, the public cannot request and catch any company out there . . . We had one this year from Florida that was receiving millions of dollars of taxpayers' money and was not paying taxes that was clearly required by law. I got it right here. Without reporting a payroll, our taxpayers could never know that the corporations didn't hire local workers, but imported out-of-state workers for the jobs that should have gone to West Virginia workers. It's sad to think this happens, that's why the public needs access to full payrolls. If it wasn't for the public access to full payrolls, none of this would have happened. I think my fellow business owners who pay their taxes here in West Virginia who have tried to win contracts that have gone to out-of-state companies, corporations who do not pay their taxes. I think of the workers who live here in our state who pay their taxes that could not get hired even though they were fully qualified. As it was stated, billions of dollars, three billions of dollars of road construction that are getting ready to start here in West Virginia by the road bond. As I mentioned before, like everybody in this room, I've made speeches, held meetings, asked friends, asked family to vote. We told them, West Virginians will get good jobs. Now we're taking away the ability to know if we were really telling the truth. The argument being made for this bill is about protecting privacy of workers. Mr. President, I have thought about that and I thought about the construction companies here in West Virginia. Some of this bond money is federal money which requires certified payrolls. Now, are we going to put companies in a situation . . . as my company, we talked about it. Am I going to have to start telling my employees, "Well, this is a state project. You're okay there, but this is a federal project, your privacy's going to be violated." Am I opening my company up or another companies to possible lawsuits. I don't know.

Mr. President, I know of hundreds of workers, I know them personally. I know their spouses. I know their kids. I know their parents.

I know the churches they attend, and I can tell you though that not one has asked me to vote for this bill. Not one. Matter of fact, it's just the opposite. They ask me to do whatever I can to protect West Virginia jobs. Mr. President, I'm going to be a "no" vote against this bill because I think it's a bad bill. I think it's bad for West Virginia business owners, I think it's bad for West Virginia workers, and I urge a "no" vote on this piece of legislation.

Thank you, Mr. President.

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**Requiring that certain documents filed pursuant to WV Jobs Act which include records of wages be considered confidential**

*(Passage of Eng. Com. Sub. for Com. Sub. for Senate Bill 474)*

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**REMARKS OF  
HONORABLE  
ROMAN W. PREZIOSO, JR.**

*Thursday, February 22, 2018*

SENATOR PREZIOSO: Thank you, Mr. President.

Ladies and gentlemen of the Senate, I stand in opposition to this bill. And I've got sort of a different twist on this. You know, if we don't have full disclosure of our payroll records and all this is available to taxpayer and trust the media, we would have never found the company from Tarpon Springs, Florida, who owed the Legislature \$250,000. It was the media that stepped up, dug in, and found out, hey, there's a company that's not paying their taxes. Let's take a look at this. We're telling all these teachers and public employees we don't have enough money to pay salaries and benefits and things of this sort, but we're getting ready right now to build roads in West Virginia that's going to cost about \$3 billion. If you just took one percent of that, that's \$30 million, and if we found \$30 million in fraud, that's \$30 million of money we'd have in our general revenue. I think by not allowing the press to dig in and find out about taxpayer fraud and companies from out of state that aren't paying West Virginians what they're due, is sort of putting a shroud of secrecy over payroll records and things of that sort. And, you know, I had the opportunity to look around and see what does the media say? Now, I'm not on Government Organization so I don't know what transpired in the

committee but as I looked from the wvnews.com—that’s a conglomeration of all the newspapers around the state—and what are they saying? These are the people that are digging in and finding out and reporting to the citizens of West Virginia, you know, what’s happening in this Legislature. And I know we want full disclosure. I know we want jobs for West Virginia. We all supported the West Virginia Jobs Act, where we’re saying that 75 percent of the jobs on these new road projects will be West Virginians. And we all supported that. And who’s going to oversee all that, are we? Do we have the ability to go and look at all the projects that are being processed throughout the state and say, hey, how many . . . you know, we can’t look into those records. We don’t have the time, the expertise to do it. But the media does, the media’s relentless. And I know we’ve all been targets of the media and that’s the way it should be. We should be held accountable and we are held accountable just as these contractors that are going to come in from out of state should be held accountable. But, you know, here’s what the wvnews.com news media’s saying about Senate Bill 474: It would keep government entities from releasing for public consumption records that show whether companies benefitting from our state dollars are hiring West Virginians. They’re going to be the overseer of that.

You know, I’ve got several articles in here—the *Williamson Daily News*: It’s ironic and disheartening to open government advocates that while the West Virginia Auditor’s Office is tooting the importance of public access to the state’s spending records, another branch of government is trying a shroud of secrecy on some of this information.

Now, this is what the news is saying. These are what the people that are reporting news to people around the state are saying. It’s not us, it’s not a particular political party. It’s the news.

Another article from the wvnews.com: State senators want you to believe a good fight is being waged, but the battle is anything but righteous. That’s what they’re saying about us. The article goes even further.

*The Wheeling Intelligencer*—a conservative newspaper—quoted a West Virginia state senator as saying, “I trust the media less than I do the government.” A person that sits in this body trusts the media less than he does the government, which he’s a part of.

*The Parkersburg News and Sentinel*: Public deserves to know how money is spent. Lawmakers appear to have been frightened by the idea of the public knowing how its money is being spent. It’s clear what we’re doing here.

We’re putting a shroud of secrecy over information that should be public knowledge. And we’ve got to trust the media to do this.

Mr. President, I adamantly oppose this piece of legislation.

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**Requiring that certain documents filed pursuant to WV Jobs Act which include records of wages be considered confidential**

*(Passage of Eng. Com. Sub. for Com. Sub. for Senate Bill 474)*

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REMARKS OF  
HONORABLE  
MICHAEL J. ROMANO

*Thursday, February 22, 2018*

SENATOR ROMANO: Thank you, Mr. President.

I’ll be brief. This is a bad bill. This is a bill that does nothing more than hides critical information for our workers and for our state. In 30 years that I’ve been in practice in West Virginia, nine of those as a public official, I’ve never had one complaint from a worker about having his name disclosed on a certified payroll. I’ve never had one company tell me they’re not bidding here because they may have to disclose their payrolls.

You know, we’re hypocrites. We say we’re free market, and then we pass bills that prevent people from allowing something to be withheld from their wages. We say we’re for smaller government, then we expand government with a whole new court that everybody says we don’t need and don’t want. We say we’re for workers, but we can’t even pay our teachers and public employees a decent wage. We say we’re for transparency and now we’re going to hide the very information that makes contractors from out of state treat our state fair and makes sure we get the bang for our buck.

Let’s not be hypocrites. Let’s be a “no” vote on this bill.

Thank you, Mr. President.

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**Requiring that certain documents filed pursuant to WV Jobs Act which include records of wages be considered confidential**

*(Passage of Eng. Com. Sub. for Com. Sub. for Senate Bill 474)*

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REMARKS OF  
HONORABLE  
JOHN R. UNGER II

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*Thursday, February 22, 2018*

SENATOR UNGER: Thank you, Mr. President.

This bill could be called “hide and seek”—the “hide and seek” bill. This is another example of the Legislature hiding money and forcing the public to seek transparency. I just want to say that there was an editorial that appeared in the *Martinsburg Journal* here yesterday and I’d like to read this for the record and particularly for the public cause you know we’re so far from that area that most people may have not had the opportunity to read it. Title of it was “Public has right to know how its money is spent”:

In October, voters in West Virginia approved a road bond referendum, allowing the state to sell up to \$1.6 billion in state bonds to improve state roads. West Virginia’s Roads to Prosperity, a \$3 billion roads infrastructure spending plan, has been touted as not just fixing the state’s roads, but helping to put people in the state to work, West Virginians. Quote, “Can you imagine the multiplier effect of the jobs that will be created?” says Governor Jim Justice, said in a December Associated Press article. We hope it’s a lot. It was, in fact, a large reason why many voters authorized the state to spend their hard-earned money. But now the Legislature, this Senate, is trying to restrict the public’s access to see how some of that money is being spent. Senate Bill 474, which eliminates public access to payroll information on state construction jobs with state taxpayers’ money and the roads of prosperity road bond work, made its way to the Senate floor. As journalists, we must take a stand against restricted access to public records. But we think the public should be dismayed as well. If this bill becomes law, journalists won’t be the only group denied access to those records; so will the people of West Virginia. In October, lawmakers voted to strengthen penalties of the law requiring 75 percent of the workforce on

state construction jobs be from the local labor market. Who is going to ensure this is going to happen if no one has access to that information? This is an important issue. The road bond drastically increased the state’s debt. The state will sell a total of \$1.6 billion in state bonds over the next four years. This is on top of an increased wholesale gas tax of 3.5 cents a gallon and an increase vehicle sales tax from five to six percent. The motor vehicle registration fee also raised from \$30 to \$50. Voters authorized this project believing that they’d have access to this information detailing how the money has been spent. The state has listed hundreds of planned infrastructure projects. Transparency in government is more important now than ever to ensure the majority of the public’s money is spent on West Virginia workers, Mr. President. Legislators argue that Senate Bill 474 would protect personal privacy by restricting payroll information from public scrutiny. But Senate Bill 474 restricts access to payroll reports for public money paid on state construction jobs. If this is deemed private, what other publicly funded positions, or institutions for that matter, are next? Perhaps we should remind our legislators who that money belongs to.

Mr. President, I got to say that this is where I think the people that are here today, people all through West Virginia, has the frustration. You know, it seems like the fact of the matter is is that we always say we don’t have enough money but we hide it. The hidden money. But all of a sudden, an out-of-state corporation comes along and somehow the money tree’s found. Money’s found to give them money, tax breaks, everything, but then when teachers or service personnel, or troopers or state employees or anyone else of citizens come down, we’re sorry, we don’t have any money. Well, let’s see where it is. Well, we’re going to hide it here. We’re going to hide it from you and you’re going to have to seek it. This is not fiscally responsible, Mr. President. This is another example of hypocrisy that we have constantly have heard here and so, Mr. President, I would urge the members to send a loud message to the public that we are here to let them know where their money’s spent. They have every right to know where their money’s spent and what money we have.

So, let’s not pass this hide and seek bill here today; so please, vote “no”.

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**Requiring that certain documents filed pursuant to WV Jobs Act which include records of wages be considered confidential**

*(Passage of Eng. Com. Sub. for Com. Sub. for Senate Bill 474)*

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REMARKS OF  
**HONORABLE  
ROBERT KARNES**

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*Thursday, February 22, 2018*

SENATOR KARNES: Thank you, Mr. President.

You know, I hear this conversation and I wonder, you know, what land have we become? The idea that we're going to give the press the amount of money somebody makes, their home address, their Social Security Number, everything you could possibly need for identity theft, and we're going to, you know, require this as a matter of law instead of protecting this information, but only for a particular class I've noticed, of, you know, public contractor, of public employee, anything like . . . . We're not going to require that of our staff here, we don't put their names and Social Security Numbers and their pay scales in the press. We've got a lot of folks here from the education system from around the state, we're not putting their name and their Social Security Number in the newspaper. This is absurd that we're talking about violating the privacy rights of people. If this was such a good idea, why don't we just tell our State Tax Department that we want them to publish everybody's tax return into the newspaper? Why don't we just tell them that, you know, in the interest of disclosure, in the interest of knowing where every dollar goes that we just want everything in the newspaper? Why would we even consider privacy to be anything important if we're going to allow this kind of thing to go on . . . this is about giving people a competitive edge and allowing people to dissolve the competitive edge that other people might have. This is not about . . . it's really . . . it's so ridiculous that we're even having a debate over whether or not we're going protect such personal, private financial information for individuals. I'm really confused that anyone would even argue against this bill. I can't begin to understand how anyone would want to take this kind of personal information and publish it in a newspaper but only for this group of people. Why not for everybody? If this is so important,

why are we not putting everybody's information out there? Why not every member of this body? Who in this body allows their tax return to go into the newspaper?

This is the most absurd, ridiculous thing I've ever heard. I can't believe that we're even discussing this but I absolutely support the passage of this bill.

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REMARKS OF  
**HONORABLE  
MARK A. DRENNAN**

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*Thursday, February 22, 2018*

SENATOR DRENNAN: Thank you, Mr. President.

You know, three weeks ago I stood on this floor to discuss PEIA and the changes made to the premium structure, more specifically, the combining of the total family income. And I talked that my research conducted on the plan concluded that combining of total family income was a bad deal for many teachers and other state employees. Therefore, I made a recommendation that we keep premiums the way they are and study it, study alternatives to determining the premium rate structure. And I didn't stop there. I spoke with you, Mr. President, and the Governor's office, and many of my colleagues here in the Senate; and I'm sure I wasn't the only senator to do this, not the only Republican either. The following week I was extremely pleased when the Governor announced that he was going to keep premiums the way they were and study the alternatives. The Governor, however, went a step further and he actually also froze the benefit structure and invested \$29 million into PEIA. I saw the Governor make that announcement on Twitter and I thanked him for his decision to freeze the premiums at that time.

I started reading some of the other comments, and many of which were critical of this move. Many of the comments spoke of it being politically motivated and due to it being an election year. And then came the hashtag "a freeze is not a fix".

Mr. President, health care is a complicated issue and it's a national issue. Premiums are skyrocketing, not just in PEIA but in commercial plans both inside and outside of

West Virginia. So, studying this issue made sense to me. Let's make sure that these changes we make makes sense. You know, prior to that decision, the Republican caucus sat in this room and we met with leaders of the two teachers' unions and the leader of PEIA and our question to them and, at that time, was what can we do for teachers? And their response was clear: We have to do something about PEIA premiums. They said we would love a raise more than one percent but PEIA is the priority. And I've attended an AFT meeting and I hosted my own forum for teachers and the message that I heard was fix PEIA, seniority, and a plan to address salaries of teachers, and finally, value us. Teachers want us, Mr. President, to demonstrate their contribution to West Virginia and one by one teachers have approached me about these issues. My sister-in-law, my pastor's wife, my son's baseball coach, and a multitude of friends and family are teachers. I've exchanged many emails with concerned teachers and students from our district, Mr. President, and last night I exchanged with one of those constituents, a Republican, who was upset that I haven't stood up and explained from my position here what's been going on. She asked what about raising the gas severance tax? And what are we doing about PEIA?

First, about PEIA. This body has passed at least two measures adding revenue to the PEIA Stabilization Fund. Adding these funds allows the state to add additional funds without the corresponding increase to the employees. While I don't think that adding more revenue is the final answer, it's at least part of it, as costs will continue to rise. Depending on where you sit with PEIA, you may have a different opinion about what we should do. If you don't use your PEIA benefits you might say I want my premiums to stay low, but if you use it and you have a chronic condition, like diabetes, you may be willing to pay a little bit more for a little bit more benefit. And I look forward to looking at different ways, Mr. President, of studying ways to improve PEIA.

And, just from a personal note, I'll tell you that when I came to this Senate, I'd been through—I've told this before—but I'd been through four different health insurance plans in the last year and I selected PEIA because the coverage was a little bit better and the out-of-pocket costs were about half of what I was paying on the commercial market. I think we have to be creative about the different things that we look at for our PEIA members. Just one example is health savings accounts on top of, maybe, some high deductible plans that allow more selection and more choice from our PEIA members.

Let me talk just a little bit about gas severance tax and some . . . I was at a teachers' forum as I mentioned earlier in Putnam County and I spouted some numbers that I'd heard about the gas severance tax and I repeated what I'd heard without checking it out and I was incorrect. I appreciate my colleague, the Junior Senator from the Eighth, for not throwing me under the bus in front of a rowdy crowd, so, thank you. But, it goes to show you that we must confirm the facts before we repeat what we've heard. That goes for us here in the Legislature, it goes for us in life, it goes for us out anywhere we are. There have been a few bills floating around here about raising the gas severance tax or apportioning a percentage of the current tax to PEIA or teachers' salaries. Let me tell you a little bit about what I've learned in my research. You know, West Virginia's gas severance tax is five percent per MCF, Ohio's is 2.5 per MCF, and Pennsylvania, which is zero . . . actually, there's some other fees, effectively, makes their gas severance tax about 2.9 percent. And in last few years, gas severance tax has been down, it's been . . . not because of the percentage of the tax, but rather, the price of the gas.

A few short years ago, the price, the average price, was \$3.45 per MCF and it dropped as low as 32 cents per MCF. Now, prices have started to rebound. They're projected to . . . the prices started to rebound and gas severances are projected to dramatically increase over the next few years. In 2016 the revenues have dropped to \$47.5 million, this year they're \$99 million, and next year, they're predicted to be \$151 million with the tax at five percent. All that's to say that, while increasing the tax sounds like a good idea—it may very well be, I don't know—but we must be careful to remain competitive with our surrounding states.

And I will just close by saying that I think everyone in this body cares about teachers and wants to do what's best for salaries, they're our friends and our neighbors and our relatives and we all want to do what's best, but I thought that just a little bit of the research that I've done might be appropriate to share that today as we have a multitude of teachers here from all over the State of West Virginia. Just to say that we do value their efforts with our teachers. They teach my kids at school; they do a fantastic job. But let's study some of these issues. Going forward I think we're going to be doing a lot of great things, not just for teachers but other state employees and other citizens in West Virginia.

So, thank you, Mr. President.

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REMARKS OF  
**HONORABLE**  
**RICHARD N. OJEDA II**

*Thursday, February 22, 2018*

SENATOR OJEDA: Thank you, Mr. President.

I respect my Senator from Putman County, but I'm going to tell you this: If everybody in the other surrounding states is doing so well, then why don't they go there? We know that we are standing on what they want. Once again, if it's so great in Ohio, tell them to go to Ohio. But right now, we know that the majority is sitting underneath our feet.

Guys, we have an opportunity here to do something that was never done with coal. We gave coal away decades ago. We didn't give it away; those people that were here long before us gave it away. But now, we have an opportunity to do something. Other states have higher . . . there's other states out there that have far higher than five percent. The key is, is we have a funding source right now that we know of. They come to West Virginia and said West Virginia has the potential to be the next Saudi Arabia. They didn't go to Ohio or Pennsylvania. They come to West Virginia and said you guys have the potential to be the next Saudi Arabia. So, let's use that capability and finally do for our people because our people are struggling right now. I mean, I'm going to tell you right now, everybody knows that this, these hallways are packed, and they're packed with people that are struggling. These people don't want to not be in the classroom. They want to be in the classroom. Matter of fact, they've done everything in their power to make sure that the kids that are not in the classroom are still going to have food while they are not here.

You know, we need to do what's right by these people. I don't care what anyone says concerning it's illegal. It's illegal. What's illegal is how we treat our working class. That's what's wrong with this state and we need to start, we need to start looking past the faces of those that don't even belong in our state. They're not even from our state. But they make billions upon billions from our state. We need to look past them and start looking at the faces that are closest to us, and these faces are the ones that are in every one of your communities . . . every one of your communities. I don't have not one single billionaire in my county, not one single

billionaire in Logan County that runs oil, gas, or coal. But I've got a whole bunch of teachers. I've got a whole bunch of bus drivers, cooks, service personnel, police officers, correctional officers, state road workers, public employees, state employees—that's who I got in my area. And those are the people that I come up here to represent. Those are the people that you all come up here to represent. So let's represent them.

Thank you, Mr. President.

REMARKS OF  
**HONORABLE**  
**CHARLES H. CLEMENTS**

*Friday, February 23, 2018*

SENATOR CLEMENTS: Thank you, Mr. President.

I just want to take a moment here to realize what happened last night in Judiciary in the passage of Senate Bill 360 (*Clarifying oil and gas permits not be on flat well royalty leases*), out of Judiciary into . . . to the floor. Thank you, Mr. President, and all that you've led. You've given the leadership in this bill, it means a lot to the people of West Virginia. As my friend from Harrison says all the time, this is going to take that money and put it in the hands of the people who are going to live and work and enjoy the great State of West Virginia. And I just want to take this opportunity to say that was a major milestone and I hope that when that bill comes to the floor, there's nothing but green lights on that board.

Thank you, Mr. President.

REMARKS OF  
**HONORABLE**  
**DAVE SYPOLT**

*Friday, February 23, 2018*

SENATOR SYPOLT: Thank you, Mr. President.

I really didn't plan on standing up today but I would like to make a little comment and we

have those in the gallery that will know what I'm talking about I'm sure.

The Senator from Tucker and I just came back from the House of Delegates. There was a memorial resolution over there for the late Delegate Tony Lewis. He was a personal friend of mine and his family. And I just wanted to say thank you to all the public employees who were present that during that presentation they were quiet. It really meant a lot.

Thank you.

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REMARKS OF  
HONORABLE  
STEPHEN BALDWIN

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*Friday, February 23, 2018*

SENATOR BALDWIN: Thank you, Mr. President, for your help with parliamentary procedure.

You know, the eyes of the nation are on West Virginia right now. This is a tenuous time, spirits have been really high, a lot of folks are nervous, and I know we could probably debate for a long time and there's no reason to get into that about how we got into this situation. I'm not sure that that helps us at this point.

For me, I just wanted to stand up briefly and say this is what I think this all boils down to: We need adults to be adults so we can take care of kids. Kids are watching us very closely, watching everything that's happening up here. They're watching and I think they're nervous. I think they're nervous about what's happening. I think a lot of us feel the anxiety in the room. And so, I'd like to ask that we consider how are actions will affect, especially, the kids that are watching us. Will we be positive? Will we be negative? Will this be a teaching moment?

We've had a lot of folks come and get involved in democracy over the past couple of days, maybe as many as 10,000 folks, and I've heard from a lot of those folks. If you haven't visited a school recently, school ain't what it used to be. And as a former county board member, I can testify to that. I think a reason that we're feeling a lot of the anxiety that we're feeling is that educators today are asked to take on so many different roles. They're supposed to be teachers, they're supposed to be social

workers, they're supposed to be pastors, they're supposed to be counselors, they're supposed to be nutritionists, they're supposed to be nurses, they're supposed to be disciplinarians, they're supposed to be parents to a room full of kids who come there with some pretty deep-seated issues. And it's my experience that when you're having a large conflict, the conflict is usually not about what it's apparently about. There's usually something else going on underneath the surface and I know we've been having conflict about pay raises and PEIA. But I really think the issue here is an issue that all of us have in common and that's that we want the best for our kids.

Society's changing so fast. We're leaving educators to pick up the pieces and they need our respect, they need our support in doing that work. So, that's why I say it's important that we need adults to be adults so that kids can be taken care of. We need adults to come together in mutual respect, to treat each other with dignity, to talk to each other, to listen to one another so that we can work together for the good of the kids. Now, I know that tensions have been running high. I know that there's a sense that trust has been broken over the years but I believe we're at a pivotal moment where that trust can be repaired now if we show each other some respect and we show each other some human decency. We need to adults to be adults so we can take care of kids.

And again, I thank you for the time, Mr. President.

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**Designating February 26, 2018, as  
Families Leading Change Day**

*(Adoption of Senate Resolution 52)*

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REMARKS OF  
HONORABLE  
STEPHEN BALDWIN

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*Monday, February 26, 2018*

SENATOR BALDWIN: Thank you, Mr. President.

Families Leading Change is a statewide coalition that has come together to support, to fund, and to train families who want to work alongside their principals and their educators in schools to make their community schools

stronger. As a former member of a county board of education, I can testify that successful collaboration between homes and between schools is essential not only for the success of our students but also for the future success of our economy as we move forward.

So, I would like to recognize these folks here today and specifically a few folks who are here from the tenth district: Martha Snyder; her son, Tyler Snyder; and student from Greenbrier County, Natalie Harper. We are pleased to have all of you with us here today. We thank you for your time and your dedication and for the positive changes that you are all trying to bring about in our great State of West Virginia.

Thank you, Mr. President.

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**Designating February 26, 2018, as  
Families Leading Change Day**

*(Adoption of Senate Resolution 52)*

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**REMARKS OF  
HONORABLE  
RYAN W. WELD**

*Monday, February 26, 2018*

SENATOR WELD: Thank you, Mr. President.

On behalf of myself and the Senator from Ohio, we've got a group—they're in the back there—from Brooke County.

Matt Hill is here with his program Dream Big. And what Matt has done in Brooke County is pretty awesome, Mr. President . . . really helping kids get involved in music and learning instruments and being a part of the community. They played a Christmas concert in Wellsburg in one of the neighborhoods. They were out here this morning playing for everybody. It's really good to see the kids be a part of that and get some exposure to the arts.

And so, I'm happy to have them with us here today and be a part of this resolution.

Thank you, Mr. President.

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**Congratulating Cabell Midland Knights  
girls' soccer team for 2017 Class AAA state  
championship**

*(Adoption of Senate Resolution 55)*

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**REMARKS OF  
HONORABLE  
ROBERT H. PLYMALE**

*Tuesday, February 27, 2018*

SENATOR PLYMALE: Thank you, Mr. President.

Members of the body and the gallery, we would normally have Cabell Midland's soccer team here. They're not here. We don't have school in Cabell County and what we will do is the Senator from Cabell and I will take this resolution to the school and ask to go before and present it to the team. It's quite a feat when a team wins a state championship.

Many of you all probably don't know this but I coached the first all girls' soccer team in the Rec Leagues, the traveling team from Wayne County. I was the assistant coach on the first girls' soccer team in Wayne County. We weren't real successful then but we got successful later.

But I admire the girls and they had quite a team this year in Cabell Midland. Andy Wilson, that's the coach—I know quite well. My brother in 1978 was the first high school paid coach in soccer in West Virginia. And he coached in the first game with two schools that no longer exist, Huntington East, and he coached for Ceredo-Kenova High School on what was known as Woody Williams Field where the Marshall soccer field is now where the Old War Memorial Building used to be.

Soccer has become quite a sport and, you know, this is something that is really to be commended. I was at the game . . . no, I was near the game when they were playing because I was watching my niece play for Charleston Catholic on the field next to it. So, I got to hear the cheers and see what was happening. I know many of the girls that are on the team and, particularly, the family members. We're sorry they're not here but we will honor them at the proper time at their school.

Thank you.

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**Establishing Katherine Johnson Academy  
as magnet school programs at WV colleges  
and universities**

*(Passage of Eng. Com. Sub. for  
Senate Bill 507)*

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**REMARKS OF  
HONORABLE  
ROBERT H. PLYMALE  
AND  
HONORABLE  
GREGORY L. BOSO**

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*Tuesday, February 27, 2018*

SENATOR PLYMALE: Would the Senator from Nicholas yield?

MR. PRESIDENT: Senator yield?

SENATOR PLYMALE: Senator, the . . . as we were discussing this in the committee, there was an element of that, of this that allowed the university to do a STEM school and that portion's still in here and not to where they have to go through the academy in a magnet school that they're still able to establish a STEM school, correct?

SENATOR BOSO: That is correct.

SENATOR PLYMALE: So, a place like where the Senator from Cabell and I represent, you know, where we have seven students going across the river, Marshall University could establish a STEM school?

SENATOR BOSO: That's my understanding, it is that they would have the opportunity to establish the STEM school based on a bidding process.

SENATOR PLYMALE: With, as long as they get collaborative agreements with the schools in the area like Cabell, Wayne, maybe Lincoln, maybe Mason, Putnam?

SENATOR BOSO: Yes, any of the schools can participate.

SENATOR PLYMALE: Okay, but do they have to go through this board for the magnet schools or can they establish this with a collaborative agreement with the other schools?

SENATOR BOSO: Okay, they could establish a collaborative agreement with a STEM school. Now, if they have a nonresidential program, obviously, it would be a commuter-based program, but yes, they could establish that through collaborative agreements.

SENATOR PLYMALE: Thank you. Thank you.

I'd like to speak to the bill.

SENATOR WELD (PRESIDING): Gentleman may proceed.

SENATOR PLYMALE: In Huntington there's a constituent of the Senator from Cabell and I, and myself, Jayshree Shah, who is the Director of the Tri-State STEM School and at STEM+M, which is a Medicine. The Senator from Cabell and I have seven students from West Virginia that travel across the river every day to participate in this school. The other day in the Charleston paper there was an article on this outlining the benefits of the students and what this meant. What they don't have an option to do that these students want to do, is have the ability to participate in things in their home school because that's not given. This bill will allow them to participate in things. Remember, the greatest students that we have are the students that participate in extracurricular activities such as band, such as music, and the STEM school will not allow that but the collaborative agreements with their county schools will allow them to still not lose the money coming from that school. It would stay with that school, but it also would allow those students to participate in the extracurricular activities, including even athletics.

And let me refer to you in one case, last year the Senator from Cabell and I were contacted by a constituent and I'll just list it as the Maddox family contacted us. Their daughter wanted to attend this school but they also wanted . . . that daughter wanted to participate with her sister in her last year of soccer at Spring Valley and she was not allowed to do that because we didn't have a mechanism to do this now. I think the major element of this bill which gets my support is the fact that in our area we can do some of the things that we want to do and we can have collaborative agreements with Ohio and Kentucky in this case. If you haven't been to the STEM school with an M, it's supported by our hospitals, it's supported by doctors, it's supported because it's a medicine-based . . . in medical-side based. What I would see that we

would be doing in West Virginia in the Huntington side is one that's more engineering/computer science and technology-based, so we could have reciprocal agreements. When we live in border counties and we live in border areas, we've got to utilize these kind of opportunities while not taking away from our public schools but giving our students the opportunity to succeed.

These students are earning credits at both Marshall and at Ohio University Southern Campus. These are the kinds of things that we will lose these students in our system if don't provide them some opportunities to succeed. I support this but I also would, you know, ask that you all look up this article. It's a great article about what we're offering kids and what we need to be offering kids for other pathways that don't necessarily do the conventional but doesn't take it away from the conventional schools.

Thank you.

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**Creating WV Volunteer Fire and Rescue Act of 2018**

*(Passage of Eng. Com. Sub. for Senate Bill 625)*

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**REMARKS OF  
HONORABLE  
DAVE SYPOLT**

*Tuesday, February 27, 2018*

SENATOR SYPOLT: Thank you, Mr. President.

Engrossed Committee Substitute for Senate Bill 625 originated in the Government Organization and is the work of a subcommittee of the volunteer fire departments and EMS subcommittee which was consisting of the Senator from Nicholas, the Junior Senator from the Eighth, and myself, and we met regularly throughout the better part of this legislative session.

It incorporates a number of different provisions each of which is aimed at ensuring the ongoing sustainability and availability of first responder services in West Virginia. The

bill makes state purchasing available to volunteer fire and EMS agencies. The State Fire Marshal and the Office of Emergency Medical Services can work with Purchasing to establish statewide contracts for supplies used by fire and EMS providers which should result in lower costs for those agencies.

The bill increases the death and survivor benefits available to fire and EMS workers. Currently, at only \$50,000, the bill increases that to \$100,000. And also allows payment of those benefits if the worker dies as a result of performing his or her work not only if he or she is killed in the performance of those duties.

The bill increases the reimbursement rate for use of fire services from the current \$500 to \$1,500 unless hazardous materials are involved. It also creates a process for volunteer fire departments to seek recovery of those funds through the magistrate court if they are not paid timely.

The bill creates a nonrefundable tax credit for volunteer first responders. The credit would be based on the number of activities, including training and responding to calls, that the first responder participates in each year.

The bill expands the availability of medical and fire personnel in West Virginia. It creates a courtesy certification program for persons certified in fire or EMS in surrounding states to practice within West Virginia without having to satisfy the different requirements for West Virginia. The bill also makes continuing education credits recognized by a national certification body count toward continuing education credits for EMS personnel.

The bill enables the Division of Highways to reimburse volunteer fire departments for clearing trees and debris from the road. Currently, fire departments get called to the scene and frequently end up doing this work and it is traditionally the responsibility of Highways but are never reimbursed for the work by the Highway Department. This bill authorizes Highways and the volunteer fire departments to enter into reimbursement agreements.

The bill increases the fire and casualty insurance surcharge from .55 percent to one percent. The money that would be raised by this increase in the surcharge is dedicated to three things: Two tenths of one percent goes to the Workers' Compensation Subsidy Fund; fifteen hundredths of one percent to the Fire Service

Equipment and Training Fund; and one tenth of one percent to the Emergency Medical Services Equipment and Training Fund. With those equipment and training funds, the Fire Marshal and the Office of Emergency Medical Services are to establish grant programs to support fire and EMS providers. These funds will be available to all fire and EMS providers but will be distributed upon application of those agencies to either the Fire Marshal or OEMS for specific projects that they need funded.

Finally, the bill directs the preparation of two reports. The first is from the Fire Marshal's office and is to study the feasibility of a plan to move oversight of fire services to the counties as well as expanding reciprocity of fire certifications across state lines. The second is from the Insurance Commissioner and asks for a review of options related to making workers' compensation more affordable as well as the desirability of including more coverage for members of volunteer fire departments.

Mr. President, this bill does not solve all the issues related to fire and EMS services in the state but represents a giant step forward. And, as an example, I will tell you that it is a culmination of a full year of data collection built on top of a comprehensive report by the State Fire Marshal Tyree, which took over two years for he and his office to complete. Last session the subcommittee was stood up of Government Organization for fire and EMS. It continued through the summer as an interim committee and included seven regional meetings across the State of West Virginia. This session, the subcommittee met five times, once recessing to a subsequent day. We had stakeholders at the table, and I'm sure I'll miss one or two: West Virginia EMS Coalition, West Virginia Office of EMS, West Virginia Secretary of State, Homeland Security, Performance Evaluation Review Division, the Fire Marshal, the State Tax Department, Purchasing, Division of Highways, Insurance Commission, representatives of volunteer and paid fire companies, and the Department of Transportation.

I'd be happy to answer any questions, otherwise I urge passage of the bill.

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**Creating WV Volunteer Fire and Rescue Act of 2018**

*(Passage of Eng. Com. Sub. for Senate Bill 625)*

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**REMARKS OF  
HONORABLE  
CRAIG BLAIR**

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*Tuesday, February 27, 2018*

SENATOR BLAIR: Thank you, Mr. President.

I want to rise in support of this piece of legislation. It's a long time coming.

I want to give a little bit of a background on this and . . . . We were in Hampshire County, the Senior Senator . . . or, excuse me, the Senator from Morgan and myself, we called you, got the okay to go ahead to move forward. I was actually wanting to see a standing committee here but it didn't happen. I actually have to applaud the Chairman of the Government Organization, chairman of the subcommittee, for the work that's been done here. It's very comprehensive and if you look at it and compare it to the House bills that this is wound into, and I'm going to read them off here because it's important. This piece of legislation, Senate Bill 625, is similar to House Bill 2094, 2361, 2608, 2638, 2780, 2862, 2916, 2977—I'm only half-way through—4253, and then Senate Bills 105, 108, 128, 251, 42, 489, 49, 59, and 89. That's a big deal. It's a big deal that we've taken a big step in solving a problem that has been plaguing the Legislature for years. Will it solve everything? No. I don't anticipate that, but it is a huge step in the right direction and . . . when this all started out when they had a subcommittee in Gov Org when I was the chairman over there and, again, I have to applaud the Chairman and his subcommittee for getting this work done and getting it to the floor here. And, I know why it's late because it took a lot to be able to put this together. A lot.

So, with that said, again, I'd like to thank you and encourage everyone for a "yes" vote on this piece of legislation. It's tremendous.

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**Creating WV Volunteer Fire and Rescue Act of 2018**

*(Passage of Eng. Com. Sub. for Senate Bill 625)*

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REMARKS OF  
HONORABLE  
GREGORY L. BOSE

*Tuesday, February 27, 2018*

SENATOR BOSE: Mr. President, this is a . . . it's been an honor to work on this particular piece of legislation. It was an honor to be asked to serve as the chair of the subcommittee that went to the various locations to listen throughout West Virginia. We visited five locations, five venues, we talked with firefighters from all over the state . . . as the Senator from Preston who served with me on that listening committee and the delegate from Monongalia, I think, Delegate Statler from the House, and I know we're not supposed to use names, I apologize for that, but it was an honor to go to each of those locations to listen. To listen to the hearts more than anything else, Mr. President. To hear these firefighters and EMS workers who selflessly serve every day. When the tones drop, when the call comes, they lay down whatever they're doing, sometimes it's a birthday party with a child, sometimes it's sitting in church, sometimes it's getting up in the middle of the night, three o'clock in the morning, when the temperatures are 14 below, the snow is blowing, the wind is whipping, and they're asked to go and to serve.

This particular piece of legislation, I agree with the Senator from Preston, is not perfect, but it is, in the chairman's words, it's a huge step. It's an important step. It will help local fire departments who right now are struggling, many of whom are wondering whether or not they need to keep the doors open because they can't make the workers' comp bill that's looming on the chief's desk before them; as to whether or not they can put gas in the pickup truck that handles the brush fires—and we're right on the verge of forest fire season—or put fuel in the pumper to respond to an incident, traffic accident, or fire in their local community.

This important piece of legislation is an opportunity for we, the Legislature, to tell the firefighters, the 9,300 firefighters that, Mr. President, have a . . . over \$486 million impact on West Virginia. Why? Because they volunteer their services throughout West Virginia. This is a huge piece of legislation to say, "You're important, we value what you do, and we know that you need to stay there."

It has another benefit as well, Mr. President. For all the homeowners at home who love

having the fire department there and wonder why they're important, next time you pick up your insurance policy, you go to write that check, and you look on it and it says you're a class six or you're a class five or you're a class four, thank your fire department. Thank you . . . . You need to say thank you to that local fire department because what they do, not just when they respond, but in their training efforts, in their maintenance of their equipment, in going out and running the boot drives and earlier, just a few weeks ago, we passed a piece of legislation that will allow fire departments to run those boot drives in their local communities without obstruction. But they earn that money so that they can put equipment on that truck to make sure that the people at home can put a few extra dollars in their pocket through their insurance savings because if they're not a four or a five, they would be paying somewhere between three and four times what they write that check for. That's important.

Mr. President, I urge passage of this vital piece of legislation for all of West Virginia.

**Creating WV Volunteer Fire and Rescue  
Act of 2018**

*(Passage of Eng. Com. Sub. for  
Senate Bill 625)*

REMARKS OF  
HONORABLE  
RANDY E. SMITH

*Tuesday, February 27, 2018*

SENATOR SMITH: Thank you, Mr. President.

I'll be brief . . . brief. I want to stand and thank the Junior Senator from the Eighth, the Senator from Nicholas, and the Senator from Preston for the time they spent on their own traveling across the state to get the concerns from our EMS and fire departments. That meant a lot to the EMS and fire community and this is a . . . like I said, it's not a fix all but it's a start because this is a huge problem in my district and the Senator's from the Fourteenth's district. You know, we've had fire departments shut down, EMS squads shut down, I just talked to . . . you know, we have a real rural district and I just talked to a gentleman who runs on ambulance squad who spent \$79 of his own money to fill the

ambulance up with gas because the squad couldn't afford to do it. And these are volunteers and I believe this is the first step in finally hearing their voice and starting to solve some of these problems and, again, I want to thank the gentlemen for traveling across the state and listening to the concerns and making it a reality and . . . and, from the Senator from Kanawha to . . . for taking the initiative to get this going.

So, I appreciate it and my constituents really appreciate it, so thank you.

Thank you, Mr. President.

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REMARKS OF  
HONORABLE  
JOHN R. UNGER II

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*Tuesday, February 27, 2018*

SENATOR UNGER: Thank you.

Mr. President, yesterday, you, last evening, you encouraged me to get up and say some few words and start talking and sometimes you got to be careful what you ask for cause you might get it. So, I'm going to accommodate you on this.

This morning as I was contemplating on what to say, I came across a devotion that I'd like to read that comes from Matthew 12, and the Lord said, "You brood of vipers! How can you speak good, when you are evil? For out of the abundance of the heart the mouth speaks . . . I tell you, on the day of judgement people will give account for every careless word they speak, for by your words you will be justified, and by your words you will be condemned." So I'm going to be very careful, I hope, with my words, Mr. President, as I speak.

First thing I want to say, really disappointed in reading the news media from yesterday after we had an attempt by the Senator from Logan to discharge the committee that has the bill that would allow for funding for PEIA was rejected through parliamentary procedures. But then in a report, Mr. President, it says here, that the Senate President said West Virginia teachers on strike had been disrespectful to the legislative process and they should go back to work. It's incredibly disappointing, "You hear the people up in the galleries being disrespectful to the process and so forth and I think it's being

disrespectful to our students, to our parents, and all those associated with providing an education to our students." Well, Mr. President, I got to respectfully disagree with that statement. I've not seen disrespect in this gallery, matter of fact, I think they've been pretty quiet, especially it's been a long, long session here, and especially while we're in session. So, I'm hoping that this was misreported of your words, so . . . But I just want to say that, again, we will give account for every careless word we speak. So I'm hoping we look at that.

Another thing I want to say, Mr. President, there's some other things that are being said that I want to bring attention to. First, people are being told here that's it's too late to pass legislation to help with this situation of PEIA and public employees' increases. And we all know that that is not true. That is not true. I've served in this body and I've seen legislation pass in one day, goes right through this system. So, it's not too late for legislation to be passed and be brought forward, especially if it's a bipartisan approach and we all agree we can get it done. We have to do our work on this.

Also heard things like, well, there isn't any money or not enough money to help fix PEIA right now or pay our teachers and service personnel and state employees, there isn't enough money or not enough money to do so. Mr. President, that is also not true. We know it, we're trying to dupe people here, and that's not true. And it reminds me of when I was younger, a small child, the younger Unger, with my brother, we would go to the grocery store and we'd go up to the candy rack and we'd say, "Mom . . ."—and my mother being a single mother struggled quite a bit with money—we'd say, "Mom, can we have some candy?" And she'd say, "Sons, we don't have the money." We don't have the money. But then I could never figure out why she puts on that conveyer belt the meat and potatoes and the bread and the milk. And I said, "Well, if we didn't have money, why is that?" Well, what she was telling me, Mr. President, is that it wasn't that we didn't have money, it was that the candy bars and other types of things could wait and what was important was the basic and the essentials that had to be paid for.

You know, you also talk about fiscal responsibility . . . goes on, the article does that too, about how we need be fiscally responsible and also account to the people of West Virginia. Well, once again, I'm going to bring attention to what the basics are. And this is where I think we

kind of got things all mixed up here. The basics, of course, comes to us in the West Virginia Constitution under Article XII, and there's only two things really this legislative body is required to do constitutionally, one is the idea of the public safety and the second is this one, and it's very clear, Article XII reads: "The Legislature shall provide, by general law, for a thorough and efficient system of free schools."

Mr. President, also, I've got to say, Hoppy Kercheval has a commentary—I was on his show the other day—and he has a commentary today where he talks about this and it says here, "... West Virginia should get back to the core mission of public education, which is specified in the State Constitution: 'The Legislature shall provide, by general law, for a thorough and efficient system of free schools.'" He says, "... teacher vacancies are compelling evidence that we are falling short." And he goes on to say, or ask the question, "Is it reasonable to expect that children will receive a professional grade thorough and efficient education if our teachers are among the lowest paid in the nation?" We're failing our duty, Mr. President, our basics. We're not putting the bread and the milk and the meat and the potatoes on the conveyor belt. We are spending the money elsewhere.

Now, I tell you this because in some respects I can understand why the teachers and service personnel and state employees are so angry. And, [inaudible] and there's comments from this body that, they'll say things like, "Well, we're giving you a raise and we've freed PEIA and, you know, what else do you want?" Well, I'm going to tell you, you know all that is really ... that's a symptom of a bigger problem that we have here. And one of the legislators in this body—and I won't go into it—made a comment to me when I asked about a plan, is there a plan out there to actually fix this and move forward, and I thought particularly with of some of the statements that the Governor was making that I was hoping there would be. And, yeah, the person said to me, "Yeah, we have plan, we're going to bring back corporal punishment so that we can spank the teachers' butts so they can start acting like adults." Now, Mr. President, I think that's a symptom of a bigger problem here, a symptom of a bigger problem.

So, let's look at this for a minute. The Governor yesterday in his—the Republican Governor—in his time around the state as he was talking, a room full of teachers and citizens in general, he talked about supporting a two percent severance tax on natural gas with the

Marcellus Shale. Matter of fact, it even is reported here that Justice suggested it via Twitter of adding a 2 to 2.5 severance tax in order to go into PEIA and help with this situation.

So what I find really very interesting in all this is that that's what we were trying to propose yesterday with the Senator, with the bill number, Senate Bill 486 (*Stabilizing PEIA benefits*) which would allow for severance tax to be increased to go into PEIA to stabilize the PEIA and move toward fixing it, not just freezing it. But that was shot down yesterday ... the discharging of a committee. And I heard some outcries and a sense of, "Oh, how dare they would discharge a committee, or try to attempt to do it." And I'm going to tell you something, you know, we actually went up on the board and certain people voted for this to happen and certain people voted against it and, probably, what they're going, what you, those whose who voted against the discharging of the committee, or at least spoke against it or actually acted against it in a parliamentary procedure way—we'll say you know what that was parliamentary procedure and I was just trying to uphold the committee structure, I wasn't really against the bill, but I was upholding ... again, I want to say to you that most likely that's not true. And, I'm going to prove to you something on this. Again, we've got to be careful here because we got to give account for every careless word we speak and by your words you will be condemned.

Almost, Mr. President, what's ironic about it from yesterday and ... it's almost three years exactly, almost three years exactly ago in this very chamber there was a motion to discharge a committee, a bill out of a committee, and what I recall in that committee, it was the Finance Committee, and there was a bill there that actually was killed. Was voted down through parliamentary procedure. In the path that's always been dead once that procedure goes but for some reason Lazareth rose from the dead and there was a motion by you, Mr. President, at that time you served as Majority Leader, to move that the Senate Committee on Finance be discharged from further consideration of Committee Substitute for Senate Bill Number 14 (*Creating Public Charter Schools Act of 2015*). This was on February 24, 2015. Three years ago, almost exactly, couple days maybe missing it. And that bill ... and then the argument was that no committee should have control of a bill, that it should come down here and that the committee as a whole, as the body, the bill's owned by the body, to be voted on, discussed, regardless of what the committee structure did.

It's only a recommendation is what some members said—that still sit here today, said that.

And so, I wonder why the teachers, the service personnel, and the state employees are so mad about things. You know, so I want to tell you, if you don't remember that bill, Mr. President, that bill was called Creating Public Charter Schools Act of 2015. That's what this body discharged . . . the Finance Committee's . . . after it got defeated in Finance, to bring once again that particular bill, Creating Public Charter Schools Act of 2015, that basically would take public education money away from public schools and put it in these charter schools. And this body was all for it, the majority I mean. Of course, there was a minority that voted against it but it passed.

Mr. President, I'm going to tell you what the underlining problem is. And I'm going to be real frank because, well, we will give account for every careless word we speak and by your words you will be justified or by your words you will be condemned. The underlining fact is, it's a lack of respect. You know, in the reports talks about certain people saying the teachers are being disrespectful, service personnel are going to be disrespectful, state employees are disrespectful.

Mr. President, when are we going to wake up to understand that we cannot be competitive in the private sector unless we also are competitive in the public sector? How are we going to attract businesses and flourish businesses and jobs if we don't have people in place to educate our children, we don't have people in place that helps feed our kids, or safely brings our children to school? Well, if we don't have people out on the roads, in the field protecting us from some bad guys, some bad criminal elements, from drugs, or what about those road workers that come and fix our roads, plow our roads so we can get to work? If we do not have a public sector, we can give land away, we can give taxes away, we can give everything and say, "Come, it's free," and no one will show up because no business wants to be in the wild, wild west without . . . without having any of this.

Mr. President, I got to say in my past, I served as a humanitarian worker in two Gulf Wars of Iraq. The second one, I saw when civil service was totally gone: There are no police, no teachers, nothing. I was embedded with the military, went into Iraq and I saw a whole country that basically people walked away and the infrastructure just crumbled at that time. I

saw, I saw what it looked like when the public sector wasn't engaged; and it's not a pretty sight, Mr. President.

I'm going to tell you something, instead of constantly pointing our fingers at the teachers and the service personnel and the state employees telling them that they're being disrespectful—my mom always said when you're pointing a finger at someone, there's three pointing back—we better start being respectful here, Mr. President.

And I want to tell you another thing, these threats of legal actions is another form of disrespect. I know there are people, they're officials that are shopping around to the boards of education trying to bring legal action of injunctions against our teachers to force them, from preventing them from exercising their constitutional right of free speech, of assembly, and being citizens of this country. I know there's legal action but, you know what, I also am hoping that parents and others will come together and take legal action against this body for violating Article XII of the West Virginia Constitution because this Legislature has not provided, by general law, for a thorough and efficient system of free schools. We are in violation of the Constitution.

And, Mr. President, I'll tell you what I see, not this as a top down but as a grassroots revolution that West Virginia spring is actually springing today and the people's voice will be heard and, therefore, they will be respected by their own voice and by their own, by their own power.

Thank you.

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**REMARKS OF  
HONORABLE  
RYAN J. FERNS**

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*Tuesday, February 27, 2018*

SENATOR FERNS: Thank you, Mr. President.

I did not intend to make remarks this morning, or this afternoon, but, based on some of the comments I've heard, I feel compelled to.

I'm concerned that some of my colleagues, Mr. President, are spending more time with their heads buried, focused in media reports rather than the actual work that's being done here in this Senate chamber as well as the chamber across at the other end of the building. And I think that's concerning because I think that most of my colleagues would agree there's a tremendous amount of misinformation that's being disbursed on these extremely important issues related to public employees.

I had the good fortune this morning of spending over two hours in my office talking to teachers, not only in my district but from all around the state, and we talked about a number of issues that I think cover many of the issues that we've heard from teachers, public employees, service personnel from all around the state. And the topics that we discussed, the top of the priorities for the teachers that I met with this morning and the other days I've met with teachers, the number one issue for them was stabilization of Public Employees Insurance Agency.

And it was mentioned this morning, that, you know, bills can't be, or comments were made, that bills can't be passed out of this session. But I think the important thing is to identify what has been done and the work that's been done. And first and foremost, the concerns that were raised related to PEIA were about the Go365 Wellness Program and the consideration of total household income for premium rates. Both of those decisions, both of those changes, Mr. President, as you know, have been reversed due in large part to the concerns raised by public employees around the state.

The next really important step that I think was taken in order to address these concerns was the \$29 million that this Legislature has appropriated in order to freeze the benefits, freeze the premiums for participants in Public Employees Insurance Agency. And the reason that's important, I know that's not the end game, but that's important because individuals who understand this process, who are involved with this process, know that a solution, a long-term fix, a long-term stabilization for PEIA, is not achievable in the next 11 days. To do so, I think, Mr. President, would be reckless. I've had meetings, as you have, Mr. President, with leadership from both of the teachers' unions and, I believe even they have agreed that a long-term fix to PEIA is not achievable in the next 11 days. So that \$29 million that this Legislature has appropriated gives us the time, gives us those 16

or 17 months to come up with a plan that is agreeable to everyone.

In addition to that, Mr. President, you and the Speaker of the House as well as representatives of the Governor's office and the Governor himself have agreed to a task force to address these concerns that would be representative of both teachers' unions, members of the Legislature, both the House and the Senate and the Governor's office, to work together to come to a solution that is agreeable for all parties and that will be manageable long term.

Since 2016, this body, this Legislature, has budgeted an extra \$45 million to the PEIA Stabilization Fund. And in addition, this legislative session, we've seen two separate pieces of legislation that have passed, one related to sports betting that dedicates all revenues over \$15 million to the PEIA Stabilization Fund as well as a bill that's being passed to us from the House of Delegates that appropriates 20 percent of all surplus revenues to the PEIA Stabilization Fund. So those are major steps that I think should not be overlooked when considering those changes.

As far as salaries, Mr. President, it's already been signed into law that teachers will receive a three-year increase: \$808 the first year, \$404 the second year, and \$404 the third year. While nobody in this chamber believes that that is enough, I think it shows a commitment to raising the wages of our teachers and public employees. Between pay raises and additional funding to PEIA, the Legislature has committed in providing more than \$70 million in additional funding this year alone to benefit our teachers and public employees.

Some secondary concerns that were raised by the teachers in my office today and previous days were pieces of legislation that were introduced related to seniority, to charter schools, to education savings accounts, and to vouchers. And if you're following this process closely as you have been, Mr. President, it would be apparent that none of those bills have seen the light of day on a committee agenda. And I think that's due in large part not because of the policy discussion around those bills but because those were concerns raised through this discussion with teachers and public employees.

So, Mr. President, while I understand that you can pick and choose certain news articles that might not be favorable, might not shed a favorable light on this discussion, I think it's

important to pay closer attention to the actual actions taken by both this Senate and the House of Delegates.

Thank you, Mr. President.

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**Recognizing Michael Todd Paynter for public service to state and country**

*(Adoption of Senate Resolution 56)*

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REMARKS OF  
**HONORABLE  
SUE CLINE**

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*Wednesday, February 28, 2018*

SENATOR CLINE: Thank you, Mr. President.

It's my honor today to—along with the Junior Senator from the Ninth—to recognize Michael Todd Paynter, a native of Wyoming County, West Virginia, for his dedicated public service to his state and country.

Michael Todd Paynter, a native of Wyoming County, West Virginia, graduated from Oceana High School in 1993. Michael Todd Paynter worked for the civilian U. S. forces in Iraq during Operation Iraqi Freedom alongside the Army, Air Force, Marines, Central Intelligence Agency, and the State Department, and has always served on detail at the Pentagon in Arlington, Virginia.

Michael Todd Paynter earned a master's degree in Acquisition Management from the American Graduate University, a master's certificate from a Government Contracting from George Washington University, and a bachelor of science in Organizational Leadership Management from the Regent University. He is also a graduate of the Federal Executive Leadership Development Program.

He is a two-time recipient of the U. S. Department of the State Meritorious Honor Award: In 2016, the Meritorious Honor Award Diplomatic Security, Anti-Terrorism Branch; and 2017 the Meritorious Honor Award Leadership Excellence Acquisition Management—and has worked and travelled to over 40 countries, currently works in

Washington, D. C. and resides in Arlington, Virginia, with his wife, Ellen Bohon Paynter.

He has donated several relics for his civilian service in Iraq and are currently on display in Wyoming County Historical Museum. Michael Todd Paynter is currently a senior contracting officer directing United States government global projects and missions valued at over \$1 billion, involving diplomatic security, cybersecurity, information technology, and national security through government contracting. It is fitting that the Senate recognize Michael Todd Paynter for his dedicated public service in his country and state.

The Senate hereby recognizes Michael Todd Paynter, a native of Wyoming County, West Virginia, for his dedicated public service to his state and country. The Clerk is hereby directed to forward a copy of this resolution to Michael Todd Paynter.

Thank you, and give him a warm welcome.

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**Relating to powers and duties of PSC**

*(Passage of Eng. Com. Sub. for Senate Bill 600)*

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REMARKS OF  
**HONORABLE  
DOUGLAS E. FACEMIRE**

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*Wednesday, February 28, 2018*

SENATOR FACEMIRE: Thank you, Mr. President.

You know, I've tried to read through this bill and decide why that we think we should be for something like it.

I'm a fair market guy. And I've heard my friends across the aisles talk about fair market. This is about as anti-fair market as it is. What we're saying is if you've got a business and you can't compete, then we're going to ask the citizens of West Virginia to keep you in business. That's not fair market. Fair market is when you have a competitor and you either compete with him or you don't make it. It is not fair that we pick and choose different high-energy users and try to keep them in business at

the expense of the taxpayers. What we're going to do here is raise the citizens' electric bill to subsidize these major manufacturings. And look, if we have to subsidize people at the expense of our citizens, is it something worth keeping?

I mean, we want businesses in our state that help push us forward not drag us backwards. And we're talking about every citizen in the state will have their power bill raised here. Now there's nothing fair market about that. That's corporate welfare. You know, we always want to talk about how bad welfare is until it hits the money people. We give these people scrap value on their property, we give them accelerated depreciation . . . on and on and on the things that we give . . . . We don't give the citizens any of that. The citizens have no voice in this, no voice in this. If the utility company and the Public Service agrees, we're going to subsidize these people and every one of you citizens is going to pay for it.

This isn't fair market, this isn't good business practice, it's corporate welfare and, for that reason, I'm against this bill.

Thank you, Mr. President.

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REMARKS OF  
HONORABLE  
JOHN R. UNGER II

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*Wednesday, February 28, 2018*

SENATOR UNGER: Thank you, Mr. President.

Some of my colleagues felt that maybe I wasn't very nice yesterday and went a little long so I'll try to be nicer and not go as long.

I do want to mention something that's happened in the Eastern Panhandle . . . that actually there's job opportunities. We want to talk about jobs and job opportunities for our residents and so forth. And there's aggressive campaign that's happening in the Eastern Panhandle where they're recruiting for open positions of jobs. And I just want to read this, it's in both the *Martinsburg Journal* as well as the *Morning Herald*, and it says: Employment opportunities, education, join our team. Competitive salaries, \$48,834, and it goes up to \$79,481. You have mentors, you have

comprehensive new induction program, professional development, voted best place to work by the Herald Mail Media, tuition reimbursement, and great benefits. Says apply at [www.wcpshr.com](http://www.wcpshr.com), and they indicate it's an equal opportunity employer.

All that's great because I think that's . . . those are great jobs. The concern I have is it's actually Washington County Public Schools, Hagerstown, Maryland. Now, I just want to tell us, you know, there's consequences in things that we do or things that we left undone that's impacting our state. And these are for, of course, teachers.

Now, I just want to throw some facts out here. So, if you look at this, the starting salary is \$48,834 for a teacher in Hagerstown, Maryland, which is only less than 23 miles from Martinsburg. If you live in the northern part of the county, it's even less. So there's a reason why they call it the thousand-dollar mile because people can actually live in my county and just in a short little hop, skip, and a jump be able to make so much more . . . because I'll give you what Berkeley County makes. So the average, or the start, of a Berkeley County teacher is \$35,488. Okay, so, Maryland is \$48,834 so that's the average, or that's the starting. Now, an average teacher in Berkeley County still makes below the starting of Washington County, Maryland, it's \$46,223 compared to the starting salary for Washington County, \$48,834. Now, in order, Mr. President, to get \$46,000 or \$47,000 in Berkeley County, as a teacher you would had to work 17 years in order to get close to the starting salary of less than 23 miles across the border. Seventeen years before you ever get close to it or you're 11 years with an M.A. plus 15. And I don't know what it would be, it probably wouldn't be a starting salary if you had an M.A. plus 15 and all those experiences to go across the border . . . but that would get you to \$47,050 in Berkeley County, still below the starting salary of \$48,834. Now, Jefferson's even a little less than that. But then I did a little research here and I got the stuff here, and I just want us to look . . . to tell you the truth, I think this is . . . employment opportunities for all teachers of West Virginia because the starting salary . . . actually, for the average starting salary for all the counties in the state is \$33,715. Wow. Wow. Again, Maryland's starting salary is \$48,834. And then I'm thinking the average salary in West Virginia, the average teacher's salary in West Virginia is \$45,642.48. Let me read this again, \$45,642.48. Again, I'm looking at this again, Washington County starting salary is \$48,844 but the average salary in West

Virginia is \$45. Wow. The average salary then for the Washington County Public Schools, which is the WCPS, is actually \$64,158 compared to the \$45,642. And I look down through here, Mr. President, and this is amazing, because I got this from our Department of Education, there isn't one county, not one, there's a couple that comes close, of the average salary throughout the state that even gets to the beginning salary, the starting salary, in Washington County, Maryland, of \$48,834. They're definitely below.

So, Mr. President, I just want to say that, you know, we sat here and we had the debate on Senate Bill 600 (*Relating to powers and duties of PSC*) . . . I'll wait.

MR. PRESIDENT: We're listening.

SENATOR UNGER: Okay, good.

We had a good debate on Senate Bill 600 where we were going to pass the, you know, the cost to our citizens and give a discount for what was called major industrial users, and there was a lot of concern. The Senator from Ohio was very concerned about our loss of major industrial users and how they just move across the borders and how we want to attract major industrial users and I think it says, you know, that we ought to do that. Well, I, you know, I agree with him, we do need to attract and retain our industrial base cause they create jobs. But, Mr. President, I, you know, I want to share with you that I'm very concerned that I'm . . . that in my particular counties that I represent, that I'm going to lose teachers. I mean, they are actually . . . I got the ad here . . . they're actually running major ads in *Martinsburg Journal*, the *Morning Herald*, they're actually doing a major recruitment and, of course, Maryland may be following suit here soon but this happened yesterday, started yesterday. They did it today and I'm telling you, Mr. President, what I'm hearing is that many of our best and brightest teachers are applying.

Now, you know what's really interesting is, see, our teachers . . . I've heard the statement here every once in a while, not on this floor, but, you know, around in the halls, "Well, let 'em go to a better job. You know, I mean after all, it's a free market, let 'em go get a better job. They can move or they can travel across the border and get better job and get paid more." I mean, that's the American way, right? Free market, free enterprise, right? That's good. The only concern

is those students don't have the same luxury to go with those teachers.

And so, Mr. President, I just say that I would hope that we, and I would wish, that we would be just as concerned about our losing our teachers and public employees as we are about losing large industrial users.

Thank you, Mr. President.

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**REMARKS OF  
HONORABLE  
RICHARD N. OJEDA II**

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*Wednesday, February 28, 2018*

SENATOR OJEDA: Thank you, Mr. President.

I will be very brief. I know that's unusual, but I will be brief.

All this started because we said we're not listening to teachers. Well, I will tell you, we're still not listening to the teachers. The Governor, the absentee Governor, is definitely not listening to the teachers, because as of yesterday when he made the announcement that he apparently found some money that nobody knew existed when a couple days ago we were scraping the barrel for a 2-1-1 and now all of the sudden the Governor must have tripped and fell and fell right on top of a big chest full of money to be able to provide a five here and three here.

But, you know, the truth is, is that this has not really been about the pay. Once again, we're not listening to the teachers. It's the PEIA which is the major situation here. For the retirees out there, for the retirees out there you can give teachers a 20 percent pay raise. Means nothing to the retirees. They don't get no pay raise. They're retired. But the PEIA is still eating away at them and it does nothing for those retirees out there and those people are struggling greatly.

So, I just want to get up and state that, you know, we're still not listening because the reason why these people are here . . . still here today and the reason why those people were angered yesterday when they were told we got five percent and PEIA's a freeze. The reason why they're still angry is because it was all about trying to take care of PEIA. And if we ever can



do something to fully fund PEIA, it would be like giving every single teacher, every single state employee, a pay raise.

Thank you, Mr. President.

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REMARKS OF  
**HONORABLE  
ROBERT KARNES**

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*Wednesday, February 28, 2018*

SENATOR KARNES: Thank you, Mr. President.

You know, I was listening to the Senator from Berkeley County over there talking about some facts and figures and it just kind of struck a chord in me and so I kind of took a quick look. You know, we always hear this comparison of us to this other state or us to this other county. And it makes it seem like it's somehow a valid comparison but what gets left out of that, I think, a lot of times is the recognition that we're a poor state. We just are a poor state. Our per capita income for everybody is the lowest in the nation. Our household income in West Virginia, on average, is 25 percent lower than Washington County, Maryland. Twenty-five percent. That's \$14,000 per year that the average person in West Virginia, the average taxpayer in West Virginia, that's asked to support the education system. And we do our best to try to support that but we can't forget the fact that the people that are paying for this education system are working for far less money in West Virginia than the people over in Washington County, Maryland, are making. They have the ability to fund a more extravagant education system, and I don't blame them for doing it, but they have the money to do it.

We're trying to dig out of the hole we're in as a state, but people shouldn't make invalid comparisons between this poor state and one of the richer counties in the United States and then try to compare what's our road system like, what's our school system like, you know what are our other public officials are getting paid and so on. To make a valid comparison, you need to make valid comparisons and this simply was not a valid comparison.

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REMARKS OF  
**HONORABLE  
DOUGLAS E. FACEMIRE**

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*Wednesday, February 28, 2018*

SENATOR FACEMIRE: Thank you, Mr. President.

In regards to 601 (*Relating to personal income tax*), the bill that we just passed earlier, I want to thank you and Senator Blair and Senator Ferns and . . . this was truly a bipartisan effort right here. And hopefully by passing this bill we'll be able to attract some international companies to headquarter in West Virginia. We know that by the passage of this bill, it's going to do one company already to do this and I just wanted to thank all of you guys . . . this was truly a bipartisan effort. I think it's going to be good for the state and I think it's something that as senators we can all be proud of doing this. And I just wanted to thank you all for your help on that.

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**Recognizing Glenville State College for its efforts in making education more affordable**

*(Adoption of Senate Resolution 53)*

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REMARKS OF  
**HONORABLE  
MICHAEL J. ROMANO**

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*Thursday, March 1, 2018*

SENATOR ROMANO: Thank you, Mr. President.

Mr. President, it's my honor today to stand up in recognition of Glenville State College. This resolution honors a long tradition. Many don't know it, but Glenville State College was formed in 1872 shortly after West Virginia became a state. It was known as the State Normal School and it really truly is the foundation of Gilmer County and the City of Glenville.

In 1910, Glenville State College had more students than Glenville had citizens. That really says something about a place. That says . . . talks a lot about the economic impact which we're

always so interested about in this body. Today, Glenville has 1,800 students, but 500 of them are from out of state. Think about 500 students coming here to live year-round, paying tuition, eating at restaurants, buying gas, creating economic development. Glenville State College pumps millions into the local economy. They've had some great achievements, most recently completing construction of the Waco Center, which is a beautiful facility, basketball facility, multipurpose facility with the help of one of its great benefactors, Ike Morris, who's a local resident down there, and this body. And recently, they put at the helm a new president by the name of Tracy Pellett who's with us here today. And that's really where Glenville State College starts to make its mark in West Virginia. Since Mr. Pellett has become president, Glenville State College has had the greatest reduction in student debt of any college or university in this state. It has the greatest . . . highest graduation rate amongst first-generation students meaning they're the first ones in their family to go to college. It's improved its six-year graduation rate more than any other institution in the state and its retention of first-year students is the best in our state.

It ranks thirteenth overall of public colleges of its size in the southern states, of the 12 southern states that make up its region. But most of all, and I want everybody to think about this, think about all the cuts we've made to higher education last few years. All the money that's come out of our institutions of higher learning's budgets because of the troubles we've had here financially in our state. Glenville State College has reduced its tuition and held its tuition with no increases for the past three years. That's quite an achievement.

Mr. President, it's my honor to stand here in recognition of Glenville State College and I urge a "yes" on this resolution.

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**Recognizing Glenville State College for its efforts in making education more affordable**

*(Adoption of Senate Resolution 53)*

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REMARKS OF  
HONORABLE  
DOUGLAS E. FACEMIRE

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*Thursday, March 1, 2018*

SENATOR FACEMIRE: Thank you, Mr. President.

You know, when I graduated from high school, I didn't go to college. I went to work and it's something that I've regretted. Cause I can assure you, I would have been a pioneer. In north central West Virginia, we are a rural area, and Glenville State College is a school that people that come from small high schools can feel at home. My son was the first person in my family to graduate from college, nine years ago, and he graduated from Glenville. He went on to get his master's degree at WVU. Still to this day, my son has communications with some of his college professors. That says a lot. When he used to come home from a weekend, he would want to talk about what was going on at school. I wasn't too bad about wanting to talk about school when I come home but he was and that told me that he was interested in what they were doing.

Glenville State College has an extremely long legacy of producing some very incredible people. It's a school that everybody in West Virginia can be proud of that we have. It is the center of the state and it's the home of the center of the state. And for that reason, I urge adoption and thank you.

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**Recognizing Glenville State College for its efforts in making education more affordable**

*(Adoption of Senate Resolution 53)*

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REMARKS OF  
HONORABLE  
CHARLES H. CLEMENTS

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*Thursday, March 1, 2018*

SENATOR CLEMENTS: Thank you, Mr. President.

I, too, want to echo the great words by my friend from Harrison County over there. He's much more of an orator that I am and so, I appreciate what he had to say. I, too, have been very proud to see that Glenville State College has kept costs down. That brings in more students, but the education quality has remained the same. And that's also a very important thing. Glenville State has really shown what can be done in higher education in West Virginia and

I've talked with some of the different people there about teaming up with, coming up with more and more of the technical aspects and technical fields and I think they're on the cutting edge. And I, too, would support this resolution 100 percent.

Thank you, Mr. President.

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**Recognizing Glenville State College for its efforts in making education more affordable**

*(Adoption of Senate Resolution 53)*

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REMARKS OF  
**HONORABLE  
MICHAEL J. ROMANO**

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*Thursday, March 1, 2018*

SENATOR ROMANO: Thank you, Mr. President, for that indulgence.

You know, in the interest of full disclosure, I do want everybody to know something before we vote on this resolution that may require legislative action. And it is a serious matter, it caused me to question, really, the folks who are running Glenville. They've given my friend, the Senior Senator from Braxton, an honorary degree . . . and I simply don't know how that could happen but . . .

Mr. President, thank you for all the kind words for Glenville. Thank you, sir.

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**Designating March 2, 2018, as Suicide Prevention and Awareness Day**

*(Adoption of Senate Resolution 60)*

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REMARKS OF  
**HONORABLE  
CHARLES H. CLEMENTS**

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*Friday, March 2, 2018*

SENATOR CLEMENTS: Thank you, Mr. President.

Suicide is a leading yet preventable public health problem here in West Virginia. In 2016, we lost 362 West Virginians to suicide. West Virginia ranks eleventh highest in the nation for deaths by suicide. In West Virginia, suicide is the second leading cause of death for youth and young adult ages 10-34, the third leading cause of deaths for adults ages 35-44, the sixth leading cause of death for adults aged 45-54, the eighth leading cause for adults age 55-64, and is the tenth-leading cause of death overall.

We know that 90 percent of individuals who ultimately die by suicide were living with a diagnosable mental health condition at the time of their death. Often these conditions are undiagnosed and untreated. To prevent suicide, we need to identify persons who may be suicidal and take an active role in connecting them to help before they take action to end their lives. However, access to mental health care and coverage is a significant problem for West Virginians.

The American Foundation for Suicide Prevention is a voluntary health organization that gives those affected by suicide a nationwide community empowered by education and advocacy to take action against this leading cause of death. The AFSP-West Virginia Chapter was chartered in 2015. It's now in its third year of existence. Volunteers serve the entire state by using their life experience as fuel for their fire in an effort to ensure fewer West Virginia families are impacted by suicide loss. Their goal is to reduce the suicide rate by 20 percent by the year 2025 and their vision is a world without suicide. We have to start somewhere and raising awareness is a significant part of that.

Mr. President, I urge adoption of the resolution.

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**Designating March 2, 2018, as Suicide Prevention and Awareness Day**

*(Adoption of Senate Resolution 60)*

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REMARKS OF  
**HONORABLE  
GREGORY L. BOSO**

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*Friday, March 2, 2018*

SENATOR BOSO: Thank you, Mr. President.

It's a privilege to be a part of this particular resolution. These volunteers are oftentimes intervening when people are standing on the ledge, ready to jump off, wondering where is hope? And I just happened to look at the shirt of one of the ladies standing behind me and written right on the front of it, "Hope Squad". Those people who are facing suicide need hope. Sometimes it's a matter of not having \$2 in their pocket to buy a hamburger. Sometimes it's because they've lost their home. I've sat and talked with people in my role as chaplain of the fire department and I have found that suicide, first-hand, could potentially affect every one of us at any particular moment just because of a certain event, a certain tragedy that happens. We need to be aware that it can happen.

But when we get to looking at our schools and we look at the galleries—this morning they're filled with teachers and service personnel—when we get to looking at what's happening in society today, these people intervene with children every day and provide them hope. They're the only hope that a child sees in the course of a day because the child is left home with no food, no one to reach out and put an arm around them and hug them and tell them that they're important.

Mr. President, suicide can strike any of us at any age. I urge adoption of this resolution.

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**Designating March 2, 2018, as Suicide  
Prevention and Awareness Day**

*(Adoption of Senate Resolution 60)*

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**REMARKS OF  
HONORABLE  
RON STOLLINGS**

*Friday, March 2, 2018*

SENATOR STOLLINGS: Thank you, Mr. President, and members of the body.

As a primary care physician, you know, mental health and depression is something that we see in our practice every day. It's integrated into primary care a good bit. There's . . . as I look

back in my 32-year career now and think about just the two or three patients that I knew well and lost to this . . . this suicide. That even if I had concern and even as I tried to get them referred somewhere where they could get even better care than primary care, specialty care . . . the system wouldn't allow it. There was a couple cases where absolutely, you know, I had concern and it just wouldn't allow us to get them where they needed to be. And so that's something that we have to work on as a system of care so that this tragedy doesn't impact people.

Some of the things we do up here, again, has unintended consequences. We're now going to integrate drug recovery and treatment into primary care. That's what the federal folks say we need to do. We're limiting pain medicine for fear that people could become addicted. But these people that in their mind and their body needs pain medicine, they, you know, there may not be an unintentional overdose. There may be an intentional overdose or suicide. So, it's something that we have to keep in the back of our minds on a daily basis and make sure that we try not to do more harm than good.

So, I urge adoption of this resolution.

Thank you.

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**REMARKS OF  
HONORABLE  
ROBERT H. PLYMALE**

*Saturday, March 3, 2018*

SENATOR PLYMALE: Mr. President and members of the body, I received a copy of a letter, but a letter sent to me as well by email and it's from a teacher in Wayne County. It's one that I've known for . . . my kids grew up with and has gone on and received a master's . . . I will tell you, the letter—and I'll read it to you—the letter I was sending to all state senators today, maybe one of them will read it. This one was to the Senator from Ohio.

"I heard you speak yesterday during the end of the session. Believe me when I say that I understand where you're coming from when you speak about being responsible with the state's money. And I respect that very much. I live in Kenova, West Virginia. The name Kenova stands for the three states it brings together: 'Ken' for Kentucky, 'O' for Ohio, and 'Va' for

what we were known as West Virginia now, of course. I can be in Kentucky quicker than I can be in school where I teach now. That's where with my master's plus 30 I would be paid \$1,600 more a year. If I were to travel 15 minutes to Ohio, I could make \$17,500. Seems foolish to stay here, doesn't it? But I love my state and I love my students. I'm a fourth-generation teacher. My great-grandmother taught in a one-room schoolhouse in the coal-dusted hollows of Mingo County. My little girl wants to be a teacher. So, I implore you to pass the five percent pay raise bill. I understand that you feel it is irresponsible. However, I think it's irresponsible not to. Haven't we waited long enough? In the 2014 session we made a goal that first-year teachers with a bachelor's degree would be making \$43,000 by 2019. Sir, I do not make that much and I've gone to school longer than a doctor. You can imagine how much I pay in student loans each month. If you and your colleagues don't support the raise, then answer this please . . . why should I stay? Thank you for your time."

This is from Leslie Sparks, a teacher at Prichard Elementary from Wayne County.

Thank you, Mr. President.

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**Congratulating Quinn Raffo,  
distinguished finalist for 2018 Prudential  
Spirit of Community Award**

*(Adoption of Senate Resolution 62)*

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REMARKS OF  
**HONORABLE  
GREGORY L. BOSO**

*Monday, March 5, 2018*

SENATOR BOSO: Thank you, Mr. President.

It's an honor this morning . . . no, I take that back, it's a privilege this morning to recognize a young lady who truly is the spirit of West Virginia. Standing behind me is Quinn Raffo and her mother Stacy is here as well. Quinn is the 2018 finalist because of what she does. I will tell you, Mr. President, I don't think very many people sitting in this gallery or who do this kind of stuff have a fire truck stop in front of them and pass off a check but a couple years ago I had

the chance to stop in front of the Subway in Craigsville and pass to Quinn a check because of what she does in her local community.

This young lady saw a need, stepped up, and started packing backpacks for children within her community who needed help. They needed food. The backpacks that she packs helps during the summertime. It helps during times of great need. I sat down just a few minutes ago, I said, "Quinn, how many backpacks did you pack last week?" Two thousand. That's the kind of impact this young lady is having on a local community. That's what volunteering's all about. Finding a need, stepping up, selflessly giving, taking care of others in their time of greatest need.

Quinn has done a remarkable job. She's a stellar student at Richwood High School. I began getting to know her when she was a middle school student at Richwood. But, you know, when you get to looking at her accomplishments she's raised over \$15,000 and recruited numerous volunteers to pack backpacks so that kids have food to eat. It's pretty outstanding.

Mr. President, it's an honor today, it's a privilege today to recognize this young lady for her outstanding, her stellar accomplishments and her commitment to take care of those who need it the most.

I urge adoption of this resolution.

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**Memorializing life of Leon McCoy**

*(Adoption of Senate Resolution 65)*

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REMARKS OF  
**HONORABLE  
MARK A. DRENNAN**

*Wednesday, March 7, 2018*

SENATOR DRENNAN: Thank you, Mr. President.

I'm humbled today to rise in support of this resolution memorializing Coach Leon McCoy, West Virginia's pioneer in weight training, a teacher, a coach, dedicated public servant.

I first met Coach McCoy when I was 10 years old. Coach and his family were my neighbors. When I entered the eighth grade, Coach instructed me that I would begin coming to the high school to lift weights. That began four years of him shuttling me to and from football practice in his Chevette. You know, sometimes there were two of us in the front and three of us in the back seat and three of us in the hatchback with our feet hanging out. To this day I'm amazed and thankful at the time he put in not only to my life but into the lives of his students and players. I'm sure that his wife Betty will attest the amount of time he dedicated every day.

Coach was born in Jeffrey in Boone County, West Virginia, and attended Charleston High School. He went to the University of Tennessee on a football scholarship and finished up at Morris Harvey an All-American. He was a three-time All-American Intercollegiate Athletic Conference first team selection, graduated in 1952. He was also a United States heavyweight boxing champion of the south in 1950. He signed with the Detroit Lions of the National Football League in 1952 and he also dabbled in acting. He played Li'l Abner in an Al Capp film that was seen worldwide in 1951.

Coach began his teaching and coaching careers an assistant at Charleston Catholic High School in 1953 and then took his first turn at Winfield High School in 1955 through '59, finishing up runner-up for the state title in 1958 and 1959. Coach McCoy returned to his alma mater Charleston High in 1960 but quickly left in 1962 and went to Cocoa High School in Florida where he coached and taught for seven years. In 1969, Coach came home to Winfield High School to teach and coach and mentor many athletes, students, coworkers, where he led from the front with his well-known weight-lifting program. As I said before, he was a pioneer in weight training and he advised many high school and intercollegiate athletic programs, including—he made those weights, too—and including WVU.

Coach McCoy had an outstanding career coaching at Winfield High School, finishing with a career record of 213-68-1 in 26 years at Winfield. He had five 10-0 seasons and two undefeated seasons in 1985 and 1987, winning the Class AA state championship with records of 13-0. He was inducted into the West Virginia Coaches' Hall of Fame and the University of Charleston Hall of Fame.

If you knew him, you could not speak about Coach McCoy without acknowledging that he was a man of faith. A devout Christian, head deacon at Winfield Baptist Church. He eagerly shared and demonstrated his faith at every opportunity. When I was in school, he led the morning announcements with a prayer and it became a tradition that Coach would offer the prayer at Winfield's graduation. And he did so for years until the school decided that his prayer—ironically, we do that here every day—his prayer violated the separation of church and state and he was told that he could speak but he couldn't pray. His acclaimed speech began like this: "If I could pray, I would ask the Lord to bless each and every senior."

I will close with these strategies a friend of mine sent to me and I certainly remember them from when I was a player and student there . . . not a very good one, that way, by the way, but I did . . . on how you win in life and how you win on the field is the same. First, is with preparation. Knowing your opponent, knowing what your opponent is going to do and practicing to make sure that you're as sharp and as good as you can be. Never be satisfied. You can always be better, even thinking when you did well, realizing that there's things that you could have done better. Hard work. There are no short cuts; excellence is not easy or is it free; you have to pay the price and make the best of what you have. You don't need to be flashy, you don't need to have the best of everything. Use what God gives you. And teamwork. Knowing the importance of knowing your role and doing what's best of your ability to help the team.

Coach McCoy passed away in May of last year, leaving a lasting legacy, none greater than his family that is here with us today.

I urge adoption, Mr. President.

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### Memorializing life of Leon McCoy

*(Adoption of Senate Resolution 65)*

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REMARKS OF  
HONORABLE  
C. EDWARD GAUNCH

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Wednesday, March 7, 2018

SENATOR GAUNCH: Thank you, Mr. President.

You know, I didn't know we were doing this resolution today till I got here. Sometimes I do my best when I do it impromptu.

I met Leon McCoy 40-some years ago. He was a wonderful athlete, he was a wonderful coach. Unparalleled in many of those areas. He had a handshake that would just shake you to the bone. I mean, he had a hand . . . when you reached and grabbed his hand you knew you were shaking the hand of somebody who knew how to shake hands. A hug like a bear hug. But more than any of that, he was a wonderful man. A wonderful man. He was my spiritual brother. He and I had many mutual friends. He didn't mention it, but Leon started the FCA chapter at Winfield High School. And hundreds, literally hundreds would be in those meetings. And literally thousands have been touched by the hand and the heart of Leon McCoy. Truett Cathy, who's the founder of Chick-fil-a, said, "It's easier to build boys and girls than it is to mend men and women." Leon understood that decades ago and he built many wonderful boys and girls who became terrific men and women.

It's my pleasure and my honor to urge passage of this resolution.

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REMARKS OF  
HONORABLE  
MICHAEL J. MARONEY

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*Thursday, March 8, 2018*

SENATOR MARONEY: Thank you, Mr. President.

I'd like to welcome a group from Our Lady of the Peace School, which is in . . . actually, it's at a Wheeling address but it's in Marshall County—there are a few Wheeling addresses in Marshall County. And if they could all stand, they just filed into the President's Chamber [sic]. There's eighth grade class, their teacher Renee Schneid are here, Father Ondeck is here as well. And the principal Maureen Kerr, she had to cancel at the last minute due to some family issues.

Our Lady of the Peace is a Catholic school in Wheeling that . . . they strive for academic success and they prepare their students to be

leaders in the community by learning but also leading others down Christ's path. Would the Senate please make them welcome?

And Mr. President, I know we have a lot of business to take care of, but if I could just have one more minute or possibly two of the Senate's time, I'm going to read something I've prepared this morning. I ask for your indulgence and a bit of latitude to tell a story about one of these kids that I just introduced. I need just one minute, I promise, so . . .

Although each and every one of these kids is special in their own way, there's one that is very special in my opinion and a very big part of my life. Cooper Blair is not only one of my son's best friends, but I consider him a part of my extended family. Cooper has said some things over the years I've never heard before, Mr. President. Many in this chamber have probably never heard these words. I'll give you a few examples. One day Cooper came to my house and he said, "Hey Mike, check out my new legs." Another time, this was just last summer, I was in the pool swimming with a bunch of kids and we were going to get out to play some basketball. Cooper said, "Hey, pick me in, I've just got to put my legs on first though." My last example was about six weeks before the 2016 election, I needed a release and so I decided to go whitewater rafting. So I called up Cooper's dad and Cooper and another friend of mine, Rick, and his boy Luke, my son Matt, we . . . the place was closed but we went over there, I knew a guy, we got a raft and we started going down the river and . . . we had a guide with us. He knew what he was doing. We came up to this rock. Big boulder. It was called "Jumper's Rock." And it looked pretty . . . it didn't look that big from the water, but we climbed up and we're all standing on top of the rock and then we looked down and we were supposed to jump. My nephew was with us, he's our guide, I trusted him, I knew it was safe to do it. But I didn't want to do it. It felt like it was pretty high up. So, I, told my son to go first. He said, "I'm not going, Dad. You go first." I was thinking no way, but what I said was, "I want to video everybody. So, you guys have to go first." But while we're having this conversation, Cooper had his legs off and he was in the air and he jumped and he yelled something and what he yelled was, "No feet, no fear." And he splashed down in the water and then we all jumped after Cooper and he led the way.

I've known Cooper since he was an infant. He had both of his feet when he was born and

for the first 23 months of his life . . . he was born with bilateral club feet deformity; secondary to Amniotic Band Syndrome. In his first 23 months of life, he had 24 separate sets of casts and 17 surgeries. That's 24 sets of casts and 17 surgeries in 23 months in an attempt to try to correct his condition. It wasn't correcting. The doctors presented his parents with an unfathomable decision: Stay the course with not so great odds or have a bilateral above-the-ankle amputation. I cannot even begin to imagine the depth and the emotions surrounding that decision. Shortly thereafter, Cooper had his final surgery. Actually, his final foot surgery because he is accident prone like the rest of his family and he's had some other surgeries, but he did undergo the bilateral above-the-ankle amputation. Doctors told his parents it would be months before he would ever walk. You know, he's never walked to this point and it would be months before he walked. Well, two weeks later, he wasn't walking, he was running.

Cooper's very blessed. In fact, I've heard Cooper say, "I consider myself blessed because this is how God wanted me to be. God created me this way, so I can help others." Mr. President and senators, this young man said this before he was a teenager.

Let me conclude by sharing a few of Cooper's accomplishments. Cooper's a member of the United States Junior Paralympic Team. That's the United States Junior Paralympic Team and he set the national record in the 100-meter dash, the 200-meter dash, and the 400-meter dash every year since age nine and he still holds them. He was the only kid in the United States under the age of 17 to compete for Team USA Paralympic track and field championships in Los Angeles last summer. Cooper took fourth place in the 200-meter dash in the 17-21 age group. He's 14 . . . at the time he ran. His next goal is the summer Paralympic games in Tokyo in 2020. I hope to be there to support him. As a matter of fact, knowing Cooper's unrelenting will, I plan on scheduling that week off soon because I'm sure he'll be there.

One of my favorite mini-speeches, Mr. President, that I give my kids is this: Life will present many challenges and every single one of us will face adversity at some point in time. What separates the winners from the losers is how one reacts to that adversity. Cooper Blair taught me that. Cooper Blair is a winner. I'd like to give him an extra special welcome to the West Virginia Senate Chamber and personally thank him for the positive impact he's had on my life.

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**World Moyamoya Awareness Day**

*(Adoption of House  
Concurrent Resolution 19)*

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**REMARKS OF  
HONORABLE  
PATRICIA PUERTAS RUCKER**

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*Thursday, March 8, 2018*

SENATOR RUCKER: Thank you, Mr. President.

Moyamoya disease is a rare, progressive, cerebrovascular disorder caused by blocked arteries at the base of the brain in an area called the basal ganglia. The name "moyamoya" means puff of smoke in Japanese and describes the look of the tangle of tiny vessels formed to compensate for the blockage.

Though the cause of Moyamoya disease is unknown, there are certain factors that increase your risk. Children with Moyamoya disease usually show symptoms that are consistent with a stroke, such as weakness in one side of the body, blurry or otherwise affected vision, slurred speech, headaches, seizures. The exact cause of the disease is unknown, but without treatment people with Moyamoya disease have increased risk of stroke, severe disability, and death.

Medicine can help lower the risk for blood clots, but surgery is the only cure for Moyamoya disease. According to NIH, one out of every 175,000 people will be affected by Moyamoya. The good news is that it is rare and it can be treated surgically. However, it is tragic that it exists at all and that it primarily affects children.

I hope that all who suffer from the disease can be treated and cured and that the cause is found soon. The purpose of this resolution is to educate the population about this disease so that the detection can happen early and that they can hopefully be helped.

I have a constituent in my district who is blind because of Moyamoya disease so this is something that I was . . . it was brought to my attention and I had never heard of it.

I urge adoption of the resolution.



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REMARKS OF  
**HONORABLE  
DOUGLAS E. FACEMIRE**

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*Thursday, March 8, 2018*

SENATOR FACEMIRE: Mr. President, it is your pleasure, as well as mine, but not the Junior Senator from Harrison, to announce that Braxton County has beat Robert C. Byrd in the sectional playoff game 67-62.

Go Eagles!

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REMARKS OF  
**HONORABLE  
MICHAEL J. ROMANO**

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*Thursday, March 8, 2018*

SENATOR ROMANO: I just want to clarify for the record although I'm very disappointed for the Robert C. Byrd Eagles who are kind of the successors to my alma mater, the Washington Irving Hilltoppers. I'm thrilled for Braxton that they were able to win that. And it's a great win for Braxton, so I'm not going to let my senior senator go down and take all the credit for that.

Thank you very much.

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**Congratulating Winfield High School  
girls' tennis team for 2017 Class AA-A  
championship**

*(Adoption of Senate Resolution 67)*

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REMARKS OF  
**HONORABLE  
MARK A. DRENNAN**

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*Friday, March 9, 2018*

SENATOR DRENNAN: Thank you, Mr. President.

It is my pleasure and yours, as well as the Junior Senator from the Eighth who set this up, to rise in support of this resolution. Seems like it's been Winfield High School week here in the Senate. Two days ago, we memorialized legendary coach Leon McCoy. Winfield High School is consistently in the top of West Virginia high schools for its graduation rate and it's been named by *Newsweek and World Report* [sic] as one of the best high schools in America for the last three years. Seventy-three percent of the graduates last spring entered four-year colleges and 10 percent entered two-year colleges. Test scores consistently are above the national and county averages. Over \$3 million in scholarship money was awarded to Winfield seniors this past year. Of the 191 graduates in June, 91 were honors graduates.

It's my pleasure to stand today in support of another Winfield sports dynasty, the 2017 Winfield High School Girls' Tennis Team. Their foundation is represented through the beliefs and culture of Winfield High School, where morals and work ethic, accountability and high expectations are in place. The Lady Generals' tennis team is the first public high school to win the AA state title in more than a decade. As a team, they went undefeated. In true General fashion, they worked hard to make sure that what usually an individual sport, the team sport. It is a remarkable accomplishment. Each member worked hard on and off the court. Every girl is a member of the honor roll. Several were in the Honor Society and this, I think is really remarkable, this eight-member team's collective GPA was 4.01.

One General, Brittany Gray, didn't give up one single game during the regular season. She had a record of 128 and zero for the regular season. Number one seed Sydney Miller graduated, now plays for West Virginia State University and is already a Mountain East Conference Champion.

Mr. President, these Generals are led by their coaches, Julie Anderson and Kim Miller. The team's with us today, include Sydney Miller, Hannah Hundley, Emily Moore, Brittany Gray, Anicah Smith, Ginny Anderson, Michaela Ross, and Divija Kottapalli.

And . . . wow, what can you say?

I urge passage, Mr. President.

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**Defining and establishing the crime of  
cyberbullying**

*(Passage of Eng. Com. Sub. for  
House Bill 2653)*

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**REMARKS OF  
HONORABLE  
LYNNE CARDEN ARVON**

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*Friday, March 9, 2018*

SENATOR ARVON: Thank you, Mr. President.

This is the first time, I believe, I've been up to speak on the Senate floor since I came from the House but . . . felt the desire to speak on this topic today.

I rise in support of this bill and I have a newfound passion for this topic as myself and several others in this body have been the brunt of cyberbullying in the last few weeks. Let me be clear, the bullying came from mostly from others, not our teachers. But, unfortunately, there were a few teachers—who I didn't know personally—that decided to engage in this behavior. That was very alarming to me and discouraging. It has been said that West Virginia was an example of how to protest appropriately and peacefully. And, while I agree that outwardly our state seemed to be a beacon to others, behind our cell phones and computer screens lurked damaging, degrading, and threatening behavior by adults that shook me to the core.

I became keenly aware of cyberbullying up front and personal for the first time. It was amazing to watch as the degrading and nasty comments were spread far and wide over false pictures and outright lies being spread as truth. It was alarming and scary. It negatively affected my very physical health as well as my family's.

I say all of this to get to this point. If cyberbullying can affect me at the age of 56 in such a negative way, how much more of a negative and dangerous effect does it have on our children, grandchildren, and teens who are not mature enough to handle such rejection and bullying? I know my worth . . . and it doesn't come from any position I hold here in this Senate or that I held in the House of Delegates. It comes from my Lord and Savior—and not from that. But our children and teens, for the most part, do

not have the maturity to deal with such harassment. Just think of the danger to our children and grandchildren and our teens that is growing more and more dangerous each day.

Here is some facts about children and cyberbullying: Nearly 43 percent of kids have been bullied online—one in four has had it happen more than once. Seventy percent of students report seeing frequent bullying online. Filling up your friends Facebook feeds with positive posts instead of negative ones can boost schoolwide morale. That's a suggestion for our students out there. Over 80 percent of teens use a cell phone regularly making it the most common medium for cyberbullying. Sixty-eight percent of teens agree that cyberbullying is a serious problem. Eighty-one percent of young people think bullying online is easier to get away with than bullying in person. That makes sense. Ninety percent of teens who have seen social media bullying say they have ignored it. Eighty-four percent have seen others tell cyberbullies to stop. Only one in 10 victims will inform a parent or trusted adult of their abuse. This is why it's so, so urgent that the parents and grandparents check on their kids and what they're doing online. Girls are about twice as likely as boys to be victims and perpetrators of cyberbullying. About 58 percent of kids admit someone has said mean or hurtful things to them online. More than four out of 10 say it has happened more than once. Bullying victims are two to nine times more likely to consider committing suicide. About 75 percent of students admit they have visited a website bashing another student.

Cyberbullying can take many forms and I'll read a few of those forms: Sending mean messages or threats to a person's email account or cell phone; spreading rumors online or through texts; posting hurtful or threatening messages on social networking sites on web pages; stealing a person's account information to break into their account and send damaging messages; pretending to be someone else online to hurt another person; taking unflattering pictures of a person and spreading them through cell phones or the Internet; sexting or circulating sexually suggestive pictures or messages about a person.

Cyberbullying can be very dangerous to adolescents and teens. It can lead to anxiety, depression, and suicide. Also, once things are circulated on the Internet, they may never disappear . . . resurfacing at later times to renew the pain of cyberbullying.

According to *USA Today*, a new study found that children's hospital admissions of patients five to 17 years old for such thoughts or actions more than doubled from 2008 to 2015. It's now 2018 and the numbers and statistics continue to rise.

Mr. President, I support this bill but feel that we need to go even further in our protections of all people and to protect our children and grandchildren. As my parents taught me growing up, follow the Golden Rule: Do unto to others as you would have them do unto you. We need as a body to follow the Golden Rule.

Thank you, Mr. President.

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**Relating to eligibility and fraud requirements for public assistance**

*(Passage of Eng. Com. Sub. for House Bill 4001)*

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**REMARKS OF  
HONORABLE  
RON STOLLINGS**

*Friday, March 9, 2018*

SENATOR STOLLINGS: Thank you, Mr. President.

I rise in opposition to this bill. It's certainly well intended and the fraud aspect of the bill I think is good. It's actually two different bills that were woven together from the House. You know, the nine-county pilot showed that about 5,200 people was affected and these were the nine counties that had the best economy. And it did not do much with regard . . . or didn't do anything with regard to the workforce participation rate. What it did do was cut about 5,200 people off the SNAP benefits. It's suggested by the department that this would impact about potentially 14,000 people. And again, there is some volunteerism potential for them but there are some places that it's going to be hard for these people to volunteer. There are situations that I'm not sure members of this body see on a regular basis where you simply can't just go out, get in your car, drive somewhere and volunteer because they don't have a car. If they had a car, they wouldn't have insurance, et cetera. It's . . . if there were 7,000 people impacted, that would translate into about \$17 million less food stamps or SNAP benefits to West Virginia. Those \$17 million are SNAP benefits that are used in lots of rural areas. Areas

that there might be only one little store there. It's a mom and pop store. And these folks are going to be impacted and I worry about whether they can even stay open and therefore we have even more of food deserts.

So again, as well as intentioned as it is, I just think there's some potential negative impacts and we're going to be losing a lot of federal funding for this and I would urge a "no" vote.

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**REMARKS OF  
HONORABLE  
ROBERT D. BEACH**

*Friday, March 9, 2018*

SENATOR BEACH: Thank you, Mr. President.

And I won't take up a lot of time, I know we have a lot on the agenda today. But, Mr. President, I want to take a moment to address just the men of the Senate today.

And as you're aware, the Governor released the list of names for the members of the PEIA Task Force. And I would like to read that list of names to you please: Marty, Greg, Andy, Joe, Rob, Nelson, Perry, Mitch, Robert, Craig, Eric, Roger, Mick, Geoff, Dale, Joe, Rahul, Douglas, Michael, and Jeffrey.

Now, perhaps, for my more enlightened Senate members you quickly catch on to what's missing from that list. And for those of you who lack that enlightenment, let me help you out. That's all men. There's only two women on the whole list. Now, certainly, that's probably just a small oversight of our Governor . . . because why would a man who coaches a girls' basketball team only appoint two women to a panel that impacts women's health care and children's health care? Now, for you guys, maybe it escapes you but women's health care is far more complicated than ours. And . . . and I would be willing to bet that among us here, women also handle most, if not all, of our health care needs in our home from the runny noses, the flu, the coughs, the runs to the medical doctors, the dentists, and whatever it may be. But also, I would be willing to bet that there's a few around the room whose wives poke and prod them all the time to go to the doctors themselves for that mole on your back or that heart problem or that palpitation you've been having.

So Mr. President, what I have done, I have prepared a letter that I plan to sign and I'm going to ask each man in this room to sign that basically is one sentence, Mr. President. "Senate members hereby request the Governor, the Executive, to amend Executive Order Number 6-18 which establishes the 28-member PEIA Task Force to appoint six additional women prior to its first meeting on March 13." That's all it does and I'm asking each of you to join me. I'll put the first signature on. Mr. President, I'm going to walk up to your desk and ask you for a signature as well.

Thank you, Mr. President. Thank you, members.

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### Budget Bill

*(Passage of Eng. Com. Sub. for  
Senate Bill 152)*

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### REMARKS OF HONORABLE RON STOLLINGS

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*Saturday, March 10, 2018*

SENATOR STOLLINGS: Thank you, Mr. President.

Again, we're doing this a little different than we've done in the past. We might not even have to come in for the extra session that, or the special session that we normally do. And we're all feeling pretty good about ourselves. But I have to just reflect a little bit if I can. Because I come from an area that's lost 40 percent of its economy. Forty percent of its economy. Think of Detroit and the automobile crisis. People rushed in there and propped them up. I don't see that happening here. In fact, I see the rug being jerked out from under us. The Rock Creek project's been scaled back. You know, maybe we just need to stay poor. As long as we keep sending that coal severance tax up here, everybody likes us. In the least amount of coal severance tax Boone County's ever sent to this place to use in the General Revenue Fund is \$29 million. That's the same year that we had to come in here and pass a special revenue measure to pay the teachers or they wouldn't even had their checks the last three or four months of the year.

We can help bend that health cost curve. I've said that, I mean, you know, it's, you know . . . we . . . rainy day bees made out of tobacco

settlement funding. I think it's about \$500 million that we got from the tobacco companies and yet for this . . . 2018, 2019, we're going to have zero amount of funding for tobacco cessation. I can't . . . I mean, again, I support the budget bill for Heaven's sake, but before we stick our chest out too far, think about some of these things that we could have done if we got into that \$58 million that's considered funny money. It wasn't funny money last year when you guys were hoping to balance the budget . . . \$168 million, that wasn't funny money, was it? This is funny money though, but if we took \$2 million of that, we could have funded the tobacco cessation program, we could have funded the CARDIAC Project, and we could have funded the Center for End of Life Care. If West Virginians lose one percent of their body weight, the state saves \$57 million. If the state quit using tobacco in all forms by one percent, the state saves \$27 million. If we fund the Center for End of Life Care, the state saves \$47 million. And again, for the CARDIAC Project, if we could have got it in there, and maybe if this \$58 million becomes unfunny money, maybe we can and if we do, that helps bend that obesity curve.

So, you know, I'd hoped that we could put more money into the traditional Commerce part of it where we could have roads and water lines and sewer systems. I wish we could invest more in education because that's how we're going to get a structurally sound budget. The question is, are we structurally sound now? We took Medicaid surplus to the tune of a little over \$50 million to help the 2018 budget. We're taking \$103 million, pretty close, I mean, my friend Michael could tell me exactly but over \$100 million out of the Medicaid surplus. Surplus, boy Medicaid surplus. Have you ever heard that before? Usually we're back in here backfilling Medicaid because it's always so, so expensive to take care of these people.

But \$103 million for 2019 budget. So we're still not quite structurally sound and I'm told by the chief of staff downstairs that our numbers in the out years are going to be better. Even with the wonderful, wonderful five percent pay raise to our teachers and five percent to the public employees. So yes, I'm going to vote for this budget, but I tell you what, it's not what it should be, it's not what it could be, and we're still being penny wise and pound foolish.

Thank you, Mr. President.

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**Budget Bill**

*(Passage of Eng. Com. Sub. for  
Senate Bill 152)*

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REMARKS OF  
**HONORABLE  
MICHAEL T. AZINGER**

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*Saturday, March 10, 2018*

SENATOR AZINGER: Thank you, Mr. Chairman.

I want to rise in praise of Finance Chairman and his people. Here we are, day 60, the budget's done, we're not coming back next week at \$35,000 a day and let's just be real clear, that's a new thing in Charleston. That's a new thing.

Just want to give some good news, too. You know, let's face it, our President has been doing an amazing job and that amazing job he's doing in D.C. is falling down to . . . around us in West Virginia also. Over 300,000 jobs gained last month. 300,000. He's cooking with gas. He's killing it. And a tax cut for virtually every American and that includes West Virginians. A significant, substantial, important tax cut. And we know what tax cuts do. Tax cuts put more money in the pockets of Americans who will be able to spend that money. That's our President. He doesn't get enough credit.

So, what's happening in West Virginia? Well, Chamber of Commerce just sent a letter out and I have it on my text. I sent it to my dad. And let me just pull up a few things that have happened in West Virginia just recently. Total nonfarm payroll employment is reported a net gain of 3,500 jobs. Total employment, a net gain of 4,300 jobs. Mining and logging, a net gain of 1,400 jobs. Manufacturing, even manufacturing in West Virginia, a net gain of 300 jobs. Construction, net gain of 4,300 jobs. Education and health services, a net gain of 1,700 jobs. They make a note, this is the Chamber of Commerce letter, they make a note, "While manufacturing was up only 300 jobs from January '17, we note that this is the first time manufacturing employment increased after several monthly reports. We also note", the letter says, "a sector that has shown impressive growth . . ."

MR. PRESIDENT: To the Senator, if we could confine our remarks to passage of the budget.

SENATOR AZINGER: Okay. And, construction, let me just finish that, construction jobs are among our best paying and they are up exponentially.

So, great things are happening in America, great things are happening in our state and so we have a budget with no taxes, as the senator said, we have a budget with no tax increases. A budget living within our means. And so, this is a great thing for West Virginia and I believe that West Virginia has a great future in the near future.

Thank you, Mr. President.

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**Budget Bill**

*(Passage of Eng. Com. Sub. for  
Senate Bill 152)*

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REMARKS OF  
**HONORABLE  
GREGORY L. BOSO**

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*Saturday, March 10, 2018*

SENATOR BOSO: Thank you, Mr. President.

I wasn't, but I am. Over the course of the last couple of weeks, this Legislature's gone through a very difficult process. In order to provide a five percent pay raise, that was much needed, to every one of our state teachers, our school service personnel, our State Police and other state employees . . . it was difficult to go through that process. Mr. President, a song came to mind a couple of . . . that Thursday before we started through this whole process, right after the announcement by the Governor that he wanted a five percent pay raise to our teachers and school service personnel and State Police, but he failed to recognize the value of our other state employees. The song that came to mind was a song that in my church, it's called "Diamonds." That particular song talks about the pressure, the force that we go through, that diamonds go through in the manufacturing and the development process of

those. It's under pressure, it's under force, it's difficult, it's painful. But in the result, diamonds comes out in the end.

Mr. President, this budget is a good budget. It includes that five percent raise. To get where we are today, it was painful. I will tell you, as I stand here today, I'm sure that we can find a way within the DHHR budget to make up that one percent of their budget, actually it's less than one percent of their budget, to take care of Medicare and Medicaid through efficiencies and through improvements. We're having conversations about improving that. State government, the way that it has functioned for years, has not been the most efficient business operation around. But from a businessman's perspective, as one who has made to make tough cuts, who's had to lay people off, who's had to recognize that you've got to live within your means . . . this is a good budget. It's sound, it's fiscally responsible, and, more importantly, it respects the taxpayers of West Virginia.

I urge adoption.

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**U. S. Air Force Reserves 2nd Lieutenant  
Richard E. Tyson Memorial Bridge**

*(Adoption of Com. Sub. for House  
Concurrent Resolution 45)*

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REMARKS OF  
**HONORABLE  
ROBERT H. PLYMALE**

*Saturday, March 10, 2018*

SENATOR PLYMALE: I would like to speak to one of the resolutions.

Mr. Richard Tyson is in this group. And I was very honored to do the eulogy for Mr. Tyson. And Mr. Tyson is one of the people of the Greatest Generation. He served his country, he came back and served this state and I truly think that I would certainly be remiss if I didn't mention it at this time that he was a great West Virginian. He was a graduate of WVU. He served this country in the war and he came back and he served this state very admirably. And I would just like to make sure that we do

recognize people when these come through and Mr. Tyson deserves that honor.

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**Recognizing Randy Moss for his  
induction into the Pro Football Hall of Fame**

*(Adoption of Senate Resolution 70)*

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REMARKS OF  
**HONORABLE  
ROBERT H. PLYMALE**

*Saturday, March 10, 2018*

SENATOR PLYMALE: Thank you, Mr. President.

Randy Moss could not be here today but I did think that it was appropriate that we in the Senate honor someone that's from nearby here in Rand, West Virginia.

Randy Gene Moss is a former American football wide receiver who played 14 seasons in the NFL. He holds the NFL single season touchdown reception record, the NFL single season touchdown reception record for a rookie, and is second on the NFL all-time regular season touchdown reception list with 156.

He played for Marshall University and twice earned All-American honors. He was drafted by the Minnesota Vikings in the first round of the 1998 NFL draft. He played there for seven years and then played for the Oakland Raiders, New England Patriots, and, on February 3, 2018, he was selected to join the Pro Football Hall of Fame.

Many of you all know that he was born in Rand, West Virginia. He attended Dupont High School. I happened to see him play some games . . . not only in football, but in basketball and he was a star in everything that he did. He ran track. He held the, you know, won the state track as a sophomore I believe it was, and he even ran track when he was at Marshall. And, you know, he was . . . let me go back. In 1992, at the age of 15, he joined the track and field team and was West Virginia state champion in the 100 and 200 meters with times that were unparalleled at that time for a 15-year-old. And then one year, he played for Marshall in track and he had won the 200 in the Southern Conference.

In '96, he set the NCAA I-AA record for most games with a touchdown catch in a season, most consecutive games with a touchdown catch, and on and on. He was obviously an All-American.

But let me talk about what Randy Moss has become as an individual after he has retired. Moss has participated and founded and financed many charitable endeavors since joining the NFL and particularly aiming at helping children. He launched the Randy Moss celebrity charity invitational bass tournament. As you know, he always says, "I'm just a country boy" and, you know, he likes NASCAR, he likes bass fishing, he likes, you know, everything like that. And, you know, in 2008, he formed the Links for Learning Foundation. One of the things that he has said, with all of his philanthropy and all of his giving back, he just looks forward to seeing smiles. Well, he's made many, you know, smiling kids from this area and particularly when he gives back to foundations. He does it without publicity, he does it in a caring way, and I think it's just very fitting that we honor somebody that makes the Hall of Fame. You know, I was here when we honored, in 1996, the Marshall team that won the national championship and he was here. I thought he would be good, but to get in the NFL on his first time around is pretty amazing. I'd just like to recognize him and urge the adoption of the resolution.

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**Recognizing Randy Moss for his induction into the Pro Football Hall of Fame**

*(Adoption of Senate Resolution 70)*

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REMARKS OF  
**HONORABLE  
CHARLES H. CLEMENTS**

*Saturday, March 10, 2018*

SENATOR CLEMENTS: Thank you, Mr. President.

I have to sort of share the story that I shared the other day. Probably most of you know I spent 41 years in the State of West Virginia refereeing football and I remember being over

here at Laidley Field in the state playoff one time and Dupont was playing and I was the line judge at the time, which put me on the sideline. And the ball was on the far hash mark and Randy Moss came over to my sideline. He got down in the position, ready to run. They snapped the ball and he just stood up. Never even went downfield to block, didn't do anything. And they had sent two men out here to cover him and my first thought was, well why didn't he go downfield and block? Well, why should he? He blocked two people without even moving. Cause they sent people over there, he was that kind of a force in high school and he carried that ability clear through college where he would dominant player and into the NFL.

And I salute Randy Moss. He is really a West Virginian who has become an example of the great people of this state.

And I urge adoption of the resolution.

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REMARKS OF  
**HONORABLE  
ROMAN W. PREZIOSO, JR.**

*Saturday, March 10, 2018*

SENATOR PREZIOSO: Mr. President, as you well know, it's challenging to be in the minority. And, you know, we come in every day and we're outnumbered two to one. I'm so proud of the members of this caucus. We came in and worked every day and tried to point out everything that we thought that we should and that wasn't right and, you know, was questionable. And to do that it takes folks behind the scenes, as you well know, and we've put together a staff of folks that are seated in the back and obviously we have our staff attorney, Kevin Baker. If they'd stand as I mention their names. We have Lincoln Wolfe, our analyst; Brittany Carowick, another analyst; and Robert Crowley, our intern. And I can't begin to tell you, Mr. President, the work that these folks have done to prepare us to come into session every day, prepare our members to go into committees and be able to be a part of the process. And I would just like to congratulate them on a job well done and I think if all of us could stand and give them a round of applause, we'd certainly appreciate that.

REMARKS OF  
HONORABLE  
MICHAEL A. WOELFEL

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*Saturday, March 10, 2018*

SENATOR WOELFEL: Thank you.

We have two interns that have not been recognized and have done great work during the session, both of whom I believe are from the fifth district. So, I'd ask them to stand and be recognized by the Senate for their hard work: Megan Bailey and Karenann Flouhouse.

Thank you.

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## HISTORY OF BILLS AND RESOLUTIONS CONSIDERED BY SENATE

(This symbol \* indicates Committee Substitutes.)

### SENATE BILLS PASSED LEGISLATURE

- \*10. By Sen. Sypolt, Clements, Rucker, Smith, Maroney, Cline and Gaunch - **Relating generally to PSC jurisdiction** (original similar to HB4355, SB515) - Passed 3/10/2018; Effective from passage - To Governor 3/21/18 - Approved by Governor 3/27/18 - Chapter 219, Acts, Regular Session, 2018
- \*36. By Sen. Woelfel and Plymale - **Relating generally to DNA testing** - Passed 3/7/2018 - To Governor 3/19/18 - Approved by Governor 3/27/18 - Chapter 207, Acts, Regular Session, 2018
- \*37. By Sen. Woelfel, Trump and Ojeda - **Equalizing penalty for entering without breaking regardless of time of day** - Passed 3/2/2018 - To Governor 3/9/18 - Approved by Governor 3/20/18 - Chapter 56, Acts, Regular Session, 2018
- \*46. By Sen. Cline and Takubo - **Permitting pharmacists to inform customers of lower-cost alternative drugs** - Passed 3/10/2018 - To Governor 3/21/18 - Approved by Governor 3/21/18 - Chapter 123, Acts, Regular Session, 2018
- 47. By Sen. Romano and Ojeda - **Requiring Defense Department advocacy groups be notified in abuse or neglect of military person's child** - Passed 3/6/2018 - To Governor 3/14/18 - Approved by Governor 3/20/18 - Chapter 33, Acts, Regular Session, 2018
- \*51. By Sen. Gaunch and Cline - **Relating to domestic relations** (original similar to HB4020) - Passed 3/10/2018 - To Governor 3/21/18 - Approved by Governor 3/22/18 - Chapter 65, Acts, Regular Session, 2018
- 62. By Sen. Prezioso - **Adjusting requirements for hiring school attendance directors** - Passed 2/14/2018 - To Governor 2/19/18 - Approved by Governor 2/21/18 - Chapter 68, Acts, Regular Session, 2018
- \*71. By Sen. Weld, Prezioso and Cline - **Defining "veteran" as it pertains to veteran-owned business** - Passed 2/22/2018 - To Governor 3/2//18 - Approved by Governor 3/6/18 - Chapter 90, Acts, Regular Session, 2018
- \*73. By Sen. Weld and Cline - **Modifying crime of fleeing from scene of accident** - Passed 3/5/2018 - To Governor 3/9/18 - Approved by Governor 3/27/18 - Chapter 241, Acts, Regular Session, 2018
- \*82. By Sen. Ferns and Cline - **Including rebuttable presumptions in certain cases for firefighters with regard to workers' compensation** - Passed 3/9/2018 - To Governor 3/21/18 - Approved by Governor 3/27/18 - Chapter 246, Acts, Regular Session, 2018

- \*102. By Sen. Trump - **Creating WV Uniform Fiduciary Access to Digital Assets Act** (original similar to HB4209, HB4320) - Passed 3/7/2018 - To Governor 3/14/18 - Approved by Governor 3/27/18 - Chapter 92, Acts, Regular Session, 2018
- \*110. By Sen. Trump - **Requiring certain licensees notify law enforcement or EMS of life-threatening emergency on premises** - Passed 3/6/2018 - To Governor 3/9/18 - Approved by Governor 3/20/18 - Chapter 208, Acts, Regular Session, 2018
- \*133. By Sen. Gaunch, Blair, Swope, Baldwin, Jeffries, Boso and Ojeda - **Exempting renewal of certain contracts entered into during declared state of emergency** (original similar to HB4034) - Passed 3/7/2018 - To Governor 3/14/18 - Approved by Governor 3/20/18 - Chapter 93, Acts, Regular Session, 2018
- \*134. By Sen. Gaunch, Blair, Swope, Baldwin, Jeffries, Ojeda, Cline and Maroney - **Authorizing Division of Homeland Security and Emergency Management to engage individuals for emergency response and recovery** (original similar to HB4033) - Passed 3/5/2018; Effective from passage - To Governor 3/9/18 - Approved by Governor 3/20/18 - Chapter 209, Acts, Regular Session, 2018
- \*141. By Sen. Sypolt - **Expanding county assessment and collection of head tax on breeding cows** - Passed 3/10/2018 - To Governor 3/21/18 - Vetoed by Governor 3/28/18
- 143. By Sen. Sypolt - **Permitting DNR identification tag be used to identify trap** - Passed 3/5/2018 - To Governor 3/9/18 - Approved by Governor 3/20/18 - Chapter 163, Acts, Regular Session, 2018
- \*146. By Sen. Trump - **Correcting technical error within Solid Waste Management Act** - Passed 3/2/2018; Effective from passage - To Governor 3/9/18 - Approved by Governor 3/20/18 - Chapter 84, Acts, Regular Session, 2018
- \*152. By Sen. Carmichael (Mr. President) and Prezioso [By Request of the Executive] - **Budget Bill** - Passed 3/10/2018; Effective from passage - To Governor 3/14/18 - Approved by Governor with reductions 3/15/18 - Chapter 12, Acts, Regular Session, 2018
- \*154. By Sen. Maynard - **Authorizing Department of Administration to promulgate legislative rules** (original similar to HB4086) - Passed 2/15/2018; Effective from passage - To Governor 2/21/18 - Approved by Governor 2/27/18 - Chapter 140, Acts, Regular Session, 2018
- \*163. By Sen. Maynard - **Authorizing DEP promulgate legislative rules** (original similar to HB4093) - Passed 2/16/2018; Effective from passage - To Governor 2/21/18 - Approved by Governor 2/27/18 - Chapter 141, Acts, Regular Session, 2018
- \*165. By Sen. Maynard - **Authorizing DHHR promulgate legislative rules** (original similar to HB4129) - Passed 2/19/2018; Effective from passage - To Governor

2/23/18 - Approved by Governor 2/27/18 - Chapter 142, Acts, Regular Session, 2018

- \*181. By Sen. Maynard - **Authorizing MAPS promulgate legislative rules** (original similar to HB4097) - Passed 3/2/2018; Effective from passage - To Governor 3/9/18 - Approved by Governor 3/20/18 - Chapter 143, Acts, Regular Session, 2018
- \*184. By Sen. Maynard - **Authorizing DOT promulgate legislative rules** (original similar to HB4099) - Passed 2/16/2018; Effective from passage - To Governor 2/21/18 - Approved by Governor 2/27/18 - Chapter 144, Acts, Regular Session, 2018
- \*230. By Sen. Maynard - **Authorizing Department of Commerce promulgate legislative rules** (original similar to HB4108) - Passed 3/10/2018; Effective from passage - To Governor 3/21/18 - Approved by Governor 3/21/18 - Chapter 145, Acts, Regular Session, 2018
- \*237. By Sen. Maynard - **Authorizing Department of Revenue promulgate legislative rules** (original similar to HB4102) - Passed 2/26/2018; Effective from passage - To Governor 3/2/18 - Approved by Governor 3/6/18 - Chapter 146, Acts, Regular Session, 2018
- 242. By Sen. Trump, Blair, Maroney and Rucker - **Requiring health insurance providers provide coverage for certain Lyme disease treatment** (original similar to HB4328) - Passed 3/8/2018 - To Governor 3/19/18 - Approved by Governor 3/20/18 - Chapter 124, Acts, Regular Session, 2018
- \*244. By Sen. Azinger and Rucker - **Specifying conditions for unlawful possession of firearm at school-sponsored activities** (original similar to HB4139) - Passed 3/10/2018 - To Governor 3/21/18 - Approved by Governor 3/27/18 - Chapter 69, Acts, Regular Session, 2018
- \*261. By Sen. Carmichael (Mr. President) and Prezioso [By Request of the Executive] - **Transferring certain powers and programs of WV Affordable Housing Trust Fund to WV Housing Development Fund** (original similar to HB4140) - Passed 3/10/2018 - To Governor 3/21/18 - Approved by Governor 3/21/18 - Chapter 116, Acts, Regular Session, 2018
- 263. By Sen. Carmichael (Mr. President) and Prezioso [By Request of the Executive] - **Eliminating film tax credits** (original similar to HB4144) - Passed 1/26/2018; Effective from passage - To Governor 1/29/18 - Approved by Governor 1/29/18 - Chapter 227, Acts, Regular Session, 2018
- \*267. By Sen. Carmichael (Mr. President) and Prezioso [By Request of the Executive] - **Increasing salaries of certain state employees** (original similar to HB4145) - Passed 2/20/2018; Effective July 1, 2018 - To Governor 2/21/18 - Approved by Governor 2/21/18 - Chapter 189, Acts, Regular Session, 2018
- \*271. By Sen. Carmichael (Mr. President) and Prezioso [By Request of the Executive] - **Creating centralized Shared Services Section of Department of Administration** (original similar to HB4188) - Passed 3/10/2018 - To

Governor 3/21/18 - Approved by Governor 3/21/18 - Chapter 94, Acts, Regular Session, 2018

- \*272. By Sen. Carmichael (Mr. President) and Prezioso [By Request of the Executive] - **Relating generally to drug control** (original similar to HB4227) - Passed 3/7/2018 - To Governor 3/14/18 - Approved by Governor 3/27/18 - Chapter 194, Acts, Regular Session, 2018
- \*273. By Sen. Carmichael (Mr. President) and Prezioso [By Request of the Executive] - **Reducing use of certain prescription drugs** (original similar to HB 4304, HB4263, HB4465, HB4481) - Passed 3/9/2018 - To Governor 3/21/18 - Approved by Governor 3/27/18 - Chapter 46, Acts, Regular Session, 2018
- \*275. By Sen. Clements, Azinger, Beach, Jeffries, Maroney, Prezioso, Romano, Unger, Takubo, Stollings and Cline - **Relating to tax on purchases of intoxicating liquors** - Passed 3/10/2018 - To Governor 3/21/18 - Approved by Governor 3/27/18 - Chapter 228, Acts, Regular Session, 2018
- 282. By Sen. Gaunch, Baldwin, Blair, Jeffries, Swope, Boso and Cline - **Exempting State Conservation Committee from Purchasing Division requirements for contracts related to flood recovery** (original similar to HB4161) - Passed 3/10/2018 - To Governor 3/21/18 - Approved by Governor 3/27/18 - Chapter 95, Acts, Regular Session, 2018
- \*283. By Sen. Carmichael (Mr. President) and Prezioso [By Request of the Executive] - **Relating generally to procurement by state agencies** (original similar to HB4261, SB296) - Passed 3/10/2018 - To Governor 3/21/18 - Approved by Governor 3/27/18 - Chapter 96, Acts, Regular Session, 2018
- \*290. By Sen. Smith, Azinger, Boso, Clements and Cline - **Relating to DEP standards of water quality and effluent limitations** (original similar to HB4426) - Passed 3/8/2018 - To Governor 3/19/18 - Approved by Governor 3/27/18 - Chapter 85, Acts, Regular Session, 2018
- 298. By Sen. Blair, Boley, Boso, Drennan, Facemire, Ferns, Gaunch, Maroney, Palumbo, Plymale, Prezioso and Stollings (Originating in Senate Finance) - **Authorizing county assessors make separate entries in landbooks when real property is partly used for exempt and partly for nonexempt purposes** (original similar to HB4256) - Passed 3/8/2018 - To Governor 3/20/18 - Approved by Governor 3/22/18 - Chapter 229, Acts, Regular Session, 2018
- 299. By Sen. Boley, Boso, Drennan, Facemire, Ferns, Gaunch, Maroney, Palumbo, Plymale, Prezioso, Stollings and Blair (Originating in Senate Finance) - **Relating to mandatory insurance coverage for medical foods for amino acid-based formulas** (original similar to HB2051, HB2072, HB3021) - Passed 3/8/2018 - To Governor 3/20/18 - Approved by Governor 3/27/18 - Chapter 125, Acts, Regular Session, 2018
- \*307. By Sen. Trump, Blair, Plymale and Boso - **Declaring fundraising on state highway or roadway by volunteer fire department is not obstruction or nuisance** - Passed 3/6/2018 - To Governor 3/9/18 - Approved by Governor 3/20/18 - Chapter 222, Acts, Regular Session, 2018

- \*313. By Sen. Gaunch, Azinger, Boso, Karnes, Maynard, Ojeda, Palumbo, Romano, Rucker, Baldwin, Cline, Stollings, Prezioso and Plymale - **Waiving occupational fees and licensing requirements for certain low-income individuals, military families, and young workers** - Passed 3/10/2018 - To Governor 3/21/18 - Vetoed by Governor 3/28/18
- \*319. By Sen. Rucker, Azinger, Drennan, Gaunch, Karnes, Smith, Sypolt, Trump, Unger, Cline, Boso, Plymale, Clements, Maroney and Takubo - **Allowing individuals who completed home schooling be eligible for PROMISE scholarship without equivalent diploma** - Passed 3/7/2018; Effective July 1, 2018 - To Governor 3/14/18 - Approved by Governor 3/20/18 - Chapter 113, Acts, Regular Session, 2018
322. By Sen. Weld - **Relating to employees of Department of Agriculture** - Passed 3/8/2018 - To Governor 3/19/18 - Vetoed by Governor 3/28/18
- \*327. By Sen. Weld, Boso, Gaunch, Cline and Drennan - **Providing extortion of anything of value, including sexual contact, subjects person to criminal penalty** - Passed 3/5/2018 - To Governor 3/9/18 - Approved by Governor 3/20/18 - Chapter 57, Acts, Regular Session, 2018
- \*336. By Sen. Ferns, Weld, Boso, Baldwin, Blair and Cline - **Providing certain DMV applicants ability to contribute to WV Department of Veterans Assistance** - Passed 3/10/2018 - To Governor 3/21/18 - Approved by Governor 3/21/18 - Chapter 97, Acts, Regular Session, 2018
338. By Sen. Blair and Boso - **Changing date for employers to file annual reconciliation and withholding statements** (original similar to HB4265) - Passed 3/3/2018 - To Governor 3/9/18 - Approved by Governor 3/20/18 - Chapter 230, Acts, Regular Session, 2018
339. By Sen. Gaunch and Blair - **Relating to WV Retirement Health Benefit Trust Fund within PEIA** (original similar to HB4272) - Passed 3/10/2018 - To Governor 3/21/18 - Approved by Governor 3/22/18 - Chapter 98, Acts, Regular Session, 2018
343. By Sen. Sypolt - **Limiting expenses in preparing list for notice to redeem** - Passed 3/5/2018 - To Governor 3/9/18 - Vetoed by Governor 3/28/18
346. By Sen. Maynard and Cline - **Permitting full-time nonresident students purchase lifetime resident hunting, trapping and fishing licenses** (original similar to HB4235) - Passed 3/6/2018 - To Governor 3/9/18 - Approved by Governor 3/20/18 - Chapter 164, Acts, Regular Session, 2018
- \*347. By Sen. Maynard - **Relating to operation of motorboats** (original similar to HB4274) - Passed 3/8/2018 - To Governor 3/20/18 - Approved by Governor 3/22/18 - Chapter 165, Acts, Regular Session, 2018
- \*348. By Sen. Maynard - **Allowing for disposal of service weapons of special DNR police officers** (original similar to HB4185) - Passed 3/2/2018 - To Governor 3/9/18 - Approved by Governor 3/20/18 - Chapter 166, Acts, Regular Session, 2018

350. By Sen. Ferns, Trump, Maynard, Jeffries, Baldwin and Plymale - **Eliminating obsolete requirement that Lottery Commission file racetrack video lottery game rules with Secretary of State** - Passed 3/5/2018 - To Governor 3/9/18 - Approved by Governor 3/20/18 - Chapter 99, Acts, Regular Session, 2018
351. By Sen. Trump, Weld, Azinger, Clements, Cline, Jeffries, Karnes, Maynard, Ojeda, Romano, Rucker, Smith, Swope and Woelfel (Originating in Senate Judiciary) - **Permitting ballot commissioners serve while candidates for certain offices** - Passed 3/5/2018; Effective from passage - To Governor 3/9/18 - Approved by Governor 3/20/18 - Chapter 77, Acts, Regular Session, 2018
- \*359. By Sen. Trump, Unger and Weld - **Authorizing Supreme Court establish curricula for mental hygiene commissioners and certain magistrates** - Passed 3/7/2018; Effective from passage - To Governor 3/19/18 - Approved by Governor 3/20/18 - Chapter 195, Acts, Regular Session, 2018
- \*360. By Sen. Clements - **Clarifying oil and gas permits not be on flat well royalty leases** (original similar to HB4490) - Passed 3/2/2018 - To Governor 3/3/18 - Approved by Governor 3/9/18 - Chapter 86, Acts, Regular Session, 2018
364. By Sen. Mann, Karnes, Rucker, Gaunch, Azinger, Swope, Takubo and Cline - **Allowing parent or legal guardian of homeschooled child provide signed statement for obtaining permit or license to operate motor vehicle** - Passed 3/2/2018 - To Governor 3/9/18 - Approved by Governor 3/20/18 - Chapter 70, Acts, Regular Session, 2018
365. By Sen. Weld, Ferns, Unger, Plymale, Baldwin, Cline and Boso - **Relating to Young Entrepreneur Reinvestment Act** (original similar to HB4558) - Passed 3/7/2018 - To Governor 3/14/18 - Approved by Governor 3/20/18 - Chapter 91, Acts, Regular Session, 2018
- \*375. By Sen. Sypolt, Rucker, Takubo, Baldwin and Boso - **Relating to farmers markets** (original similar to HB4295) - Passed 3/10/2018 - To Governor 3/21/18 - Approved by Governor 3/27/18 - Chapter 7, Acts, Regular Session, 2018
379. By Sen. Carmichael (Mr. President) and Prezioso [By Request of the Executive] - **Supplemental appropriation from State Excess Lottery Revenue Fund to DHHR** (original similar to HB4377) - Passed 2/16/2018; Effective from passage - To Governor 2/21/18 - Approved by Governor 2/27/18 - Chapter 13, Acts, Regular Session, 2018
382. By Sen. Carmichael (Mr. President) and Prezioso [By Request of the Executive] - **Supplemental appropriation of Lottery Net Profits to Bureau of Senior Services, Lottery Senior Citizens Fund** (original similar to HB4378) - Passed 2/16/2018; Effective from passage - To Governor 2/21/18 - Approved by Governor 2/27/18 - Chapter 14, Acts, Regular Session, 2018
384. By Sen. Carmichael (Mr. President) and Prezioso [By Request of the Executive] - **Decreasing and increasing appropriations from State Fund, General Revenue to DHHR** (original similar to HB4383) - Passed 2/16/2018; Effective from passage - To Governor 2/21/18 - Approved by Governor 2/27/18 - Chapter 15, Acts, Regular Session, 2018

385. By Sen. Carmichael (Mr. President) and Prezioso [By Request of the Executive] - **Decreasing and adding appropriations out of Treasury to DHHR and MAPS** (original similar to HB4387) - Passed 3/8/2018; Effective from passage - To Governor 3/14/18 - Approved by Governor 3/15/18 - Chapter 16, Acts, Regular Session, 2018
- \*386. By Sen. Carmichael (Mr. President) and Prezioso [By Request of the Executive] - **Decreasing and increasing appropriations from Treasury to Higher Education Policy Commission** (original similar to HB4388) - Passed 2/16/2018; Effective from passage - To Governor 2/21/18 - Approved by Governor 2/27/18 - Chapter 17, Acts, Regular Session, 2018
388. By Sen. Carmichael (Mr. President) and Prezioso [By Request of the Executive] - **Decreasing, increasing and adding appropriations out of Treasury to DHHR and Department of Administration** (original similar to HB4382) - Passed 2/16/2018; Effective from passage - To Governor 2/21/18 - Approved by Governor 2/27/18 - Chapter 18, Acts, Regular Session, 2018
- \*392. By Sen. Boso, Facemire, Jeffries and Prezioso - **Reconfiguring membership of Emergency Medical Services Advisory Council** - Passed 3/10/2018 - To Governor 3/21/18 - Vetoed by Governor 3/28/18
- \*395. By Sen. Trump and Boso - **Providing for judicial review of appealed decisions of Air Quality Review Board, Environmental Quality Board and Surface Mine Board** (original similar to HB4510) - Passed 3/6/2018; Effective from passage - To Governor 3/9/18 - Approved by Governor 3/20/18 - Chapter 87, Acts, Regular Session, 2018
- \*397. By Sen. Sypolt, Facemire, Romano and Cline - **Creating crime of impersonating blind or disabled person** - Passed 3/5/2018 - To Governor 3/9/18 - Approved by Governor 3/27/18 - Chapter 58, Acts, Regular Session, 2018
- \*401. By Sen. Weld, Ferns, Romano, Baldwin and Drennan - **Requiring specified coverage in health benefit plans for treatment of substance abuse disorders** - Passed 3/10/2018 - To Governor 3/21/18 - Approved by Governor 3/27/18 - Chapter 126, Acts, Regular Session, 2018
- \*404. By Sen. Weld and Cline - **Relating to sex offender registry information** - Passed 3/7/2018 - To Governor 3/14/18 - Approved by Governor 3/27/18 - Chapter 210, Acts, Regular Session, 2018
406. By Sen. Ferns, Takubo, Boso, Cline and Baldwin - **Clarifying that ground emergency medical transportation is eligible for Medicare and Medicaid reimbursement** - Passed 3/10/2018; Effective from passage - To Governor 3/21/18 - Approved by Governor 3/27/18 - Chapter 117, Acts, Regular Session, 2018
407. By Sen. Takubo, Maroney, Stollings and Plymale - **Licensing and approval of child care programs** - Passed 3/9/2018 - To Governor 3/21/18 - Approved by Governor 3/27/18 - Chapter 34, Acts, Regular Session, 2018



- \*408. By Sen. Takubo, Maroney, Stollings and Plymale - **Licensing of nursing homes and assisted living residences** - Passed 3/10/2018 - To Governor 3/21/18 - Approved by Governor 3/27/18 - Chapter 196, Acts, Regular Session, 2018
411. By Sen. Takubo and Maroney - **Removing Commissioner of Bureau for Public Health from State Board of Sanitarians** - Passed 3/8/2018 - To Governor 3/21/18 - Approved by Governor 3/21/18 - Chapter 100, Acts, Regular Session, 2018
- \*412. By Sen. Trump - **Relating to authority of county litter control officers** - Passed 3/6/2018 - To Governor 3/14/18 - Approved by Governor 3/27/18 - Chapter 51, Acts, Regular Session, 2018
- \*415. By Sen. Ferns, Blair, Maroney, Trump, Weld, Woelfel, Stollings and Takubo - **Permitting wagering on certain professional or collegiate sports events authorized as WV Lottery sports wagering activities** (original similar to HB4396) - Passed 3/3/2018; Effective from passage - To Governor 3/3/18 - Became law without Governor's signature - Chapter 101, Acts, Regular Session, 2018
425. By Sen. Ferns, Cline and Plymale - **Removing sunset dates which members of policemen's or firemen's pension fund elect to participate in deferred retirement option plan** - Passed 3/9/2018 - To Governor 3/21/18 - Approved by Governor 3/27/18 - Chapter 157, Acts, Regular Session, 2018
427. By Sen. Gaunch and Facemire - **Modifying form of notice for certain tax delinquencies** - Passed 3/7/2018 - To Governor 3/14/18 - Approved by Governor 3/20/18 - Chapter 231, Acts, Regular Session, 2018
- \*434. By Sen. Trump and Boso - **Specifying documents not subject to discovery in certain proceedings** - Passed 3/10/2018 - To Governor 3/21/18 - Vetoed by Governor 3/28/18
- \*438. By Sen. Maynard, Prezioso, Beach, Plymale and Jeffries - **Relating to debt service on bonds secured by State Excess Lottery Revenue Fund** - Passed 3/10/2018 - To Governor 3/21/18 - Approved by Governor 3/22/18 - Chapter 167, Acts, Regular Session, 2018
441. By Sen. Takubo, Maroney, Stollings, Woelfel and Plymale - **Relating to health care provider taxes** - Passed 3/7/2018; Effective July 1, 2018 - To Governor 3/14/18 - Approved by Governor 3/27/18 - Chapter 232, Acts, Regular Session, 2018
- \*442. By Sen. Takubo, Maroney, Stollings, Woelfel and Plymale - **Establishing universal forms and deadlines when submitting prior authorization electronically** (original similar to HB4239) - Passed 3/10/2018 - To Governor 3/21/18 - Vetoed by Governor 3/28/18
- \*443. By Sen. Arvon, Azinger, Cline, Gaunch, Maynard, Rucker and Smith - **Terminating parental rights when certain conditions are met** (original similar to HB4596) - Passed 3/10/2018 - To Governor 3/21/18 - Approved by Governor 3/27/18 - Chapter 35, Acts, Regular Session, 2018

444. By Sen. Trump - **Repealing antiquated code sections regarding safety glass and lighting in motor vehicles** - Passed 3/2/2018 - To Governor 3/9/18 - Approved by Governor 3/20/18 - Chapter 42, Acts, Regular Session, 2018
- \*445. By Sen. Boso, Swope, Gaunch, Jeffries, Rucker, Maroney, Plymale, Maynard and Beach (Originating in Senate Transportation and Infrastructure) - **Allowing DOH acquire real or personal property for utility accommodation** - Passed 3/10/2018 - To Governor 3/21/18 - Approved by Governor 3/27/18 - Chapter 223, Acts, Regular Session, 2018
- \*446. By Sen. Rucker, Sypolt, Unger, Trump and Boso - **Creating Agritourism Responsibility Act** - Passed 3/10/2018 - To Governor 3/21/18 - Approved by Governor 3/27/18 - Chapter 8, Acts, Regular Session, 2018
- \*451. By Sen. Maynard, Clements, Ferns, Gaunch, Maroney, Rucker, Smith, Swope, Weld and Cline - **Relating generally to hunting and fishing** (original similar to HB3020) - Passed 3/6/2018 - To Governor 3/14/18 - Approved by Governor 3/27/18 - Chapter 168, Acts, Regular Session, 2018
- \*456. By Sen. Gaunch, Takubo, Ferns, Boso and Maroney - **Physical Therapy Licensure Compact Act** - Passed 3/7/2018 - To Governor 3/20/18 - Approved by Governor 3/27/18 - Chapter 177, Acts, Regular Session, 2018
- \*461. By Sen. Ferns and Cline - **Extending time to file petition for motor fuel excise tax refund** - Passed 3/8/2018 - To Governor 3/20/18 - Approved by Governor 3/22/18 - Chapter 233, Acts, Regular Session, 2018
463. By Sen. Sypolt, Rucker, Clements, Cline, Mann, Maynard, Smith, Baldwin, Beach, Ojeda and Woelfel (Originating in Senate Agriculture and Rural Development) - **Establishing group to examine benefits and need of transferring milk rules and regulations from DHHR to Agriculture** - Passed 3/10/2018; Effective from passage - To Governor 3/21/18 - Approved by Governor 3/27/18 - Chapter 197, Acts, Regular Session, 2018
464. By Sen. Gaunch, Boso and Cline - **Changing statutory payment date for incremental salary increases due state employees** - Passed 3/2/2018 - To Governor 3/9/18 - Approved by Governor 3/20/18 - Chapter 190, Acts, Regular Session, 2018
- \*465. By Sen. Trump, Boso, Ferns, Baldwin and Cline - **Relating to mandated reporting of child abuse and neglect** (original similar to HB4589) - Passed 3/7/2018 - To Governor 3/19/18 - Approved by Governor 3/27/18 - Chapter 36, Acts, Regular Session, 2018
468. By Sen. Gaunch and Boso - **Changing date and recipients for submission of Auditor's annual report** - Passed 3/10/2018 - To Governor 3/21/18 - Approved by Governor 3/27/18 - Chapter 205, Acts, Regular Session, 2018
- \*469. By Sen. Weld, Boso, Unger, Ferns, Maroney, Clements and Cline - **Converting Addiction Treatment Pilot Program to permanent program** - Passed 3/10/2018 - To Governor 3/21/18 - Approved by Governor 3/27/18 - Chapter 62, Acts, Regular Session, 2018

- \*475. By Sen. Woelfel, Baldwin and Beach - **Industrial Hemp Development Act** (original similar to HB4500) - Passed 3/7/2018 - To Governor 3/20/18 - Approved by Governor 3/27/18 - Chapter 9, Acts, Regular Session, 2018
479. By Sen. Gaunch - **Establishing local government monitoring by Auditor** - Passed 3/7/2018; Effective from passage - To Governor 3/19/18 - Approved by Governor 3/27/18 - Chapter 102, Acts, Regular Session, 2018
- \*493. By Sen. Azinger - **Relating to guaranty associations** - Passed 3/6/2018 - To Governor 3/19/18 - Approved by Governor 3/27/18 - Chapter 127, Acts, Regular Session, 2018
- \*495. By Sen. Azinger - **Designating specific insurance coverages exempt from rate filing requirements** - Passed 3/10/2018 - To Governor 3/21/18 - Approved by Governor 3/27/18 - Chapter 128, Acts, Regular Session, 2018
498. By Sen. Maynard, Stollings and Plymale - **Creating two-year pilot program allowing all-terrain or recreational vehicles in Cabwaylingo State Forest** - Passed 3/10/2018 - To Governor 3/21/18 - Approved by Governor 3/27/18 - Chapter 169, Acts, Regular Session, 2018
- \*499. By Sen. Maroney, Clements, Prezioso, Stollings, Takubo, Plymale, Cline and Jeffries - **Requiring one year of certain approved postgraduate clinical training for persons with foreign medical degrees** - Passed 3/7/2018 - To Governor 3/19/18 - Approved by Governor 3/27/18 - Chapter 178, Acts, Regular Session, 2018
- \*500. By Sen. Baldwin, Mann, Gaunch, Jeffries, Woelfel and Plymale - **Authorizing City of White Sulphur Springs to expend principal and interest from special interest-bearing fund** - Passed 3/7/2018; Effective from passage - To Governor 3/19/18 - Became law without Governor's signature - Chapter 249, Acts, Regular Session, 2018
- \*501. By Sen. Drennan, Cline, Jeffries, Karnes, Maroney, Maynard, Rucker, Smith, Swope, Weld, Woelfel, Boso and Plymale - **Relating to accrued benefit of retirees in Deputy Sheriff Retirement System** (original similar to HB4516) - Passed 3/10/2018; Effective July 1, 2018 - To Governor 3/21/18 - Approved by Governor 3/27/18 - Chapter 52, Acts, Regular Session, 2018
- \*506. By Sen. Swope, Smith, Boso and Cline - **Deregulating persons who perform work on heating, ventilating, and cooling systems** - Passed 3/9/2018 - To Governor 3/21/18 - Approved by Governor 3/27/18 - Chapter 133, Acts, Regular Session, 2018
- \*510. By Sen. Maynard, Takubo, Stollings, Cline, Boso and Plymale - **Designating hospitals for stroke treatment** (original similar to HB4457) - Passed 3/7/2018 - To Governor 3/19/18 - Approved by Governor 3/27/18 - Chapter 198, Acts, Regular Session, 2018
- \*521. By Sen. Trump, Gaunch, Maynard, Stollings and Boso - **Requiring chief executive of municipal law-enforcement agency be certified law-enforcement officer** (original similar to HB4526) - Passed 3/10/2018;

Effective July 1, 2018 - To Governor 3/21/18 - Approved by Governor 3/27/18  
- Chapter 179, Acts, Regular Session, 2018

- \*522. By Sen. Maynard - **Relating generally to Administrative Procedures Act** - Passed 3/6/2018 - To Governor 3/19/18 - Approved by Governor 3/20/18 - Chapter 103, Acts, Regular Session, 2018
  
- 525. By Sen. Gaunch, Maynard, Facemire, Boso, Baldwin, Maroney, Sypolt, Clements, Takubo, Jeffries, Smith, Palumbo, Weld and Woelfel (Originating in Senate Government Organization) - **Relating to certification for emergency medical training - mining** - Passed 3/10/2018 - To Governor 3/21/18 - Approved by Governor 3/21/18 - Chapter 151, Acts, Regular Session, 2018
  
- \*528. By Sen. Trump - **Providing additional circuit judge for nineteenth judicial circuit** - Passed 3/9/2018 - To Governor 3/21/18 - Approved by Governor 3/27/18 - Chapter 54, Acts, Regular Session, 2018
  
- 539. By Sen. Trump, Stollings and Woelfel - **Increasing limit for settling claims against DOH** - Passed 3/5/2018 - To Governor 3/9/18 - Approved by Governor 3/22/18 - Chapter 38, Acts, Regular Session, 2018
  
- \*543. By Sen. Trump and Cline - **Relating to confidentiality of medical records** - Passed 3/7/2018 - To Governor 3/19/18 - Approved by Governor 3/27/18 - Chapter 199, Acts, Regular Session, 2018
  
- \*548. By Sen. Jeffries, Baldwin, Beach, Drennan, Facemire, Gaunch, Ojeda, Plymale, Prezioso, Romano, Smith, Stollings, Swope and Cline - **Authorizing county commissions to pay election officials** (original similar to HB4493) - Passed 3/9/2018; Effective from passage - To Governor 3/21/18 - Approved by Governor 3/27/18 - Chapter 78, Acts, Regular Session, 2018
  
- \*555. By Sen. Ferns - **Providing immunity from civil liability for qualified directors of certain governmental and nonprofit entities** - Passed 3/7/2018 - To Governor 3/19/18 - Approved by Governor 3/27/18 - Chapter 1, Acts, Regular Session, 2018
  
- \*561. By Sen. Jeffries - **Increasing minimum contract price requiring execution of bond with respect to building or repairing school property** - Passed 3/5/2018 - To Governor 3/9/18 - Approved by Governor 3/27/18 - Chapter 71, Acts, Regular Session, 2018
  
- \*574. By Sen. Weld and Cline - **Relating to crime of misrepresentation of military honors** (original similar to SB608) - Passed 3/7/2018 - To Governor 3/19/18 - Approved by Governor 3/27/18 - Chapter 59, Acts, Regular Session, 2018
  
- \*575. By Sen. Takubo, Arvon, Azinger, Boley, Boso, Clements, Cline, Drennan, Maroney, Maynard, Rucker, Sypolt, Stollings and Plymale - **Approving additional beds for intermediate care facilities** (original similar to HB4366) - Passed 3/8/2018 - To Governor 3/19/18 - Approved by Governor 3/27/18 - Chapter 200, Acts, Regular Session, 2018

576. By Sen. Gaunch, Palumbo, Ferns, Trump and Plymale - **Relating to Patient Injury Compensation Fund** - Passed 3/8/2018 - To Governor 3/19/18 - Approved by Governor 3/22/18 - Chapter 2, Acts, Regular Session, 2018
- \*582. By Sen. Clements and Maroney - **Allowing candidate for political party executive committee serve as election official** - Passed 3/10/2018; Effective from passage - To Governor 3/21/18 - Approved by Governor 3/27/18 - Chapter 79, Acts, Regular Session, 2018
584. By Sen. Blair, Boso, Sypolt and Facemire - **Finding certain claims against state to be moral obligations of state** (original similar to HB4433) - Passed 3/8/2018; Effective from passage - To Governor 3/19/18 - Approved by Governor 3/20/18 - Chapter 39, Acts, Regular Session, 2018
585. By Sen. Romano, Facemire, Trump and Weld - **Altering boundary line between Doddridge and Harrison counties** - Passed 3/9/2018; Effective from passage - To Governor 3/21/18 - Approved by Governor 3/27/18 - Chapter 248, Acts, Regular Session, 2018
- \*589. By Sen. Rucker, Arvon, Clements, Cline, Drennan, Gaunch, Maynard, Smith, Sypolt and Plymale - **Relating to issuance of personalized plates for antique motor vehicles** - Passed 3/7/2018 - To Governor 3/19/18 - Approved by Governor 3/27/18 - Chapter 153, Acts, Regular Session, 2018
- \*590. By Sen. Jeffries, Baldwin, Beach, Clements, Cline, Facemire, Ojeda, Palumbo, Plymale, Prezioso, Romano, Smith, Stollings, Swope, Sypolt, Trump, Unger, Weld and Woelfel - **Providing special license plate for curing childhood cancer** - Passed 3/7/2018 - To Governor 3/20/18 - Approved by Governor 3/27/18 - Chapter 154, Acts, Regular Session, 2018
- \*603. By Sen. Drennan, Blair, Gaunch, Maroney, Maynard, Plymale and Trump - **Relating to proceedings for involuntary custody for examination** (original similar to SB371) - Passed 3/10/2018 - To Governor 3/21/18 - Approved by Governor 3/27/18 - Chapter 201, Acts, Regular Session, 2018
612. By Sen. Boley, Boso and Maynard - **Relating to sale of municipal property** - Passed 3/9/2018 - To Governor 3/20/18 - Approved by Governor 3/27/18 - Chapter 158, Acts, Regular Session, 2018
- \*616. By Sen. Boso and Cline - **Establishing maximum gross weight for certain wood-bearing trucks** - Passed 3/8/2018 - To Governor 3/19/18 - Approved by Governor 3/22/18 - Chapter 242, Acts, Regular Session, 2018
- \*625. By Sen. Gaunch, Maynard, Boso, Clements, Jeffries, Palumbo, Smith, Sypolt and Weld (Originating in Senate Government Organization) - **Creating WV Volunteer Fire and Rescue Act of 2018** (original similar to HB2094, HB2361, HB2608, HB2638, HB2780, HB2862, HB2916, HB2977, HB4253, SB105, SB108, SB128, SB251, SB42, SB489, SB49, SB59, SB89) - Passed 3/10/2018 - To Governor 3/21/18 - Approved by Governor 3/27/18 - Chapter 211, Acts, Regular Session, 2018
626. By Sen. Smith (Originating in Senate Energy, Industry and Mining) - **Relating generally to coal mining** (original similar to HB4340) - Passed 3/8/2018 - To

Governor 3/20/18 - Approved by Governor 3/27/18 - Chapter 152, Acts, Regular Session, 2018

631. By Sen. Blair, Arvon, Boley, Boso, Drennan, Facemire, Gaunch, Mann, Maroney, Palumbo, Plymale, Prezioso, Stollings, Sypolt, Takubo and Unger (Originating in Senate Finance) - **Relating generally to one-call system** - Passed 3/7/2018 - To Governor 3/20/18 - Approved by Governor 3/24/18 - Chapter 244, Acts, Regular Session, 2018
633. By Sen. Blair, Arvon, Boley, Boso, Drennan, Facemire, Ferns, Gaunch, Mann, Maroney, Palumbo, Plymale, Prezioso, Stollings, Sypolt, Takubo and Unger (Originating in Senate Finance) - **Expiring funds from Insurance Commission Fund and appropriating funds to Consolidated Medical Services Fund** - Passed 3/10/2018; Effective from passage - To Governor 3/14/18 - Approved by Governor 3/15/18 - Chapter 19, Acts, Regular Session, 2018
634. By Sen. Blair, Arvon, Boley, Boso, Drennan, Facemire, Ferns, Gaunch, Mann, Maroney, Palumbo, Plymale, Prezioso, Stollings, Sypolt, Takubo and Unger (Originating in Senate Finance) - **Adding, increasing, and decreasing appropriations from General Revenue to DHHR** - Passed 3/10/2018; Effective from passage - To Governor 3/14/18 - Approved by Governor 3/15/18 - Chapter 20, Acts, Regular Session, 2018
635. By Sen. Arvon, Boso, Drennan, Facemire, Ferns, Gaunch, Palumbo, Prezioso, Stollings, Sypolt, Takubo and Blair (Originating in Senate Finance) - **Relating to 2019 salary adjustment for employees of DHHR** - Passed 3/9/2018 - To Governor 3/21/18 - Approved by Governor 3/21/18 - Chapter 191, Acts, Regular Session, 2018

## SENATE JOINT RESOLUTIONS ADOPTED BY LEGISLATURE

- \*3. By Sen. Boso and Cline - **Judicial Budget Oversight Amendment** (original similar to HJR101, HJR104, HJR109) - Adopted 3/10/2018
- \*12. By Sen. Rucker, Arvon, Azinger, Blair, Boley, Boso, Cline, Ferns, Gaunch, Karnes, Mann, Maynard, Smith, Swope, Sypolt and Maroney - **No Constitutional right to abortion Amendment** - Adopted 3/5/2018

## SENATE CONCURRENT RESOLUTIONS ADOPTED BY LEGISLATURE

1. By Sen. Ojeda, Plymale, Beach and Woelfel - **US Army SGT Denver E. Short Memorial Road** - Adopted 3/10/2018
- \*3. By Sen. Romano, Facemire, Plymale, Beach and Woelfel - **Michael Angiulli Memorial Bridge** - Adopted 3/10/2018
- \*4. By Sen. Boso, Plymale and Woelfel - **WV Army National Guard Sergeant Glenn F. Lough, P.E., Memorial Bridge** - Adopted 2/16/2018

6. By Sen. Ferns, Carmichael (Mr. President), Weld, Stollings, Beach, Plymale and Boso - **Supporting construction of Gold Star Families Memorial Monument** - Adopted 1/22/2018
- \*11. By Sen. Rucker and Unger - **Evans Center for Excellence in Aircraft Maintenance** - Adopted 3/1/2018
14. By Sen. Woelfel, Stollings and Plymale - **US Army SPC 4 William L. Amos Memorial Bridge** (original similar to HCR47) - Adopted 3/10/2018
17. By Sen. Rucker, Unger, Stollings and Plymale - **John Hancock Hall Memorial Bridge** - Adopted 3/10/2018
21. By Sen. Stollings, Beach and Plymale - **US Army PFC Charles Thurman "Buddy" Ellis Memorial Bridge** - Adopted 3/10/2018
22. By Sen. Stollings, Beach and Plymale - **US Army Colonel Larkin Bilton Vance Memorial Highway** - Adopted 3/10/2018
23. By Sen. Stollings, Beach and Plymale - **Betty Jo DeLong Memorial Bridge** - Adopted 3/10/2018
25. By Sen. Stollings, Beach and Plymale - **US Army PFC O. T. (Teaberry) Mullins Memorial Bridge** - Adopted 3/10/2018
26. By Sen. Jeffries, Drennan, Gaunch, Swope, Stollings, Beach and Plymale - **US Army PFC Thomas Mayford Martin Memorial Bridge** - Adopted 3/10/2018
27. By Sen. Stollings, Beach and Plymale - **US Army CPL F. Lee Noel Memorial Bridge** - Adopted 3/10/2018
- \*29. By Sen. Maynard, Plymale and Stollings - **US Army SGT Benny Fleming Memorial Bridge** - Adopted 3/10/2018
37. By Sen. Stollings, Plymale and Beach - **Sheriff John E. White Memorial Road** - Adopted 3/10/2018
43. By Sen. Romano, Facemire, Stollings, Beach and Plymale - **US Army T-4 CE Caesar Bango Memorial Bridge** - Adopted 3/10/2018
48. By Sen. Carmichael (Mr. President), Plymale and Stollings - **US Army MSG Monty Ray Skeen, Sr., Memorial Bridge** - Adopted 3/10/2018
49. By Sen. Jeffries, Baldwin, Beach, Ojeda, Prezioso, Romano, Stollings and Plymale - **US Army PFC Robert "Bobby" Tate, Jr., Memorial Bridge** - Adopted 3/10/2018
51. By Sen. Trump - **Extending conference committee relating to Engrossed Committee Substitute for HB 4013** - Adopted 3/5/2018
- \*52. By Sen. Drennan, Plymale, Boso and Stollings - **Deputy Sheriff John Janey Memorial Bridge** - Adopted 3/10/2018

54. By Sen. Plymale, Boso and Cline - **Requesting study on effect of new vehicle weights on WV roads** - Adopted 3/10/2018
55. By Sen. Plymale, Boso and Cline - **Urging Congress pass law permitting WV to increase vehicle weight on interstate highways** - Adopted 3/10/2018

### HOUSE BILLS PASSED LEGISLATURE

- \*2008. By Del. Gearheart and Hamrick - **Relating to the Dealer Recovery Program** - Passed 3/9/2018 - To Governor 3/19/18 - Approved by Governor 3/20/18 - Chapter 155, Acts, Regular Session, 2018
- \*2028. By Del. Folk, Hanshaw, Shott, Dean, Fleischauer, Fluharty, McGeehan, Paynter, Martin and Wilson - **Relating to the venue for suits and other actions against the state** - Passed 3/8/2018 - To Governor 3/16/18 - Approved by Governor 3/27/18 - Chapter 40, Acts, Regular Session, 2018
- \*2464. By Del. Cowles - **Relating to disclaimers and exclusions of warranties in consumer transactions for goods** - Passed 3/9/2018 - To Governor 3/16/18 - Approved by Governor 3/27/18 - Chapter 44, Acts, Regular Session, 2018
- \*2483. By Del. Eldridge, Butler, Rohrbach, Miller, R., Sobonya and Iaquina - **Requiring the Division of Juvenile Services to transfer to a correctional facility or regional jail any juvenile in its custody that has been transferred to adult jurisdiction of the circuit court and who reaches his or her eighteenth birthday** - Passed 3/5/2018 - To Governor 3/9/18 - Approved by Governor 3/20/18 - Chapter 49, Acts, Regular Session, 2018
- \*2546. By Del. Foster, Higginbotham, Howell, Wilson, Fast, Zatezalo, Kelly, Harshbarger, Maynard and Walters - **Allowing replacement costs of employer provided property to be deducted from an employee's final paycheck if the property is not returned** - Passed 2/15/2018 - To Governor 2/19/18 - Approved by Governor 2/23/18 - Chapter 134, Acts, Regular Session, 2018
2612. By Del. Walters, Howell, Summers, Fluharty and Frich - **Repealing section relating to unattended motor vehicles and penalties** - Passed 2/13/2018 - To Governor 2/16/18 - Approved by Governor 2/21/18 - Chapter 43, Acts, Regular Session, 2018
- \*2654. By Del. Statler, Miley, Evans, E., Pethel, Williams, Upson and Frich - **Expanding county commissions' ability to dispose of county or district property** - Passed 3/3/2018 - To Governor 3/6/18 - Approved by Governor 3/27/18 - Chapter 53, Acts, Regular Session, 2018
- \*2655. By Del. Upson, Blair, Espinosa, Householder, Longstreth, Robinson, Sobonya, Phillips, Hill and Higginbotham - **Defining and establishing the crime of cyberbullying** - Passed 3/10/2018 - To Governor 3/19/18 - Approved by Governor 3/27/18 - Chapter 60, Acts, Regular Session, 2018
- \*2693. By Del. Hamilton, Evans, A., Paynter, Ambler, Butler, Romine, R., Rodighiero, Eldridge and Hornbuckle - **Relating to state ownership of wildlife** - Passed



3/5/2018 - To Governor 3/10/18 - Approved by Governor 3/22/18 - Chapter 170, Acts, Regular Session, 2018

- \*2694. By Del. Hamrick, Gearheart, Zatezalo, Howell, Atkinson, Ward, Williams, Statler, Moye, Sobonya and Butler - **Relating to the development and implementation of a program to facilitate commercial sponsorship of rest areas** - Passed 3/2/2018 - To Governor 3/8/18 - Approved by Governor 3/27/18 - Chapter 224, Acts, Regular Session, 2018
- \*2696. By Del. Hamilton, Romine, R., Evans, A., Eldridge, Wagner, Rowan, Wilson, Love and Frich - **Relating to crossbow hunting** - Passed 3/3/2018 - To Governor 3/8/18 - Approved by Governor 3/22/18 - Chapter 171, Acts, Regular Session, 2018
- \*2799. By Del. Foster, Higginbotham, Kessinger, Hill, Cowles, Fast, Miller, R. and Isner - **Prohibiting the superintendent of schools from requiring a physical examination to be included to the application for a minor's work permit** - Passed 3/10/2018 - To Governor 3/21/18 - Approved by Governor 3/22/18 - Chapter 135, Acts, Regular Session, 2018
- \*2831. By Del. Gearheart and Frich - **Relating to the reconstitution of the Driver's Licensing Advisory Board** - Passed 2/20/2018 - To Governor 2/23/18 - Approved by Governor 2/27/18 - Chapter 156, Acts, Regular Session, 2018
- \*2843. By Del. Fast, Kessinger, Hill, Howell and Ward - **Permitting Class III municipalities to be included in the West Virginia Tax Increment Act** - Passed 3/2/2018 - To Governor 3/8/18 - Approved by Governor 3/27/18 - Chapter 234, Acts, Regular Session, 2018
2869. By Mr. Speaker (Mr. Armstead) - **Providing for paid leave for certain state officers and employees during a declared state of emergency** - Passed 3/10/2018 - To Governor 3/19/18 - Approved by Governor 3/22/18 - Chapter 212, Acts, Regular Session, 2018
- \*2889. By Del. Howell, Shott, Storch, Ward, Maynard, Ferro, Lynch and Criss - **Allowing military veterans with certain military ratings to qualify for examinations required of probationary police officer** - Passed 3/5/2018 - To Governor 3/6/18 - Approved by Governor 3/9/18 - Chapter 213, Acts, Regular Session, 2018
- \*2890. By Del. Lovejoy, Sobonya, Romine, C., Rohrbach, Hornbuckle, Canestraro, Thompson, Hicks, Isner and Miller, C. - **Establishing a Library Facilities Improvement Fund that will serve to support library facilities construction, maintenance and improvement projects** - Passed 3/2/2018 - To Governor 3/8/18 - Approved by Governor 3/20/18 - Chapter 148, Acts, Regular Session, 2018
- \*2916. By Del. Pethel, Hanshaw and Lovejoy - **Authorizing certain first responders to carry firearms** - Passed 3/10/2018 - To Governor 3/21/18 - Approved by Governor 3/27/18 - Chapter 214, Acts, Regular Session, 2018

- \*2982. By Del. Upson - **Relating to allowing draw games winners to remain anonymous** - Passed 3/10/2018 - To Governor 3/19/18 - Approved by Governor 3/27/18 - Chapter 104, Acts, Regular Session, 2018
- \*2983. By Mr. Speaker (Mr. Armstead) - **Granting priority to roadway construction, reconstruction and maintenance for roadways prone to recurring floods that hinder ingress and egress** - Passed 3/3/2018 - To Governor 3/10/18 - Approved by Governor 3/22/18 - Chapter 225, Acts, Regular Session, 2018
- \*2995. By Del. Overington, Paynter and Kessinger - **Permitting certain animal euthanasia technicians who have been certified by other states be certified animal euthanasia technicians in West Virginia** - Passed 3/10/2018 - To Governor 3/21/18 - Approved by Governor 3/21/18 - Chapter 180, Acts, Regular Session, 2018
- \*3004. By Del. Hill, Martin, Howell, Kessinger, Statler, Shott, McGeehan and Espinosa - **Relating to filling vacancies in certain offices** - Passed 3/1/2018 - To Governor 3/3/18 - Chapter 80, Acts, Regular Session, 2018
- \*3005. By Del. Fast, Hanshaw, Overington, Kessinger and Gearheart - **Relating to regulation of unmanned aircraft systems** - Passed 3/7/2018 - To Governor 3/16/18 - Approved by Governor 3/27/18 - Chapter 61, Acts, Regular Session, 2018
- \*3089. By Del. Espinosa, Statler, Higginbotham, Upson, Cooper, Rowan, Harshbarger and Dean - **Relating to the adoption of instructional resources for use in the public schools** - Passed 3/9/2018 - To Governor 3/19/18 - Approved by Governor 3/27/18 - Chapter 72, Acts, Regular Session, 2018
- \*3104. By Del. Howell and Iaquina - **Transfer of the West Virginia Traumatic Brain and Spinal Cord Injury Rehabilitation Fund** - Passed 3/2/2018 - To Governor 3/8/18 - Approved by Governor 3/22/18 - Chapter 118, Acts, Regular Session, 2018
- \*4001. By Del. Fast, Higginbotham, Foster, McGeehan, Kessinger, Westfall, Martin, Ambler, Butler, Queen and Sypolt - **Relating to eligibility and fraud requirements for public assistance** - Passed 3/10/2018 - To Governor 3/21/18 - Approved by Governor 3/27/18 - Chapter 119, Acts, Regular Session, 2018
- \*4002. By Del. Overington, Cowles, Moore, Hill, Romine, C., Deem, Hamilton, Jennings, Mr. Speaker (Mr. Armstead) and Del. Maynard - **Providing that all delegates shall be elected from one hundred single districts following the United States Census in 2020** - Passed 3/10/2018 - To Governor 3/21/18 - Approved by Governor 3/21/18 - Chapter 81, Acts, Regular Session, 2018
- \*4006. By Del. Romine, R., Blair, Espinosa, Higginbotham, Cowles, Criss, Ellington, Hamrick, Westfall, Atkinson and Statler - **Revising the processes through which professional development is delivered for those who provide public education** - Passed 3/10/2018 - To Governor 3/21/18 - Approved by Governor 3/28/18 - Chapter 105, Acts, Regular Session, 2018
- \*4009. By Del. Rohrbach, Anderson, Cowles, Phillips, Kelly, Jennings, Atkinson, Harshbarger, Ellington, Lane and Maynard - **State Settlement and Recovered**

**Funds Accountability Act** - Passed 3/10/2018; Effective July 1, 2018 - To Governor 3/21/18 - Vetoed by Governor 3/28/18

- \*4013. By Del. Hanshaw, Miller, C., Overington, Graves, Westfall, Anderson, Frich, Cooper, Atkinson, Romine, R. and Hollen - **Clarifying venue in West Virginia state courts as it applies to nonresidents of the state** - Passed 3/10/2018 - To Governor 3/19/18 - Approved by Governor 3/27/18 - Chapter 3, Acts, Regular Session, 2018
- \*4015. By Del. Howell, Criss, Hill, Hamrick, Statler, Queen, Blair, Summers, Sypolt, Moore and Storch - **Relating to the management and continuous inventory of vehicles owned, leased, operated, or acquired by the state and its agencies (original similar to HB4170)** - Passed 3/7/2018 - To Governor 3/10/18 - Approved by Governor 3/27/18 - Chapter 106, Acts, Regular Session, 2018
- \*4016. By Del. Atkinson, Frich, Dean, Shott, Sypolt, Graves, Hamrick, White, Ward and Capito - **Relating to combatting waste, fraud, and misuse of public funds through investigations, accountability and transparency** - Passed 3/8/2018 - To Governor 3/15/18 - Approved by Governor 3/27/18 - Chapter 206, Acts, Regular Session, 2018
- \*4020. By Del. Hanshaw and Foster - **Making technical corrections in the code when referencing chapter 49** - Passed 2/8/2018 - To Governor 2/14/18 - Approved by Governor 2/20/18 - Chapter 37, Acts, Regular Session, 2018
- \*4022. By Del. Hamrick, Butler, Barrett, Dean, Fast, Hollen, Lovejoy and Queen - **Exempting the consumer sales and service tax and use tax for services for the repair, remodeling and maintenance of certain aircraft** (original similar to SB131, SB311) - Passed 3/2/2018 - To Governor 3/8/18 - Approved by Governor 3/20/18 - Chapter 235, Acts, Regular Session, 2018
- \*4023. By Del. Summers, Ellington, Householder, Rohrbach, Hollen, Dean and Butler - **Relating to the regulation of dialysis technicians** - Passed 3/6/2018 - To Governor 3/16/18 - Approved by Governor 3/27/18 - Chapter 181, Acts, Regular Session, 2018
- \*4024. By Del. Summers, Ellington, Householder, Sobonya, Atkinson, Dean, Hollen, Butler and Espinosa - **Relating generally to direct cremation or direct burial expenses for indigent persons** - Passed 3/7/2018; Effective July 1, 2018 - To Governor 3/15/18 - Approved by Governor 3/27/18 - Chapter 120, Acts, Regular Session, 2018
- 4025. By Del. Ellington, Summers, Householder, Rohrbach, Hollen, Sobonya, Atkinson, Butler and Dean - **Permitting reciprocity for licensure as a pharmacy technician** - Passed 3/6/2018 - To Governor 3/16/18 - Approved by Governor 3/20/18 - Chapter 182, Acts, Regular Session, 2018
- \*4027. By Del. Ellington, Summers, Householder, Rohrbach, Hollen and Dean - **Creating an education permit for allopathic physician resident** - Passed 3/6/2018 - To Governor 3/16/18 - Approved by Governor 3/22/18 - Chapter 183, Acts, Regular Session, 2018

- \*4035. By Del. Summers, Ellington, Householder, Rohrbach, Byrd, Capito, Hollen, Dean, Butler, Frich and Rowan - **Creating a legislative coalition to study and report to the Legislature on palliative care** - Passed 3/9/2018 - To Governor 3/16/18 - Approved by Governor 3/22/18 - Chapter 202, Acts, Regular Session, 2018
- \*4036. By Del. Cowles - **Increasing the maximum salaries of family case coordinators and secretary-clerks** - Passed 3/9/2018 - To Governor 3/19/18 - Approved by Governor 3/20/18 - Chapter 55, Acts, Regular Session, 2018
- \*4042. By Del. Westfall, Atkinson, Wagner, Dean and Frich - **Redefining school zone to facilitate placement of school zone signs** - Passed 3/9/2018 - To Governor 3/16/18 - Approved by Governor 3/22/18 - Chapter 243, Acts, Regular Session, 2018
- \*4079. By Del. Sobonya and Frich - **Promulgating administrative rules by various executive or administrative agencies of the state** (original similar to SB190) - Passed 3/9/2018; Effective from passage - To Governor 3/16/18 - Approved by Governor 3/20/18 - Chapter 147, Acts, Regular Session, 2018
- \*4135. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Updating the meaning of federal taxable income and certain other terms used in the West Virginia Corporation Net Income Tax Act** (original similar to SB265) - Passed 2/9/2018; Effective from passage - To Governor 2/15/18 - Approved by Governor 2/21/18 - Chapter 236, Acts, Regular Session, 2018
- \*4138. By Del. Byrd, Fluharty, Lane, Miller, R., Phillips, Fleischauer, Moore, Lovejoy, Blair, Canestraro and Robinson - **Requiring certain public or private schools and daycare centers to install carbon monoxide detectors** - Passed 3/2/2018 - To Governor 3/8/18 - Approved by Governor 3/20/18 - Chapter 215, Acts, Regular Session, 2018
- \*4142. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Providing certain employees of the Division of Corrections, Division of Juvenile Services, and West Virginia Regional Jail and Correctional Facility Authority a salary adjustment** (original similar to SB262) - Passed 3/6/2018 - To Governor 3/10/18 - Approved by Governor 3/10/18 - Chapter 192, Acts, Regular Session, 2018
- \*4145. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Increasing the annual salaries of members of the West Virginia State Police, public school teachers and school service personnel** (original similar to SB267) - Passed 3/6/2018; Effective July 1, 2018 - To Governor 3/6/18 - Approved by Governor 3/6/18 - Chapter 193, Acts, Regular Session, 2018
4146. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Updating meaning of federal adjusted gross income and certain other terms used in West Virginia Personal Income Tax Act** (original similar to SB266) - Passed 2/9/2018; Effective from passage - To Governor 2/15/18 - Approved by Governor 2/21/18 - Chapter 237, Acts, Regular Session, 2018
- \*4150. By Del. Howell, Miller, C., Hill, Storch, Dean, Lynch, Hamrick, Ward, Atkinson, Queen and Maynard - **Prohibiting telecommunications and IP-**

**enabled voice services from displaying the name or telephone number of the recipient** - Passed 3/10/2018 - Passed 3/21/2018 - To Governor 3/21/18 - Approved by Governor 3/27/18 - Chapter 45, Acts, Regular Session, 2018

- \*4156. By Del. Summers, Ellington, Espinosa, Householder and Frich - **Establishing the qualifications of full and part time nursing school faculty members** - Passed 3/10/2018; Effective from passage - To Governor 3/21/18 - Approved by Governor 3/27/18 - Chapter 184, Acts, Regular Session, 2018
- \*4157. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Eliminating the refundable exemption for road construction contractors** (original similar to SB264) - Passed 3/9/2018; Effective from passage - To Governor 3/21/18 - Approved by Governor 3/21/18 - Chapter 238, Acts, Regular Session, 2018
- \*4162. By Del. Hanshaw, Ambler, Kessinger, Lynch, Pethtel and Mr. Speaker (Mr. Armstead) - **Granting authority to the State Conservation Committee to contract for flood response** - Passed 2/15/2018 - To Governor 2/21/18 - Approved by Governor 2/27/18 - Chapter 10, Acts, Regular Session, 2018
- \*4166. By Del. Westfall, Kessinger, Paynter, Foster, Hamrick, Butler, Statler, Summers and Hamilton - **Establishing a special revenue fund to be known as the "Capital Improvements Fund — Department of Agriculture Facilities"** - Passed 3/9/2018; Effective from passage - Passed 3/10/2018; Effective from passage - To Governor 3/23/18 - Vetoed by Governor 3/28/18
- \*4169. By Del. Barrett, Shott, Overington, Moore, Kessinger, Lane, Queen, Upson, Lovejoy, Canestraro and Miller, R. - **Requiring certain establishments and facilities to post human trafficking assistance notices** (original similar to SB114) - Passed 3/5/2018 - To Governor 3/9/18 - Approved by Governor 3/27/18 - Chapter 216, Acts, Regular Session, 2018
- \*4175. By Del. Sobonya, Summers, Criss, Rohrbach, Hollen, Westfall and Lovejoy - **Preventing requirement that an advanced practice registered nurse participate in a collaborative relationship to obtain payment** - Passed 3/2/2018 - To Governor 3/8/18 - Approved by Governor 3/27/18 - Chapter 129, Acts, Regular Session, 2018
4178. By Del. Summers, Longstreth, Ellington, Espinosa and Householder - **Permitting certain portions of certified nurse aide training to be provided through distance learning technologies** - Passed 3/6/2018 - To Governor 3/16/18 - Approved by Governor 3/27/18 - Chapter 203, Acts, Regular Session, 2018
- \*4180. By Del. Hamilton, Evans, A., Romine, R., Love, Eldridge, Jennings, Lynch, Hollen and Wagner - **Relating to wildlife resources** (original similar to SB345) - Passed 3/3/2018 - To Governor 3/10/18 - Approved by Governor 3/27/18 - Chapter 172, Acts, Regular Session, 2018
4183. By Del. Espinosa, Romine, R., Upson, Higginbotham, Rohrbach, Kelly, Cooper, Westfall and Dean - **Relating generally to standardized testing requirements for nonpublic schools** - Passed 3/8/2018 - To Governor 3/16/18 - Approved by Governor 3/22/18 - Chapter 73, Acts, Regular Session, 2018

- \*4186. By Del. Westfall, Householder, Upson, Miller, C., Frich, White, Lane, Kessinger, Moore, Criss and Nelson - **Relating generally to guaranteed asset protection waivers** - Passed 3/10/2018 - To Governor 3/19/18 - Chapter 130, Acts, Regular Session, 2018
- \*4187. By Del. Foster, Graves, Butler, Summers, Zatezalo, Miller, R., Barrett, Isner, Hollen and Blair - **Business Liability Protection Act** (original similar to SB484) - Passed 3/10/2018 - To Governor 3/21/18 - Approved by Governor 3/21/18 - Chapter 4, Acts, Regular Session, 2018
- \*4199. By Del. Ellington, Longstreth, Householder and Frich - **Permitting a nursing home to use trained individuals to administer medication** - Passed 3/2/2018 - To Governor 3/8/18 - Vetoed by Governor 3/28/18
- \*4207. By Del. Shott and Hanshaw - **Authorizing an online application to receive a commission to act as a notary public, and eliminating the bond requirement** - Passed 3/5/2018 - To Governor 3/10/18 - Approved by Governor 3/27/18 - Chapter 220, Acts, Regular Session, 2018
- \*4214. By Del. Eldridge, Maynard, Diserio, Miller, R., Campbell, Marcum, Dean, Phillips, Ambler, Paynter and Cooper - **Increasing penalties for unlawfully possessing or digging ginseng** - Passed 3/10/2018 - To Governor 3/21/18 - Approved by Governor 3/27/18 - Chapter 11, Acts, Regular Session, 2018
- \*4217. By Del. Ellington, Sobonya, Atkinson, Queen, Summers, White, Westfall, Dean, Criss, Rohrbach and Frich - **Permitting an attending physician to obtain a patient's autopsy report** - Passed 3/10/2018 - To Governor 3/21/18 - Approved by Governor 3/21/18 - Chapter 29, Acts, Regular Session, 2018
- \*4230. By Del. Westfall, Frich, White and Upson - **Relating to credit for reinsurance** - Passed 3/3/2018; Effect January 1, 2019 - To Governor 3/10/18 - Approved by Governor 3/27/18 - Chapter 131, Acts, Regular Session, 2018
- \*4233. By Del. Storch, Hamrick, Ferro, Barrett and Ellington - **Relating generally to fraudulent transfers** - Passed 3/10/2018 - To Governor 3/21/18 - Approved by Governor 3/27/18 - Chapter 245, Acts, Regular Session, 2018
- \*4236. By Del. Nelson, Hanshaw and Shott - **Requiring agencies to provide an annual inventory of real property holdings to the Real Estate Division** (original similar to SB342) - Passed 3/3/2018 - To Governor 3/10/18 - Approved by Governor 3/27/18 - Chapter 110, Acts, Regular Session, 2018
- \*4238. By Del. Fleischauer, Williams, Pyles, Statler, Frich, Hamrick, Robinson, Brewer, Storch, Howell and Miley - **Authorizing counties and municipalities to establish a joint airport hazard comprehensive plan** - Passed 3/5/2018 - To Governor 3/9/18 - Approved by Governor 3/22/18 - Chapter 139, Acts, Regular Session, 2018
- \*4242. By Del. Shott and Hanshaw - **Clarifying the jurisdictional amount for removal of a civil action from magistrate court to circuit court** - Passed 2/16/2018 - To Governor 2/23/18 - Approved by Governor 2/27/18 - Chapter 5, Acts, Regular Session, 2018

- \*4251. By Del. Shott, Ellington and Gearheart - **Permitting employees of baccalaureate institutions and universities outside of this state to be appointed to board of governors** - Passed 3/10/2018; Effective from passage - To Governor 3/21/18 - Approved by Governor 3/22/18 - Chapter 114, Acts, Regular Session, 2018
- \*4268. By Del. Anderson, Kelly, Zatezalo, Westfall, Fast, Higginbotham, Ward, Hollen, Atkinson, Foster and Lane - **Co-tenancy Modernization and Majority Protection Act** - Passed 3/5/2018 - To Governor 3/6/18 - Approved by Governor 3/9/18 - Chapter 149, Acts, Regular Session, 2018
- \*4270. By Del. Deem, Kelly, Zatezalo, Anderson, Romine, R., Hollen, Evans, A., White, Lane, Harshbarger and Shott - **Providing for the timely payment of moneys owed from oil and natural gas production** - Passed 3/10/2018 - To Governor 3/21/18 - Approved by Governor 3/27/18 - Chapter 150, Acts, Regular Session, 2018
- \*4275. By Del. Shott, Hanshaw and Cowles - **Relating to the law-enforcement authority of the director and officers of the division of protective services** - Passed 3/7/2018 - To Governor 3/15/18 - Approved by Governor 3/27/18 - Chapter 217, Acts, Regular Session, 2018
- \*4276. By Del. Canestraro, Hanshaw, Shott, Isner, Miller, R., Robinson and Frich - **Allowing magistrates to grant work release privileges** - Passed 3/8/2018 - To Governor 3/16/18 - Approved by Governor 3/27/18 - Chapter 63, Acts, Regular Session, 2018
- \*4279. By Del. Rowan, Fast, Moye, Paynter, Pethtel, Rohrbach, Eldridge, Lynch, Maynard, Lovejoy and Fleischauer - **Relating to adult protective services system** - Passed 3/6/2018 - To Governor 3/16/18 - Approved by Governor 3/27/18 - Chapter 121, Acts, Regular Session, 2018
4285. By Del. Frich, Westfall, White and Evans, A. - **Relating to the West Virginia Safe Mortgage Licensing Act** - Passed 3/2/2018 - To Governor 3/8/18 - Approved by Governor 3/22/18 - Chapter 185, Acts, Regular Session, 2018
- \*4289. By Del. Walters, Pethtel, Anderson, Hamilton, Hollen and Evans, E. - **Relating to disability pensions of municipal employees** - Passed 3/3/2018 - To Governor 3/10/18 - Approved by Governor 3/27/18 - Chapter 159, Acts, Regular Session, 2018
- \*4320. By Del. McGeehan and Folk - **Limiting the ability of an agent under a power of attorney to take self-benefiting actions** - Passed 3/10/2018 - To Governor 3/21/18 - Approved by Governor 3/27/18 - Chapter 176, Acts, Regular Session, 2018
4324. By Del. Howell, Statler, Hill, Martin, Butler, Shott, Moore, Criss, Paynter, Foster and Pack - **Relating to the employment of individuals by municipal paid fire departments under civil service** - Passed 3/10/2018 - To Governor 3/21/18 - Approved by Governor 3/27/18 - Chapter 160, Acts, Regular Session, 2018

4332. By Del. Rohrbach, Fleischauer, Longstreth, Summers and Frich - **Relating to home peritoneal renal dialysis** - Passed 3/3/2018 - To Governor 3/8/18 - Approved by Governor 3/27/18 - Chapter 186, Acts, Regular Session, 2018
- \*4336. By Del. Ellington, Summers, Rohrbach, Householder, Atkinson, Criss, Hollen, Hill, Rowan, Dean and Cooper - **Updating the schedule of controlled substances** - Passed 3/9/2018 - To Governor 3/15/18 - Approved by Governor 3/27/18 - Chapter 47, Acts, Regular Session, 2018
- \*4338. By Del. Fast, Miller, R., Hanshaw, Shott, Eldridge, Robinson, Lovejoy, Lane, Williams, Isner and Foster - **Relating to the powers and authority of the Divisions of Administrative Services, and Corrections and Rehabilitation of the Department of Military Affairs and Public Safety** (original similar to SB369) - Passed 3/10/2018; Effective July 1, 2018 - To Governor 3/21/18 - Approved by Governor 3/27/18 - Chapter 107, Acts, Regular Session, 2018
- \*4343. By Del. Frich, Westfall, White, Upton, Lovejoy, Robinson and Evans, A. - **Relating to the delivery of financial statements to bank shareholders** - Passed 3/3/2018 - To Governor 3/10/18 - Approved by Governor 3/22/18 - Chapter 30, Acts, Regular Session, 2018
- \*4347. By Del. Moore, Shott, Hanshaw, Kessinger, Harshbarger, Summers, Sobonya, Fast, Queen, Byrd and Capito - **Relating to voluntary contributions to the West Virginia State Police Forensic Laboratory Fund** (original similar to HB4271) - Passed 3/3/2018 - To Governor 3/10/18 - Approved by Governor 3/27/18 - Chapter 108, Acts, Regular Session, 2018
- \*4350. By Del. Howell, Hamrick, Hill, Martin, Criss, Paynter, Moore, Statler, Kessinger and Fast - **Eliminating the regulation of upholstery** - Passed 3/10/2018 - To Governor 3/21/18 - Approved by Governor 3/27/18 - Chapter 221, Acts, Regular Session, 2018
- \*4368. By Del. Westfall, Frich and Lane - **Relating to voluntary assignments of wages by state employees who have been overpaid** - Passed 3/7/2018 - To Governor 3/15/18 - Approved by Governor 3/22/18 - Chapter 136, Acts, Regular Session, 2018
4376. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Expiring funds to the balance of the Department of Health and Human Resources** (original similar to SB378) - Passed 3/8/2018; Effective from passage - To Governor 3/14/18 - Approved by Governor with deletions and reductions 3/15/18 - Chapter 21, Acts, Regular Session, 2018
4379. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Supplementing, amending, decreasing, and increasing items of the existing appropriations to the Department of Transportation** (original similar to SB390) - Passed 3/8/2018; Effective from passage - To Governor 3/14/18 - Approved by Governor 3/15/18 - Chapter 22, Acts, Regular Session, 2018
4380. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Making a supplementary appropriation to the Department of Agriculture** (original similar to SB391) - Passed 2/20/2018; Effective from passage - To



Governor 3/1/18 - Approved by Governor 3/2/18 - Chapter 23, Acts, Regular Session, 2018

4381. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Making a supplementary appropriation to the Department of Education** (original similar to SB380) - Passed 2/20/2018; Effective from passage - To Governor 3/1/18 - Approved by Governor 3/2/18 - Chapter 24, Acts, Regular Session, 2018
4384. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Making a supplementary appropriation to the Department of Transportation** (original similar to SB381) - Passed 2/20/2018; Effective from passage - To Governor 3/1/18 - Approved by Governor 3/2/18 - Chapter 25, Acts, Regular Session, 2018
4385. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Making a supplementary appropriation to the Department of Health and Human Resources, Division of Human Services** (original similar to SB389) - Passed 3/2/2018; Effective from passage - To Governor 3/8/18 - Approved by Governor 3/9/18 - Chapter 26, Acts, Regular Session, 2018
4386. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Making a supplementary appropriation to the Department of Health and Human Resources, Division of Health – Community Mental Health Services** (original similar to SB387) - Passed 2/20/2018; Effective from passage - To Governor 3/1/18 - Approved by Governor 3/2/18 - Chapter 27, Acts, Regular Session, 2018
4389. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Expiring funds to the Enterprise Resource Planning System Fund** (original similar to SB383) - Passed 3/10/2018; Effective from passage - To Governor 3/14/18 - Approved by Governor 3/15/18 - Chapter 28, Acts, Regular Session, 2018
- \*4392. By Del. Ellington, Hanshaw, Householder, Shott and Summers - **Relating to Medicaid subrogation liens of the Department of Health and Human Resources** - Passed 3/10/2018 - To Governor 3/21/18 - Vetoed by Governor 3/28/18
- \*4394. By Del. Evans, A., Hartman, Hamilton and Romine, R. - **Relating to forest fires** (original similar to SB429) - Passed 3/10/2018 - To Governor 3/21/18 - Approved by Governor 3/22/18 - Chapter 173, Acts, Regular Session, 2018
- \*4400. By Del. Westfall, Hartman, Criss, White, Lane, Walters, Upson, Frich, Capito and Shott - **Relating to the West Virginia Physicians Mutual Insurance Company** - Passed 3/7/2018 - To Governor 3/16/18 - Approved by Governor 3/20/18 - Chapter 132, Acts, Regular Session, 2018
- \*4401. By Del. Ambler, Sobonya, Westfall, Frich, Cooper, Foster, Householder, Barrett and Phillips - **Relating to the registration of business** (original similar to SB497) - Passed 3/9/2018; Effective from passage - To Governor 3/21/18 - Approved by Governor 3/27/18 - Chapter 137, Acts, Regular Session, 2018

4402. By Del. Espinosa, Statler, Moye, Hornbuckle, Kelly, Rodighiero, Blair, Householder, Higginbotham, Dean and Campbell - **Relating to the prevention of sexual abuse of children** - Passed 3/5/2018 - To Governor 3/9/18 - Approved by Governor 3/27/18 - Chapter 74, Acts, Regular Session, 2018
4410. By Del. Moore, Westfall, Lane and White - **Removing the requirement that the State Auditor receive copies of the Limited Video Lottery bids** - Passed 3/5/2018 - To Governor 3/9/18 - Approved by Governor 3/20/18 - Chapter 109, Acts, Regular Session, 2018
4422. By Del. Frich, Walters, Westfall, Upson, Householder, Statler, Ambler, Evans, A., Miller, C. and Anderson - **Permitting permanent endowment funds of cemeteries to invest their principal in certain government bonds, and corporate bonds** - Passed 3/3/2018 - To Governor 3/10/18 - Approved by Governor 3/27/18 - Chapter 32, Acts, Regular Session, 2018
- \*4424. By Del. Miley, Mr. Speaker (Mr. Armstead), Shott, Fleischauer, Lane, Rowe, Hanshaw, Boggs, Hamilton, Caputo and Campbell - **Providing that the Ethics Act applies to certain persons providing services without pay to state elected officials** - Passed 3/10/2018 - To Governor 3/21/18 - Approved by Governor 3/27/18 - Chapter 88, Acts, Regular Session, 2018
4433. By Del. Nelson, Boggs, Ambler, Anderson, Frich, Hamilton, Miller, C., Walters, Longstreth, Pethtel and Sponaugle - **Declaring certain claims against an agency of the state to be moral obligations of the state** - Passed 3/3/2018; Effective from passage - To Governor 3/10/18 - Approved by Governor 3/22/18 - Chapter 41, Acts, Regular Session, 2018
4434. By Del. Shott and Hanshaw - **Clarifying provisions relating to candidates unaffiliated with a political party as it relates to certificates of announcement** - Passed 3/7/2018 - To Governor 3/15/18 - Approved by Governor 3/22/18 - Chapter 82, Acts, Regular Session, 2018
4436. By Del. Frich, Atkinson, Byrd, Cooper, Evans, A., Hamilton, Love, Maynard, Pushkin, Statler and Ward - **Clarifying when a minor between the ages of 16 and 18 may be employed by or elected as a member of a volunteer fire department** - Passed 3/5/2018 - To Governor 3/9/18 - Approved by Governor 3/20/18 - Chapter 138, Acts, Regular Session, 2018
- \*4444. By Del. Frich, Byrd, Cooper, Evans, A., Hamilton, Love, Maynard, Pushkin, Statler, Butler and Paynter - **Clarifying the authority of the State Fire Commission in adopting a State Building Code** - Passed 3/5/2018 - To Governor 3/9/18 - Approved by Governor 3/20/18 - Chapter 111, Acts, Regular Session, 2018
- \*4447. By Del. Shott, Hanshaw, Moore, Miller, C., Harshbarger, Fast, Lane, Hollen, Capito, Summers and Byrd - **Providing for a uniform and efficient system of broadband conduit installation** - Passed 3/10/2018 - To Governor 3/21/18 - Approved by Governor 3/27/18 - Chapter 226, Acts, Regular Session, 2018
- \*4453. By Del. Shott, Fleischauer, Pethtel, Isner, Lovejoy, Hornbuckle, Byrd, Canestraro, Lane, Moore and Summers - **Relating to judicial review of contested cases under the West Virginia Department of Health and Human**

**Resources Board of Review** - Passed 3/8/2018 - To Governor 3/15/18 - Approved by Governor 3/27/18 - Chapter 122, Acts, Regular Session, 2018

4462. By Del. Byrd, Hollen, Folk, Criss, Robinson, Phillips, Dean, Kelly, Westfall, Canestraro and Summers - **Allowing off duty members and officers of the department of public safety to guard private property** - Passed 3/8/2018 - To Governor 3/15/18 - Approved by Governor 3/22/18 - Chapter 218, Acts, Regular Session, 2018
- \*4473. By Del. Sobonya, Romine, C., Westfall, Overington, Ambler, Butler, Miller, C., Rowan, Ward, Householder and Rohrbach - **Relating to use of state funds for advertising to promote a public official or government office** - Passed 3/7/2018 - To Governor 3/15/18 - Approved by Governor 3/27/18 - Chapter 89, Acts, Regular Session, 2018
- \*4478. By Del. Lovejoy, Rohrbach, Hanshaw, Hornbuckle, Williams, Byrd, Canestraro, Miller, R., Robinson, Rowe and Isner - **Authorizing public schools to distribute excess food to students** - Passed 3/7/2018 - To Governor 3/15/18 - Approved by Governor 3/27/18 - Chapter 75, Acts, Regular Session, 2018
4486. By Del. White, Frich, Lane, Westfall, Queen, Dean, Martin, Eldridge, Phillips, Moore and Foster - **Relating to persons required to obtain a license to engage in the business of currency exchange** - Passed 3/9/2018 - To Governor 3/21/18 - Approved by Governor 3/22/18 - Chapter 187, Acts, Regular Session, 2018
4488. By Del. Hanshaw, Boggs and Shott - **Relating to the Hatfield-McCoy Recreation Authority** - Passed 3/10/2018 - To Governor 3/21/18 - Approved by Governor 3/21/18 - Chapter 174, Acts, Regular Session, 2018
- \*4502. By Del. Barrett, Kessinger, Moore, Sobonya, Miller, R., Lovejoy, Canestraro and Harshbarger - **Adding the crimes of murder and armed robbery to the list of offenses for which a prosecutor may apply for an order authorizing interception** - Passed 3/7/2018 - To Governor 3/15/18 - Approved by Governor 3/27/18 - Chapter 64, Acts, Regular Session, 2018
- \*4509. By Del. Pushkin, Sobonya, Robinson, Summers, Fleischauer, Kessinger, Longstreth and Frich - **Relating to the establishment of substance abuse treatment facilities** - Passed 3/7/2018 - To Governor 3/16/18 - Approved by Governor 3/27/18 - Chapter 204, Acts, Regular Session, 2018
- \*4522. By Del. Nelson - **Allowing certain tax information to be shared with the Director of Purchasing Division, Department of Administration, and State Auditor** - Passed 3/9/2018 - To Governor 3/21/18 - Approved by Governor 3/22/18 - Chapter 239, Acts, Regular Session, 2018
- \*4524. By Del. Ellington, Summers and Rohrbach - **Establishing guidelines for the substitution of certain biological pharmaceuticals** - Passed 3/10/2018 - To Governor 3/21/18 - Approved by Governor 3/27/18 - Chapter 188, Acts, Regular Session, 2018
4529. By Del. Rohrbach - **Relating to oath by municipal official certifying list of delinquent business and occupation taxes** - Passed 3/8/2018 - To Governor

3/15/18 - Approved by Governor 3/27/18 - Chapter 161, Acts, Regular Session, 2018

- \*4546. By Del. Sobonya, Frich, Romine, C., Miller, C., Rohrbach, Butler, Summers, Pack, Hanshaw and Lovejoy - **Relating to where an application for a marriage license may be made** - Passed 3/7/2018 - To Governor 3/15/18 - Approved by Governor 3/27/18 - Chapter 66, Acts, Regular Session, 2018
- \*4558. By Del. Capito, Nelson and Frich - **Establishing the Entrepreneurship and Innovation Investment Fund in the West Virginia Development Office** (original similar to SB365) - Passed 3/9/2018 - To Governor 3/21/18 - Approved by Governor 3/21/18 - Chapter 67, Acts, Regular Session, 2018
- \*4571. By Del. Campbell, Ambler, Lynch, Miller, R., Canestraro, Thompson, Hicks, Cooper, Wagner, Brewer and Dean - **Relating to the final day of filing announcements of candidates for a political office** - Passed 3/10/2018 - To Governor 3/21/18 - Approved by Governor 3/27/18 - Chapter 83, Acts, Regular Session, 2018
- \*4603. By Del. Lane, Pushkin, Byrd, Capito, Robinson and Rowe - **Providing immunity from civil liability to facilities and employees providing crisis stabilization** - Passed 3/10/2018 - To Governor 3/21/18 - Approved by Governor 3/27/18 - Chapter 6, Acts, Regular Session, 2018
- \*4607. By Del. Hamrick, Higginbotham, Howell and Graves - **Establishing certain criteria for the restricted operation of drones within State Parks, Forests, and Rail Trails** - Passed 3/10/2018 - To Governor 3/21/18 - Approved by Governor 3/27/18 - Chapter 175, Acts, Regular Session, 2018
- \*4618. By Del. Shott and Hanshaw - **Relating to the authority of the Division of Protective Services** - Passed 3/9/2018 - To Governor 3/15/18 - Approved by Governor 3/27/18 - Chapter 112, Acts, Regular Session, 2018
- \*4619. By Del. Espinosa, Statler, Upson, Folk, Cooper, Rohrbach, Atkinson and Cowles (Originating in House Education) - **Relating to supporting implementation of comprehensive systems for teacher and leader induction and professional growth** - Passed 3/2/2018; Effective July 1, 2018 - To Governor 3/8/18 - Approved by Governor 3/22/18 - Chapter 76, Acts, Regular Session, 2018
4621. By Del. Miller, C., Anderson, Frich, Hamilton, Storch, Walters, Westfall, Boggs, Longstreth, Sponaule and Maynard (Originating in House Finance) - **Relating to removing reference to certain entities with respect to work** - Passed 3/3/2018 - To Governor 3/10/18 - Approved by Governor 3/20/18 - Chapter 50, Acts, Regular Session, 2018
4622. By Del. Espinosa, Rohrbach, Upson, Kelly, Hicks, Statler, Higginbotham, Pyles, Evans, E., Hornbuckle and Rodighiero (Originating in House Education) - **Relating to authorizing legislative rules regarding higher education** - Passed 3/6/2018 - To Governor 3/15/18 - Approved by Governor 3/20/18 - Chapter 115, Acts, Regular Session, 2018

4624. By Del. Howell, Hamrick, Pack, Brewer, Jennings, Iaquina, Ferro, Hill, Diserio, Marcum and Maynard (Originating in House Government Organization) - **Relating to West Virginia coordinate systems** - Passed 3/5/2018 - To Governor 3/9/18 - Approved by Governor 3/27/18 - Chapter 48, Acts, Regular Session, 2018
4626. By Del. Anderson, Nelson , Boggs, Householder, Ellington, Gearheart, Frich, Ambler, Bates and Longstreth (Originating in House Finance) - **Relating to West Virginia innovative mine safety technology tax credit act** - Passed 3/10/2018 - To Governor 3/19/18 - Approved by Governor 3/20/18 - Chapter 240, Acts, Regular Session, 2018
4627. By Del. Moore (Originating in House Judiciary) - **Relating to providing a limitation on the eminent domain authority of a municipal park board** - Passed 3/10/2018 - To Governor 3/21/18 - Approved by Governor 3/22/18 - Chapter 162, Acts, Regular Session, 2018
4628. By Del. Nelson , Miller, C., Boggs, Westfall, Espinosa, Ambler, Frich, Hartman and Storch (Originating in House Finance) - **Relating to authorizing the redirection of amounts collected from certain surcharges and assessments on workers' compensation insurance policies for periods prior to January 1, 2019** - Passed 3/9/2018 - To Governor 3/19/18 - Approved by Governor 3/22/18 - Chapter 247, Acts, Regular Session, 2018
4629. By Del. Hanshaw, Harshbarger, Byrd, Robinson, Miller, R., Pushkin, Sobonya, Hollen, Canestraro, Lane and Zatezalo (Originating in House Judiciary) - **Relating to broadband enhancement and expansion policies generally** - Passed 3/10/2018; Effective from passage - To Governor 3/21/18 - Approved by Governor 3/27/18 - Chapter 31, Acts, Regular Session, 2018

## HOUSE CONCURRENT RESOLUTIONS ADOPTED BY LEGISLATURE

1. By Mr. Speaker (Mr. Armstead) - **Extending an invitation to His Excellency, the Governor, to deliver an address to the Legislature and raising a Joint Assembly therefor** - Adopted 1/10/2018
2. By Del. Atkinson - **U. S. Marine Corps PFC James Ralph Heeter Memorial Bridge** - Adopted 3/10/2018
3. By Del. Westfall and Ambler - **U. S. Army Cpl David Michael Hopkins and U.S. Army Cpl Romey Earl Hughart, Jr. Memorial Bridge** - Adopted 3/6/2018
4. By Del. Ambler, Cooper, Wagner, Westfall, Maynard and Howell - **U. S. Army SPC4 Gary Wayne Morgan Memorial Bridge** - Adopted 3/6/2018
5. By Del. Ambler, Cooper, Wagner, Westfall, Maynard and Howell - **U. S. Army PFC Jessie Franklin Crow Memorial Bridge** - Adopted 3/8/2018

8. By Del. Phillips, Maynard, Miller, R., Eldridge, Marcum and Miller, C. - **Funding for feasibility study of Coal-to-Chemicals Project** - Adopted 3/7/2018
9. By Del. Atkinson, Harshbarger, Cooper and Queen - **U. S. Air Force Major Neil L. Ferrell Memorial Bridge** - Adopted 3/10/2018
- \*13. By Del. Phillips, Maynard, Miller, R., Eldridge and Marcum - **U. S. Army SGM Bill E. Jeffrey Memorial Road** - Adopted 3/10/2018
16. By Del. Rowan - **Frenchburg Bridge** - Adopted 3/6/2018
19. By Del. Rowan, Frich, Eldridge, Hicks, Ambler, Anderson, Atkinson, Barrett, Bates, Blair, Boggs, Brewer, Butler, Byrd, Canestraro, Capito, Caputo, Cowles, Criss, Dean, Gearheart, Graves, Hamilton, Harshbarger, Higginbotham, Hill, Hollen, Hornbuckle, Householder, Howell, Iaquina, Isner, Jennings, Kelly, Kessinger, Lane, Longstreth, Love, Lovejoy, Lynch, Marcum, Martin, Maynard, McGeehan, Miley, Miller, C., Miller, R., Moore, Moyer, Mr. Speaker (Mr. Armstead), Nelson, Overington, Pack, Paynter, Pethel, Phillips, Pushkin, Pyles, Robinson, Rodighiero, Rohrbach, Romine, C., Romine, R., Rowe, Shott, Sobonya, Sponaugle, Statler, Storch, Summers, Sypolt, Thompson, Upson, Wagner, Ward, Westfall, White, Williams, Wilson, Zatezalo, Cooper and Campbell - **World Moyamoya Awareness Day** - Adopted 3/8/2018
25. By Del. Hollen, Criss, Deem, Kelly, Anderson, Cooper, Phillips, McGeehan, Atkinson and Butler - **U. S. Army SPC David A. Hess Memorial Bridge** - Adopted 3/10/2018
26. By Del. Evans, A. - **U. S. Army PFC Tracy Victor Rohrbaugh Memorial Bridge** - Adopted 3/6/2018
27. By Del. Summers, Queen, Hamrick, Miley and Iaquina - **Making Grafton's Annual Memorial Day Parade the Official State Memorial Day Parade** - Adopted 3/6/2018
- \*30. By Del. Wagner, Westfall, Hamilton, Jennings, McGeehan and Queen - **U. S. Army PFC Victor Allen Mazitis, Jr. Memorial Bridge** - Adopted 3/10/2018
33. By Del. Westfall, Wagner, Atkinson, Higginbotham, Rodighiero and Frich - **U. S. Army 2LT Clarence Drago Memorial Bridge** - Adopted 3/6/2018
35. By Del. Martin, Butler, Hamrick, Hill, Jennings, Howell and Foster - **USMC LCpl George W. Henry, Jr. Memorial Bridge** - Adopted 3/10/2018
- \*40. By Del. Maynard, Dean, Eldridge, Moyer and Rohrbach - **U. S. Air Force SMSgt Billie E. 'Bunky' Hodge Bridge** - Adopted 3/8/2018
- \*45. By Del. Lovejoy, Rohrbach, Sobonya, Romine, C., Hornbuckle, Miller, C., Hicks, Thompson, Byrd and Cowles - **U. S. Air Force Reserves 2nd Lieutenant Richard E. Tyson Memorial Bridge** - Adopted 3/10/2018

47. By Del. Miller, C., Butler, Maynard, Brewer, Lovejoy, Eldridge, Rohrbach and Romine, C. - **U. S. Army SPC 4 William L. Amos Memorial Bridge** - Adopted 3/10/2018
- \*53. By Del. Ward, Caputo, Longstreth and Summers - **Pastor Robert L. 'Bob' Barker Memorial Bridge** - Adopted 3/10/2018
61. By Del. Eldridge, Maynard, Love, Miller, C., Romine, C., Phillips, Miller, R., Rodighiero, Thompson, Hicks and Hornbuckle - **U. S. Army PFC Cornelious Wiley Memorial Bridge** - Adopted 3/10/2018
62. By Del. Hartman, Lynch, Iaquina, Isner, Love, Pethtel, Sponaugle, Williams, Boggs, Gearheart and Hamilton - **Pocahontas County Veterans Memorial Bridge** - Adopted 3/10/2018
65. By Del. Eldridge, Maynard, Miller, R., Rodighiero, Thompson, Hicks, Hornbuckle, Marcum, Phillips, Romine, C. and Miller, C. - **U. S. Army CPL George Browning Memorial Road** - Adopted 3/10/2018
68. By Del. Maynard, Eldridge, Miller, C., Hornbuckle, Romine, C., Paynter, Miller, R., Cooper, Phillips, Dean and Love - **U. S. Army SGT Douglas Thompson Memorial Road** - Adopted 3/10/2018
75. By Del. Evans, A., Rowan, Romine, R., Hamilton and Howell - **PVT George Howell, Continental Army Memorial Highway** - Adopted 3/10/2018
77. By Del. Miller, R., Rodighiero, Eldridge and Maynard - **Deputy Sheriff Jesse R. Browning Memorial Road** - Adopted 3/10/2018
78. By Del. Kelly, Anderson, Atkinson, Hollen, Deem, Criss, Harshbarger, Cooper, Longstreth, Iaquina and Hartman - **U. S. Marine Corps PFC Danny Marshall Memorial Bridge** - Adopted 3/10/2018
- \*85. By Del. Howell, Caputo, Criss, Espinosa, Evans, A., Fast, Gearheart, Hamrick, Hill, Martin, Moore, Pack, Rowan, Statler, Storch, Westfall and Overington - **Requesting the legislatures and departments of transportation of Maryland, Pennsylvania, and Virginia to endorse and pursue the construction of a new four-lane, limited access highway, extending Interstate Highway 99 from its present terminus at Bedford, Pennsylvania, to Covington, Virginia** - Adopted 3/10/2018
87. By Del. Gearheart, Ellington and Shott - **Constable Joseph H. Davidson Memorial Bridge** - Adopted 3/6/2018
88. By Del. Storch - **U. S. Air Force Capt. Clarence Virgil Slack, Jr. Memorial Bridge** - Adopted 3/10/2018
91. By Del. Romine, R., Evans, A., Hamilton, McGeehan, Jennings, Rowan, Pethtel and Ferro - **U.S. Navy Capt Homer Leroy Smith Memorial Bridge** - Adopted 3/6/2018
100. By Del. Statler and Frich - **Morgantown High School Veterans Bridge** - Adopted 3/9/2018

**SENATE BILLS VETOED BY GOVERNOR**

- \*141. By Sen. Sypolt - **Expanding county assessment and collection of head tax on breeding cows** - Passed 3/10/2018 - To Governor 3/21/18 - Vetoed by Governor 3/28/18
- \*313. By Sen. Gaunch, Azinger, Boso, Karnes, Maynard, Ojeda, Palumbo, Romano, Rucker, Baldwin, Cline, Stollings, Prezioso and Plymale - **Waiving occupational fees and licensing requirements for certain low-income individuals, military families, and young workers** - Passed 3/10/2018 - To Governor 3/21/18 - Vetoed by Governor 3/28/18
- 322. By Sen. Weld - **Relating to employees of Department of Agriculture** - Passed 3/8/2018 - To Governor 3/19/18 - Vetoed by Governor 3/28/18
- 343. By Sen. Sypolt - **Limiting expenses in preparing list for notice to redeem** - Passed 3/5/2018 - To Governor 3/9/18 - Vetoed by Governor 3/28/18
- \*392. By Sen. Boso, Facemire, Jeffries and Prezioso - **Reconfiguring membership of Emergency Medical Services Advisory Council** - Passed 3/10/2018 - To Governor 3/21/18 - Vetoed by Governor 3/28/18
- \*434. By Sen. Trump and Boso - **Specifying documents not subject to discovery in certain proceedings** - Passed 3/10/2018 - To Governor 3/21/18 - Vetoed by Governor 3/28/18
- \*442. By Sen. Takubo, Maroney, Stollings, Woelfel and Plymale - **Establishing universal forms and deadlines when submitting prior authorization electronically** (original similar to HB4239) - Passed 3/10/2018 - To Governor 3/21/18 - Vetoed by Governor 3/28/18

**HOUSE BILLS VETOED BY GOVERNOR**

- \*4009. By Del. Rohrbach, Anderson, Cowles, Phillips, Kelly, Jennings, Atkinson, Harshbarger, Ellington, Lane and Maynard - **State Settlement and Recovered Funds Accountability Act** - Passed 3/10/2018; Effective July 1, 2018 - To Governor 3/21/18 - Vetoed by Governor 3/28/18
- \*4166. By Del. Westfall, Kessinger, Paynter, Foster, Hamrick, Butler, Statler, Summers and Hamilton - **Establishing a special revenue fund to be known as the "Capital Improvements Fund — Department of Agriculture Facilities"** - Passed 3/9/2018 - To Governor 3/23/18 - Vetoed by Governor 3/28/18
- \*4199. By Del. Ellington, Longstreth, Householder and Frich - **Permitting a nursing home to use trained individuals to administer medication** - Passed 3/2/2018 - To Governor 3/8/18 - Vetoed by Governor 3/28/18
- \*4392. By Del. Ellington, Hanshaw, Householder, Shott and Summers - **Relating to Medicaid subrogation liens of the Department of Health and Human**



**Resources** - Passed 3/10/2018 - To Governor 3/21/18 - Vetoed by Governor 3/28/18

## HOUSE BILLS DIED IN CONFERENCE

- \*2607. By Del. Canestraro - **Extending the maximum period of confinement a judge may impose for certain, first-time probationary violations** - To conference 3/6/2018. House conferees: Foster, Sobonya, Canestraro; Senate conferees: Trump, Weld, Woelfel

## ALL SENATE BILLS INTRODUCED

1. By Sen. Weld, Trump, Cline, Woelfel, Baldwin, Maroney and Takubo - **Relating to partial filling of prescriptions** - Introduced 1/10/2018 - To Health and Human Resources then Judiciary
2. By Sen. Trump, Takubo, Rucker, Weld, Palumbo, Plymale, Prezioso, Unger, Woelfel, Cline, Baldwin and Maroney - **Reducing use of opiates** - Introduced 1/10/2018 - To Health and Human Resources then Judiciary
3. By Sen. Trump and Cline - **Relating to venue for certain claims against state** - Introduced 1/10/2018 - To Judiciary
4. By Sen. Weld, Cline and Woelfel - **Establishing Mental Health and Military Service Member Court program** (original similar to SB107) - Introduced 1/10/2018 - To Judiciary then Finance
5. By Sen. Trump, Cline, Woelfel and Takubo - **Relating to Medicaid fraud and abuse** - Introduced 1/10/2018 - To Health and Human Resources then Judiciary
6. By Sen. Rucker and Karnes - **Establishing education savings accounts for WV students** - Introduced 1/10/2018 - To Education then Finance
- \*7. By Sen. Trump, Cline and Takubo - **Relating to claims under Wage Payment and Collection Act** (original similar to SB335) - Introduced 1/10/2018 - To Judiciary - Com. sub. reported 1/24/2018 - Passed Senate 1/29/2018 - To House 1/30/2018 - To Judiciary - Amended - House rejected 3/6/2018
8. By Sen. Gaunch and Trump - **Permitting county boards of education to base certain workforce decisions on individual's qualifications** - Introduced 1/10/2018 - To Education
9. By Sen. Trump - **Directing certain school funding to assist county boards with exceptional students with special needs** - Introduced 1/10/2018 - To Education then Finance
- \*10. By Sen. Sypolt, Clements, Rucker, Smith, Maroney, Cline and Gaunch - **Relating generally to PSC jurisdiction** (original similar to HB4355, SB515) - Introduced 1/10/2018 - To Government Organization - Com. sub. reported 1/26/2018 - Amended - Passed Senate 2/2/2018 - To House 2/5/2018 - To

Judiciary - Amended - Passed House 3/9/2018 - Effective from passage - Senate amended House amendment and passed 3/10/2018 - Effective from passage - House concurred in Senate title amendment 3/10/2018 - Passed House 3/10/2018 - Effective from passage - To Governor 3/21/18 - Approved by Governor 3/27/18 - Chapter 219, Acts, Regular Session, 2018

11. By Sen. Stollings, Ojeda, Prezioso, Plymale and Takubo - **Relating generally to traumatic brain injury** - Introduced 1/10/2018 - To Health and Human Resources then Education
12. By Sen. Stollings, Ojeda and Beach - **Creating 5-year tax credits for businesses on post-coal mine sites** - Introduced 1/10/2018 - To Economic Development then Finance
13. By Sen. Stollings, Prezioso, Woelfel, Baldwin and Beach - **Raising age to purchase tobacco and related products to 21** - Introduced 1/10/2018 - To Judiciary then Finance
14. By Sen. Maynard, Cline, Maroney and Beach - **Permitting guided bear hunting** - Introduced 1/10/2018 - To Natural Resources then Judiciary
15. By Sen. Ojeda, Baldwin and Beach - **Including nurses employed by nursing homes in WV Nurse Overtime and Patient Safety Act** - Introduced 1/10/2018 - To Health and Human Resources then Finance
16. By Sen. Ojeda - **Increasing penalties for shoplifting** - Introduced 1/10/2018 - To Judiciary
17. By Sen. Ojeda and Beach - **Permitting certain ABCC appointees or employees to carry firearms** - Introduced 1/10/2018 - To Government Organization then Judiciary
18. By Sen. Ojeda and Beach - **Relating generally to hiring of DOC and RJCFA correctional officers** (original similar to HB4044, SCR5) - Introduced 1/10/2018 - To Government Organization then Finance
19. By Sen. Maynard - **Requiring teachers to post online calendar of class activities** - Introduced 1/10/2018 - To Education
20. By Sen. Maynard and Cline - **Requiring election of State BOE members** (original similar to HJR103) - Introduced 1/10/2018 - To Education then Government Organization
21. By Sen. Maynard - **Requiring DMV create special registration plates for full-size special purpose off-road vehicles** - Introduced 1/10/2018 - To Transportation and Infrastructure then Finance
22. By Sen. Maynard - **Adjusting tax on electric-generating capacity of wind turbines** (original similar to SB150) - Introduced 1/10/2018 - To Tax Reform then Finance

23. By Sen. Maynard - **Relating generally to towing services and PSC jurisdiction** - Introduced 1/10/2018 - To Transportation and Infrastructure then Government Organization
24. By Sen. Maynard - **Requiring DNR study use of nonemployee workforce to perform improvements** - Introduced 1/10/2018 - To Natural Resources then Government Organization
25. By Sen. Maynard - **Prohibiting doctors and lawyers from filing fraudulent disability claims** - Introduced 1/10/2018 - To Health and Human Resources then Judiciary
26. By Sen. Maynard - **Authorizing WV Disaster Recovery Board to restore access to property affected by natural or manmade disaster** - Introduced 1/10/2018 - To Government Organization then Finance
27. By Sen. Maynard and Rucker - **Relating generally to School Building Authority's disbursement of funds** - Introduced 1/10/2018 - To Education then Finance
28. By Sen. Maynard - **Relating to hiring of school personnel** - Introduced 1/10/2018 - To Education then Finance
29. By Sen. Maynard - **Requiring school counselors to advise graduating students on availability of student aid** - Introduced 1/10/2018 - To Education
- \*30. By Sen. Maynard - **Relating generally to hunting with dogs** - Introduced 1/10/2018 - To Natural Resources then Judiciary - Com. sub. reported 1/23/2018 - To Judiciary 1/23/2018 - Passed Senate 2/23/2018 - To House 2/26/2018 - To Agriculture and Natural Resources then Judiciary
31. By Sen. Maynard and Plymale - **Providing special obligation notes to finance completion of I-73 and I-74 in WV** - Introduced 1/10/2018 - To Transportation and Infrastructure then Finance
32. By Sen. Maynard - **Creating grant fund to encourage film and entertainment production in WV** - Introduced 1/10/2018 - To Economic Development then Finance
33. By Sen. Maynard and Beach - **Creating WV Motorsports Committee** - Introduced 1/10/2018 - To Government Organization
34. By Sen. Maynard - **Removing requirement that reconstructed vehicle be inspected prior to titling in certain cases** - Introduced 1/10/2018 - To Transportation and Infrastructure then Judiciary
35. By Sen. Woelfel - **Requiring presuit mediation for certain civil actions** - Introduced 1/10/2018 - To Judiciary
- \*36. By Sen. Woelfel and Plymale - **Relating generally to DNA testing** - Introduced 1/10/2018 - To Health and Human Resources then Judiciary - To Judiciary 1/26/2018 - Com. sub. reported 2/9/2018 - Passed Senate 2/15/2018 - To House

2/16/2018 - To Judiciary - Passed House 3/7/2018 - To Governor 3/19/18 - Approved by Governor 3/27/18 - Chapter 207, Acts, Regular Session, 2018

- \*37. By Sen. Woelfel, Trump and Ojeda - **Equalizing penalty for entering without breaking regardless of time of day** - Introduced 1/10/2018 - To Judiciary - Com. sub. reported 1/19/2018 - Passed Senate 1/24/2018 - To House 1/25/2018 - To Judiciary - Passed House 3/2/2018 - To Governor 3/9/18 - Approved by Governor 3/20/18 - Chapter 56, Acts, Regular Session, 2018
- 38. By Sen. Maynard and Cline - **Allowing county commissions to set standards for certain county road projects** - Introduced 1/10/2018 - To Transportation and Infrastructure then Government Organization
- \*39. By Sen. Woelfel, Baldwin, Plymale and Beach - **Creating Sexual Assault Victims' Bill of Rights** - Introduced 1/10/2018 - To Judiciary - Com. sub. reported 1/19/2018 - Passed Senate 1/24/2018 - To House 1/25/2018 - To Judiciary
- 40. By Sen. Romano, Ojeda, Baldwin and Woelfel - **Requiring certain election expenditure disclosures** - Introduced 1/10/2018 - To Government Organization then Judiciary
- 41. By Sen. Woelfel - **Increasing time school counselors spend on direct counseling** (original similar to HB4549) - Introduced 1/10/2018 - To Education
- 42. By Sen. Romano, Ojeda, Maroney and Beach - **Restoring one-percent surcharge on fire and casualty insurance policies to fund volunteer fire departments** - Introduced 1/10/2018 - To Government Organization then Finance
- 43. By Sen. Cline and Beach - **Authorizing DOH or local authorities establish minimum speed limits in certain areas** - Introduced 1/10/2018 - To Transportation and Infrastructure then Judiciary
- 44. By Sen. Cline - **Increasing criminal penalties for certain crimes against law-enforcement officers** - Introduced 1/10/2018 - To Judiciary
- 45. By Sen. Cline - **Providing special license plates for realtors** - Introduced 1/10/2018 - To Transportation and Infrastructure
- \*46. By Sen. Cline and Takubo - **Permitting pharmacists to inform customers of lower-cost alternative drugs** - Introduced 1/10/2018 - To Health and Human Resources - Com. sub. reported 1/26/2018 - Passed Senate 1/31/2018 - To House 2/1/2018 - To Health and Human Resources then Judiciary - To House Judiciary - Amended - Passed House 3/2/2018 - Title amended - Senate refused to concur in House amendment 3/5/2018 - House refused to recede and requested conference 3/6/2018 - To conference 3/7/2018 - Senate adopted conference report and passed bill 3/10/2018 - House adopted conference report and passed bill 3/10/2018 - To Governor 3/21/18 - Approved by Governor 3/21/18 - Chapter 123, Acts, Regular Session, 2018
- 47. By Sen. Romano and Ojeda - **Requiring Defense Department advocacy groups be notified in abuse or neglect of military person's child** - Introduced

1/10/2018 - To Military then Health and Human Resources - To Health and Human Resources 1/24/2018 - Amended - Passed Senate 2/19/2018 - To House 2/20/2018 - To Veterans' Affairs and Homeland Security then Judiciary - To House Judiciary - Passed House 3/6/2018 - To Governor 3/14/18 - Approved by Governor 3/20/18 - Chapter 33, Acts, Regular Session, 2018

48. By Sen. Cline - **Specifying forms of grandparent visitation** - Introduced 1/10/2018 - To Judiciary
49. By Sen. Boso, Woelfel, Cline and Maroney - **Relating to funding sources for fire departments** - Introduced 1/10/2018 - To Government Organization
50. By Sen. Boso - **Reporting by Supreme Court Administrator** - Introduced 1/10/2018 - To Judiciary then Finance
- \*51. By Sen. Gaunch and Cline - **Relating to domestic relations** (original similar to HB4020) - Introduced 1/10/2018 - To Judiciary - Com. sub. reported 1/24/2018 - Passed Senate 1/29/2018 - To House 1/30/2018 - To Judiciary - Amended - Passed House 3/7/2018 - Title amended - Senate refused to concur in House amendment 3/8/2018 - House refused to recede and requested conference 3/9/2018 - To conference 3/9/2018 - Senate adopted conference report and passed bill 3/10/2018 - House adopted conference report and passed bill 3/10/2018 - To Governor 3/21/18 - Approved by Governor 3/22/18 - Chapter 65, Acts, Regular Session, 2018
52. By Sen. Gaunch and Cline - **Setting maximum licensed school psychologist-pupil ratio at 1,500 pupils for each psychologist** - Introduced 1/10/2018 - To Education
- \*53. By Sen. Palumbo - **Correcting code reference in regard to certain persons exempted from prohibitions against carrying concealed deadly weapons** (original similar to HB4187) - Introduced 1/10/2018 - To Judiciary - Com. sub. reported 1/17/2018 - Passed Senate 1/22/2018 - Effective from passage - To House 1/23/2018 - To Judiciary
54. By Sen. Palumbo, Trump, Stollings, Prezioso, Baldwin and Woelfel - **Creating Independent Redistricting Commission** - Introduced 1/10/2018 - To Government Organization then Judiciary
55. By Sen. Romano, Ojeda and Beach - **Providing continued eligibility for developmental disability services to dependents of military personnel** - Introduced 1/10/2018 - To Military then Health and Human Resources then Finance
56. By Sen. Romano, Ojeda, Stollings and Maroney - **Increasing state employees' pay over 2-year period** - Introduced 1/10/2018 - To Government Organization then Finance
- \*57. By Sen. Romano - **Relating to third-party litigation financing** - Introduced 1/10/2018 - To Judiciary then Finance - Com. sub. reported 2/8/2018 - 2nd reference dispensed - Passed Senate 2/13/2018 - To House 2/14/2018 - To Government Organization then Judiciary

58. By Sen. Romano, Ojeda, Stollings and Woelfel - **Providing cost-of-living adjustment to certain state retirees** - Introduced 1/10/2018 - To Pensions then Finance
59. By Sen. Romano, Ojeda and Beach - **Creating fund to relieve municipalities and counties of certain fire-related cleanup and demolition** - Introduced 1/10/2018 - To Government Organization then Finance
60. By Sen. Rucker, Maynard and Karnes - **Providing compensation to victims of abusive lawsuits** - Introduced 1/10/2018 - To Judiciary then Finance
61. By Sen. Takubo, Stollings, Prezioso, Woelfel and Baldwin - **Prohibiting smoking in motor vehicle when minor 16 years old or less is present** (original similar to HB4177) - Introduced 1/10/2018 - To Health and Human Resources then Judiciary - To Judiciary 2/14/2018
62. By Sen. Prezioso - **Adjusting requirements for hiring school attendance directors** - Introduced 1/10/2018 - To Education - Passed Senate 1/22/2018 - To House 1/23/2018 - To Education - Amended - Passed House 2/13/2018 - Senate concurred in House amendments and passed bill 2/14/2018 - To Governor 2/19/18 - Approved by Governor 2/21/18 - Chapter 68, Acts, Regular Session, 2018
63. By Sen. Prezioso, Ojeda, Woelfel and Baldwin - **Limiting number of days legislators may be paid in extended and extraordinary sessions in certain cases** - Introduced 1/10/2018 - To Government Organization then Finance
64. By Sen. Prezioso and Boso - **Requiring minimum standards of universal design for disabled persons in certain newly constructed buildings** - Introduced 1/10/2018 - To Government Organization
65. By Sen. Weld, Cline and Takubo - **Accessing controlled substance monitoring information** - Introduced 1/10/2018 - To Health and Human Resources then Judiciary
66. By Sen. Weld, Prezioso, Cline and Plymale - **Relating to in-state tuition rates for members of National Guard, military and reserve units** - Introduced 1/10/2018 - To Military then Education then Finance - To Education 1/24/2018
67. By Sen. Weld and Cline - **Exempting DNR police officers' pensions from state income tax** (original similar to SB112, SB285) - Introduced 1/10/2018 - To Pensions then Finance - To Finance 1/18/2018 - Passed Senate 1/26/2018 - To House 1/29/2018 - To Pensions and Retirement then Finance
68. By Sen. Ojeda and Stollings - **Creating Returning Veterans and Displaced Miners Jobs Act** - Introduced 1/10/2018 - To Workforce then Finance
69. By Sen. Weld, Boso and Cline - **Exempting certain persons from hunting, fishing and trapping licenses and permit fees** (original similar to HB4278) - Introduced 1/10/2018 - To Natural Resources then Finance

70. By Sen. Weld, Boso, Prezioso, Cline and Takubo - **Creating felony offense of aggravated animal cruelty** (original similar to HB4568) - Introduced 1/10/2018 - To Judiciary
- \*71. By Sen. Weld, Prezioso and Cline - **Defining "veteran" as it pertains to veteran-owned business** - Introduced 1/10/2018 - To Military then Government Organization - Com. sub. reported 1/24/2018 - To Government Organization 1/24/2018 - Passed Senate 1/31/2018 - To House 2/1/2018 - To Veterans' Affairs and Homeland Security then Judiciary - 2nd reference dispensed - Passed House 2/22/2018 - To Governor 3/2//18 - Approved by Governor 3/6/18 - Chapter 90, Acts, Regular Session, 2018
72. By Sen. Weld and Cline - **Allowing adjustment of gross income for calculating personal income tax liability of certain retirees** - Introduced 1/10/2018 - To Pensions then Finance
- \*73. By Sen. Weld and Cline - **Modifying crime of fleeing from scene of accident** - Introduced 1/10/2018 - To Judiciary - Com. sub. reported 1/16/2018 - Passed Senate 1/20/2018 - To House 1/22/2018 - To Judiciary - Passed House 3/5/2018 - To Governor 3/9/18 - Approved by Governor 3/27/18 - Chapter 241, Acts, Regular Session, 2018
74. By Sen. Trump, Cline, Woelfel and Baldwin - **Creating WV Volunteer Fire and Rescue Act of 2018** - Introduced 1/10/2018 - To Government Organization then Finance
- \*75. By Sen. Ferns and Maroney - **Relating to sale or transfer of video lottery locations** - Introduced 1/10/2018 - To Judiciary - Com. sub. reported 1/19/2018 - Passed Senate 1/24/2018 - Effective from passage - To House 1/25/2018 - To Judiciary then Finance
76. By Sen. Ferns - **Relating to legislative members' retirement benefits** - Introduced 1/10/2018 - To Pensions then Finance
77. By Sen. Ferns and Cline - **Providing rebuttable presumptions for certain injuries and diseases for workers' compensation coverage for police and firefighters** - Introduced 1/10/2018 - To Government Organization then Judiciary
78. By Sen. Ferns and Cline - **Continuing personal income tax adjustment for certain retirees** - Introduced 1/10/2018 - To Pensions then Finance - To Finance 2/1/2018 - Passed Senate 2/9/2018 - To House 2/12/2018 - To Pensions and Retirement then Finance
79. By Sen. Ferns, Stollings and Cline - **Relating to access to adoption records** - Introduced 1/10/2018 - To Judiciary
80. By Sen. Ferns - **Powers and duties of local boards of health** - Introduced 1/10/2018 - To Health and Human Resources then Government Organization
81. By Sen. Ferns - **Determining assessed value of shares of natural resources property** - Introduced 1/10/2018 - To Natural Resources then Finance

- \*82. By Sen. Ferns and Cline - **Including rebuttable presumptions in certain cases for firefighters with regard to workers' compensation** - Introduced 1/10/2018 - To Government Organization then Judiciary - Com. sub. reported 2/22/2018 - 2nd reference dispensed - Amended - Passed Senate with amended title 2/27/2018 - To House 2/28/2018 - To Judiciary - Passed House 3/9/2018 - To Governor 3/21/18 - Approved by Governor 3/27/18 - Chapter 246, Acts, Regular Session, 2018
83. By Sen. Karnes - **Relating to higher education student success** - Introduced 1/10/2018 - To Education then Finance
84. By Sen. Karnes, Boso, Rucker and Maynard - **Prohibiting abortion coverage in certain qualified health care plans** - Introduced 1/10/2018 - To Health and Human Resources then Judiciary
85. By Sen. Karnes - **Allowing local governments to offset personal property tax rates with local sales tax** - Introduced 1/10/2018 - To Government Organization then Finance
86. By Sen. Karnes, Trump, Cline and Takubo - **Permitting sale of home-based, micro-processed foods at farmers markets** (original similar to HB4349) - Introduced 1/10/2018 - To Agriculture and Rural Development then Health and Human Resources then Finance
- \*87. By Sen. Karnes and Cline - **Allowing purchase of Class XS resident senior hunting, fishing and trapping licenses at age 65** - Introduced 1/10/2018 - To Natural Resources then Government Organization - To Government Organization 2/6/2018 - Com. sub. reported 2/14/2018 - Passed Senate 2/19/2018 - To House 2/20/2018 - To Senior Citizen Issues then Judiciary
88. By Sen. Karnes - **Providing resident farm vendor's bidding preference** - Introduced 1/10/2018 - To Agriculture and Rural Development then Government Organization
89. By Sen. Karnes and Takubo - **Creating educational expense tax credits** - Introduced 1/10/2018 - To Education then Finance
90. By Sen. Karnes - **Repealing mandatory motor vehicle state inspections** - Introduced 1/10/2018 - To Judiciary then Finance
91. By Sen. Karnes - **Relating to care of aborted fetuses** - Introduced 1/10/2018 - To Health and Human Resources then Judiciary
92. By Sen. Karnes, Boso, Rucker and Maynard - **Limiting health insurance coverage for elective abortions to supplemental policies** - Introduced 1/10/2018 - To Banking and Insurance then Finance
93. By Sen. Karnes, Rucker and Maynard - **Establishing WV Freedom of Conscience Protection Act** - Introduced 1/10/2018 - To Government Organization then Judiciary



- \*94. By Sen. Karnes - **Prohibiting counties from regulating fireworks** - Introduced 1/10/2018 - To Government Organization - Com. sub. reported 2/2/2018 - Referred to Judiciary on 2nd reading 2/6/2018
95. By Sen. Karnes, Rucker and Maynard - **Providing procedure for WV to select delegates to Article V convention** - Introduced 1/10/2018 - To Judiciary
96. By Sen. Karnes - **Establishing 80-miles per hour speed limit on certain roads** - Introduced 1/10/2018 - To Transportation and Infrastructure then Judiciary then Finance
97. By Sen. Karnes - **Creating fixed-income tax credit for low income seniors** - Introduced 1/10/2018 - To Tax Reform then Finance
- \*98. By Sen. Palumbo, Gaunch, Drennan, Takubo and Beach - **Creating incentives to consolidate local governments** (original similar to HB2843) - Introduced 1/10/2018 - To Government Organization - Com. sub. reported 1/17/2018 - Passed Senate 1/22/2018 - To House 1/23/2018 - To Political Subdivisions then Government Organization
99. By Sen. Beach, Palumbo and Ojeda - **Prohibiting discrimination based on age or sexual orientation in certain circumstances** - Introduced 1/10/2018 - To Judiciary
100. By Sen. Romano - **Taxing digital goods, products and services** - Introduced 1/10/2018 - To Tax Reform then Finance
101. By Sen. Trump, Takubo and Woelfel - **Creating one-day special license for charitable events to sell nonintoxicating beer** (original similar to HB4460) - Introduced 1/10/2018 - To Judiciary
- \*102. By Sen. Trump - **Creating WV Uniform Fiduciary Access to Digital Assets Act** (original similar to HB4209, HB4320) - Introduced 1/10/2018 - To Judiciary - Com. sub. reported 2/1/2018 - Passed Senate 2/6/2018 - To House 2/7/2018 - To Judiciary - Amended - Passed House 3/6/2018 - Title amended - Senate concurred in House amendments and passed bill 3/7/2018 - To Governor 3/14/18 - Approved by Governor 3/27/18 - Chapter 92, Acts, Regular Session, 2018
103. By Sen. Takubo - **Establishing tax credits for certain physicians who locate in WV to practice** - Introduced 1/10/2018 - To Health and Human Resources then Finance - To Finance 1/26/2018
104. By Sen. Baldwin, Ojeda, Prezioso and Plymale - **Drug testing of legislators** - Introduced 1/10/2018 - To Judiciary then Finance
105. By Sen. Baldwin and Ojeda - **Establishing tax credit for certain college graduates who remain in state** - Introduced 1/10/2018 - To Education then Finance
106. By Sen. Baldwin and Maroney - **Legalizing certain sport pool betting** - Introduced 1/10/2018 - To Judiciary then Finance

107. By Sen. Ferns - **Establishing Mental Health, Veteran and Service Members Court** (original similar to SB4, SB74) - Introduced 1/10/2018 - To Judiciary then Finance
108. By Sen. Ojeda and Beach - **Creating Volunteer Firefighter Appreciation Act of 2018** (original similar to HB4316) - Introduced 1/10/2018 - To Government Organization then Finance
109. By Sen. Trump - **Limiting funds deducted from Unclaimed Property Fund during fiscal year** - Introduced 1/10/2018 - To Finance
- \*110. By Sen. Trump - **Requiring certain licensees notify law enforcement or EMS of life-threatening emergency on premises** - Introduced 1/10/2018 - To Judiciary - Com. sub. reported 1/17/2018 - Passed Senate 1/22/2018 - To House 1/23/2018 - To Judiciary - Amended - Passed House 3/5/2018 - Title amended - Senate concurred in House amendments and passed bill 3/6/2018 - To Governor 3/9/18 - Approved by Governor 3/20/18 - Chapter 208, Acts, Regular Session, 2018
111. By Sen. Trump, Rucker, Maynard and Karnes - **Enacting Forming Open and Robust University Minds Act** - Introduced 1/10/2018 - To Education then Judiciary
112. By Sen. Trump and Boso - **Clarifying that natural resources police officers' subsistence allowance is pensionable** (original similar to SB285, SB67) - Introduced 1/10/2018 - To Natural Resources then Pensions - 2nd reference dispensed - Passed Senate 2/23/2018 - To House 2/26/2018 - To Agriculture and Natural Resources then Finance - To House Finance 2/27/2018
113. By Sen. Trump and Boso - **Improper use or representation of service animals** - Introduced 1/10/2018 - To Judiciary
114. By Sen. Trump, Boso, Prezioso, Plymale and Woelfel - **Posting of National Human Trafficking Resource Center hotline number** (original similar to HB4169) - Introduced 1/10/2018 - To Judiciary
115. By Sen. Trump - **Requiring Agriculture Commissioner sell all department-owned farms by certain date** - Introduced 1/10/2018 - To Agriculture and Rural Development then Finance
- \*116. By Sen. Trump - **Providing court costs collected under Second Chance Driver's License Program are not subject to 5 percent offset** - Introduced 1/10/2018 - To Judiciary then Finance - Com. sub. reported 1/19/2018 - To Finance 1/19/2018 - Passed Senate 1/26/2018 - To House 1/29/2018 - To Judiciary then Finance - 2nd reference dispensed - On 2nd reading, House Calendar 3/10/2018
117. By Sen. Palumbo, Ojeda, Stollings and Prezioso - **Requiring vacancies in certain elected offices be filled by person of same political party as previous officeholder** - Introduced 1/10/2018 - To Judiciary
118. By Sen. Ferns and Boso - **Revising law regulating election financing** - Introduced 1/10/2018 - To Judiciary

- \*119. By Sen. Ferns and Boso - **Establishing WV business growth in low-income communities tax credit** (original similar to HB4503) - Introduced 1/10/2018 - To Economic Development then Finance - Com. sub. reported 2/12/2018 - To Finance 2/12/2018
120. By Sen. Plymale and Baldwin - **Restoring exception for florists from general sourcing rules for sales and use taxes** - Introduced 1/10/2018 - To Finance
121. By Sen. Plymale and Stollings - **Licensing practice of athletic training** - Introduced 1/10/2018 - To Government Organization then Judiciary
122. By Sen. Plymale - **Limiting liability of Parks and Recreation section of DNR** - Introduced 1/10/2018 - To Natural Resources then Judiciary
123. By Sen. Baldwin and Ojeda - **Funding veterans' programs and volunteer fire departments** - Introduced 1/10/2018 - To Military then Finance
124. By Sen. Karnes, Rucker, Maynard and Takubo - **Providing authorization and oversight of public charter schools** - Introduced 1/10/2018 - To Education then Finance
125. By Sen. Karnes - **2018 Tax Reform Act** - Introduced 1/10/2018 - To Tax Reform then Finance
126. By Sen. Karnes - **Creating earned income tax credit for low income workers** - Introduced 1/10/2018 - To Tax Reform then Finance
127. By Sen. Trump - **Relating to personal representatives of estates** - Introduced 1/10/2018 - To Judiciary
128. By Sen. Karnes, Rucker and Maynard - **Establishing education expenses tax credit** - Introduced 1/10/2018 - To Education then Finance
129. By Sen. Baldwin, Ojeda, Beach and Woelfel - **Limiting time prescriptions may be issued for certain controlled substances** - Introduced 1/10/2018 - To Health and Human Resources then Judiciary
- \*130. By Sen. Trump, Rucker, Maynard, Karnes and Takubo - **Creating Tim Tebow Act** - Introduced 1/10/2018 - To Education then Finance - Com. sub. reported 1/12/2018 - To Finance 1/12/2018
131. By Sen. Boso, Swope, Beach, Gaunch, Maynard, Plymale, Rucker and Cline - **Exempting certain services and personal property sold for repair, remodeling and maintenance of aircraft** (original similar to HB4022, SB311) - Introduced 1/10/2018 - To Economic Development then Finance
132. By Sen. Stollings, Ojeda, Prezioso, Takubo and Woelfel - **Supplemental appropriation from surplus balance to DHHR Division of Tobacco Education Program** - Introduced 1/10/2018 - To Finance
- \*133. By Sen. Gaunch, Blair, Swope, Baldwin, Jeffries, Boso and Ojeda - **Exempting renewal of certain contracts entered into during declared state of**

**emergency** (original similar to HB4034) - Introduced 1/10/2018 - To Government Organization - Com. sub. reported 1/17/2018 - Passed Senate 1/22/2018 - To House 1/23/2018 - To Government Organization then Judiciary - To House Judiciary - Amended - Passed House 3/6/2018 - Title amended - Senate concurred in House amendments and passed bill 3/7/2018 - To Governor 3/14/18 - Approved by Governor 3/20/18 - Chapter 93, Acts, Regular Session, 2018

- \*134. By Sen. Gaunch, Blair, Swope, Baldwin, Jeffries, Ojeda, Cline and Maroney - **Authorizing Division of Homeland Security and Emergency Management to engage individuals for emergency response and recovery** (original similar to HB4033) - Introduced 1/10/2018 - To Government Organization then Finance - Com. sub. reported 1/17/2018 - To Finance 1/17/2018 - Passed Senate 1/24/2018 - Effective from passage - To House 1/25/2018 - To Government Organization - Amended - Passed House 3/2/2018 - Effective from passage - Senate concurred in House amendments and passed bill 3/3/2018 - Effective from passage - Senate reconsidered action - Senate refused to concur in House amendment 3/3/2018 - House receded and passed 3/5/2018 - Effective from passage - To Governor 3/9/18 - Approved by Governor 3/20/18 - Chapter 209, Acts, Regular Session, 2018
135. By Sen. Beach - **Relating to safety of tow trucks, wreckers and tilt-bed vehicles** - Introduced 1/10/2018 - To Transportation and Infrastructure then Judiciary
136. By Sen. Trump and Rucker - **Providing addition of mini-distillery does not change nature of agricultural property for building code and property tax classification purposes** - Introduced 1/10/2018 - To Judiciary
137. By Sen. Sypolt - **Removing limitation on amount collected by county via hotel occupancy tax that may be used for medical care and emergency services** - Introduced 1/10/2018 - To Government Organization then Finance
138. By Sen. Sypolt - **Exempting heating oil for residential use from motor fuel excise tax** - Introduced 1/10/2018 - To Finance
139. By Sen. Sypolt - **Changing qualifier for low income for homestead tax credit** - Introduced 1/10/2018 - To Finance
140. By Sen. Sypolt and Cline - **Requiring photo identification on voter registration cards** - Introduced 1/10/2018 - To Judiciary
- \*141. By Sen. Sypolt - **Expanding county assessment and collection of head tax on breeding cows** - Introduced 1/10/2018 - To Agriculture and Rural Development then Government Organization - Com. sub. reported 1/26/2018 - To Government Organization 1/26/2018 - Com. sub. for com. sub. reported 2/2/2018 - Passed Senate 2/7/2018 - To House 2/8/2018 - To Agriculture and Natural Resources then Finance - To House Finance - Amended - Passed House 3/9/2018 - Senate concurred in House amendments and passed bill 3/10/2018 - To Governor 3/21/18 - Vetoed by Governor 3/28/18
142. By Sen. Sypolt - **Reducing number of strikes defendant has in criminal proceedings from six to four** - Introduced 1/10/2018 - To Judiciary

143. By Sen. Sypolt - **Permitting DNR identification tag be used to identify trap** - Introduced 1/10/2018 - To Natural Resources - Passed Senate 1/26/2018 - To House 1/29/2018 - To Agriculture and Natural Resources then Judiciary - To House Judiciary - Amended - Passed House 3/3/2018 - Senate concurred in House amendments and passed bill 3/5/2018 - To Governor 3/9/18 - Approved by Governor 3/20/18 - Chapter 163, Acts, Regular Session, 2018
144. By Sen. Sypolt - **Providing for nonpartisan election of county surveyors** - Introduced 1/10/2018 - To Government Organization then Judiciary
145. By Sen. Sypolt - **Relating to inspection of meat and poultry** - Introduced 1/10/2018 - To Agriculture and Rural Development then Finance
- \*146. By Sen. Trump - **Correcting technical error within Solid Waste Management Act** - Introduced 1/10/2018 - To Judiciary - Com. sub. reported 1/19/2018 - Passed Senate 1/23/2018 - Effective from passage - To House 1/24/2018 - To Judiciary - Passed House 3/2/2018 - Effective from passage - To Governor 3/9/18 - Approved by Governor 3/20/18 - Chapter 84, Acts, Regular Session, 2018
147. By Sen. Sypolt - **Exempting farm winery from certain taxes** - Introduced 1/10/2018 - To Agriculture and Rural Development then Finance
- \*148. By Sen. Sypolt - **Permitting surface owners purchase mineral interests when they become subject to tax lien** - Introduced 1/10/2018 - To Natural Resources then Finance - Com. sub. reported 2/21/2018 - To Finance 2/21/2018
149. By Sen. Trump, Takubo and Woelfel - **Establishing safeguards for treatment of acute pain and opioid medications** - Introduced 1/10/2018 - To Health and Human Resources
150. By Sen. Smith and Cline - **Relating to wind power projects** (original similar to HB4286, SB22) - Introduced 1/10/2018 - To Energy, Industry and Mining then Finance - To Finance 1/17/2018
151. By Sen. Trump - **Creating Appropriation Supremacy Act of 2018** - Introduced 1/10/2018 - To Judiciary then Finance - To Finance 2/6/2018
- \*152. By Sen. Carmichael (Mr. President) and Prezioso [By Request of the Executive] - **Budget Bill** - Introduced 1/10/2018 - To Finance 1/10/2018 - Com. sub. reported 3/5/2018 - Rereferred to Finance on 2nd reading 3/5/2018 - Amended - Passed Senate 3/8/2018 - Effective from passage - To House 3/8/2018 - Reference dispensed - Amended - Passed House 3/10/2018 - Effective from passage - Senate concurred in House amendments and passed bill 3/10/2018 - Effective from passage - To Governor 3/14/18 - Approved by Governor with reductions 3/15/18 - Chapter 12, Acts, Regular Session, 2018
153. By Sen. Maynard - **Department of Administration rule relating to state-owned vehicles** (original similar to HB4087) - Introduced 1/11/2018 - To Judiciary

- \*154. By Sen. Maynard - **Authorizing Department of Administration to promulgate legislative rules** (original similar to HB4086) - Introduced 1/11/2018 - To Judiciary - Com. sub. reported 1/16/2018 - Passed Senate 1/19/2018 - Effective from passage - To House 1/22/2018 - To Judiciary - Passed House 2/15/2018 - Effective from passage - To Governor 2/21/18 - Approved by Governor 2/27/18 - Chapter 140, Acts, Regular Session, 2018
155. By Sen. Maynard - **DEP rule relating to standards of performance for new stationary sources** (original similar to HB4074) - Introduced 1/11/2018 - To Energy, Industry and Mining then Judiciary
156. By Sen. Maynard - **DEP rule relating to control of air pollution from combustion of solid waste** (original similar to HB4088) - Introduced 1/11/2018 - To Energy, Industry and Mining then Judiciary
157. By Sen. Maynard - **DEP rule relating to control of air pollution from municipal solid waste** (original similar to HB4089) - Introduced 1/11/2018 - To Energy, Industry and Mining then Judiciary
158. By Sen. Maynard - **DEP rule relating to control of air pollution from hazardous waste treatment, storage and disposal facilities** (original similar to HB4090) - Introduced 1/11/2018 - To Energy, Industry and Mining then Judiciary
159. By Sen. Maynard - **DEP rule relating to emission standards for hazardous air pollutants** (original similar to HB4091) - Introduced 1/11/2018 - To Energy, Industry and Mining then Judiciary
160. By Sen. Maynard - **DEP rule relating to ambient air quality standards** (original similar to HB4092) - Introduced 1/11/2018 - To Energy, Industry and Mining then Judiciary
161. By Sen. Maynard - **DEP rule relating to surface mining reclamation** (original similar to HB4085) - Introduced 1/11/2018 - To Energy, Industry and Mining then Judiciary
162. By Sen. Maynard - **DEP rule relating to voluntary remediation and redevelopment** (original similar to HB4094) - Introduced 1/11/2018 - To Energy, Industry and Mining then Judiciary
- \*163. By Sen. Maynard - **Authorizing DEP promulgate legislative rules** (original similar to HB4093) - Introduced 1/11/2018 - To Energy, Industry and Mining then Judiciary - To Judiciary 1/17/2018 - Com. sub. reported 1/23/2018 - Amended on 3rd reading - Passed Senate 1/30/2018 - Effective from passage - To House 1/31/2018 - To Judiciary - Passed House 2/16/2018 - Effective from passage - To Governor 2/21/18 - Approved by Governor 2/27/18 - Chapter 141, Acts, Regular Session, 2018
164. By Sen. Maynard - **DEP rule relating to underground storage tanks** (original similar to HB4084) - Introduced 1/11/2018 - To Energy, Industry and Mining then Judiciary

- \*165. By Sen. Maynard - **Authorizing DHHR promulgate legislative rules** (original similar to HB4129) - Introduced 1/11/2018 - To Health and Human Resources then Judiciary - To Judiciary 1/17/2018 - Com. sub. reported 1/25/2018 - Passed Senate 1/30/2018 - Effective from passage - To House 1/31/2018 - To Judiciary - Amended - Passed House 2/16/2018 - Title amended - Effective from passage - Senate concurred in House amendments and passed bill 2/19/2018 - Effective from passage - To Governor 2/23/18 - Approved by Governor 2/27/18 - Chapter 142, Acts, Regular Session, 2018
166. By Sen. Maynard - **DHHR rule relating to food establishments** (original similar to HB4128) - Introduced 1/11/2018 - To Health and Human Resources then Judiciary
167. By Sen. Maynard - **DHHR rule relating to public water systems** (original similar to HB4127) - Introduced 1/11/2018 - To Health and Human Resources then Judiciary
168. By Sen. Maynard - **DHHR rule relating to emergency medical services** (original similar to HB4126) - Introduced 1/11/2018 - To Health and Human Resources then Judiciary
169. By Sen. Maynard - **DHHR rule relating to WV clearance for access** (original similar to HB4125) - Introduced 1/11/2018 - To Health and Human Resources then Judiciary
170. By Sen. Maynard - **DHHR rule relating to development of methodologies to examine needs for substance use and disorder treatment facilities** (original similar to HB4132) - Introduced 1/11/2018 - To Health and Human Resources then Judiciary
171. By Sen. Maynard - **DHHR rule relating to collection and exchange of data related to overdoses** (original similar to HB4131) - Introduced 1/11/2018 - To Health and Human Resources then Judiciary
172. By Sen. Maynard - **Health Care Authority rule relating to financial disclosure** (original similar to HB4130) - Introduced 1/11/2018 - To Health and Human Resources then Judiciary
173. By Sen. Maynard - **DHHR rule relating to child care centers licensing** (original similar to HB4124) - Introduced 1/11/2018 - To Health and Human Resources then Judiciary
174. By Sen. Maynard - **DHHR rule relating to family child care facility licensing** (original similar to HB4123) - Introduced 1/11/2018 - To Health and Human Resources then Judiciary
175. By Sen. Maynard - **DHHR rule relating to family child care home registration requirements** (original similar to HB4122) - Introduced 1/11/2018 - To Health and Human Resources then Judiciary
176. By Sen. Maynard - **DHHR rule relating to child placing agencies** (original similar to HB4121) - Introduced 1/11/2018 - To Health and Human Resources then Judiciary

177. By Sen. Maynard - **DHHR rule relating to informal and relative family child care home registration** (original similar to HB4120) - Introduced 1/11/2018 - To Health and Human Resources then Judiciary
178. By Sen. Maynard - **DHHR rule relating to out-of-school-time child care center licensing** (original similar to HB4133) - Introduced 1/11/2018 - To Health and Human Resources then Judiciary
179. By Sen. Maynard - **DHHR rule relating to drug screening of applicants for cash assistance** (original similar to HB4134) - Introduced 1/11/2018 - To Health and Human Resources then Judiciary
180. By Sen. Maynard - **State Fire Commission rule relating to electrician licensing** (original similar to HB4098) - Introduced 1/11/2018 - To Judiciary
- \*181. By Sen. Maynard - **Authorizing MAPS promulgate legislative rules** (original similar to HB4097) - Introduced 1/11/2018 - To Judiciary - Com. sub. reported 2/1/2018 - Passed Senate 2/6/2018 - Effective from passage - To House 2/7/2018 - To Judiciary - Amended - Passed House 3/1/2018 - Effective from passage - Senate concurred in House amendments and passed bill 3/2/2018 - Effective from passage - To Governor 3/9/18 - Approved by Governor 3/20/18 - Chapter 143, Acts, Regular Session, 2018
182. By Sen. Maynard - **Governor's Committee on Crime, Delinquency and Correction rule relating to law-enforcement training and certification** (original similar to HB4096) - Introduced 1/11/2018 - To Judiciary
183. By Sen. Maynard - **Governor's Committee on Crime, Delinquency and Correction rule relating to protocol for law enforcement to domestic violence** (original similar to HB4095) - Introduced 1/11/2018 - To Judiciary
- \*184. By Sen. Maynard - **Authorizing DOT promulgate legislative rules** (original similar to HB4099) - Introduced 1/11/2018 - To Judiciary - Com. sub. reported 1/26/2018 - Passed Senate 1/31/2018 - Effective from passage - To House 2/1/2018 - To Judiciary - Amended - Passed House 2/15/2018 - Effective from passage - Senate concurred in House amendments and passed bill 2/16/2018 - Effective from passage - To Governor 2/21/18 - Approved by Governor 2/27/18 - Chapter 144, Acts, Regular Session, 2018
185. By Sen. Maynard - **Board of Accountancy rule relating to board rules and rules of professional conduct** (original similar to HB4073) - Introduced 1/11/2018 - To Judiciary
186. By Sen. Maynard - **Agriculture rule relating to animal disease control** (original similar to HB4083) - Introduced 1/11/2018 - To Judiciary
187. By Sen. Maynard - **Agriculture rule relating to auctioneers** (original similar to HB4082) - Introduced 1/11/2018 - To Judiciary
188. By Sen. Maynard - **Agriculture rule relating to noxious weeds** (original similar to HB4081) - Introduced 1/11/2018 - To Judiciary



189. By Sen. Maynard - **Agriculture rule relating to inspection of meat and poultry** (original similar to HB4080) - Introduced 1/11/2018 - To Judiciary
190. By Sen. Maynard - **Agriculture rule relating to WV apiary law** (original similar to HB4079) - Introduced 1/11/2018 - To Judiciary
191. By Sen. Maynard - **Agriculture rule relating to inspection of nontraditional, domesticated animals** (original similar to HB4078) - Introduced 1/11/2018 - To Judiciary
192. By Sen. Maynard - **Agriculture rule relating to charges for inspection services** (original similar to HB4077) - Introduced 1/11/2018 - To Judiciary
193. By Sen. Maynard - **Athletic Commission rule relating to administrative rules of WV State Athletic Commission** (original similar to HB4076) - Introduced 1/11/2018 - To Judiciary
194. By Sen. Maynard - **Athletic Commission rule relating to regulation of mixed martial arts** (original similar to HB4075) - Introduced 1/11/2018 - To Judiciary
195. By Sen. Maynard - **Board of Licensed Dietitians rule relating to licensure and renewal requirements** (original similar to HB4072) - Introduced 1/11/2018 - To Judiciary
196. By Sen. Maynard - **Board of Hearing Aid Dealers rule relating to governing WV Board of Hearing Aid Dealers** (original similar to HB4071) - Introduced 1/11/2018 - To Judiciary
197. By Sen. Maynard - **Board of Medicine rule relating to licensure, disciplinary and complaint procedures, continuing education, physician assistants** (original similar to HB4069) - Introduced 1/11/2018 - To Judiciary
198. By Sen. Maynard - **Board of Medicine rule relating to continuing education for physicians and podiatric physicians** (original similar to HB4070) - Introduced 1/11/2018 - To Judiciary
199. By Sen. Maynard - **Board of Optometry rule relating to rules of WV Board of Optometry** (original similar to HB4050) - Introduced 1/11/2018 - To Judiciary
200. By Sen. Maynard - **Board of Osteopathic Medicine rule relating to osteopathic physician assistants** (original similar to HB4068) - Introduced 1/11/2018 - To Judiciary
201. By Sen. Maynard - **Board of Pharmacy rule relating to licensure and practice of pharmacy** (original similar to HB4067) - Introduced 1/11/2018 - To Judiciary
202. By Sen. Maynard - **Board of Pharmacy rule relating to pharmacist recovery networks** (original similar to HB4066) - Introduced 1/11/2018 - To Judiciary

203. By Sen. Maynard - **Board of Pharmacy rule relating to immunizations administered by pharmacists and pharmacy interns** (original similar to HB4065) - Introduced 1/11/2018 - To Judiciary
204. By Sen. Maynard - **Board of Pharmacy rule relating to centralized prescriptions processing** (original similar to HB4064) - Introduced 1/11/2018 - To Judiciary
205. By Sen. Maynard - **Board of Pharmacy rule relating to Uniform Controlled Substances Act** (original similar to HB4063) - Introduced 1/11/2018 - To Judiciary
206. By Sen. Maynard - **Board of Pharmacy rule relating to registration of pharmacy technicians** (original similar to HB4062) - Introduced 1/11/2018 - To Judiciary
207. By Sen. Maynard - **Board of Pharmacy rule relating to controlled substances monitoring program** (original similar to HB4061) - Introduced 1/11/2018 - To Judiciary
208. By Sen. Maynard - **Board of Examiners of Psychologists rule relating to fees** (original similar to HB4049) - Introduced 1/11/2018 - To Judiciary
209. By Sen. Maynard - **Board of Examiners of Psychologists relating to rules for licensure as psychologist and/or school psychologist** (original similar to HB4048) - Introduced 1/11/2018 - To Judiciary
210. By Sen. Maynard - **Board of Examiners of Psychologists rule relating to code of conduct** (original similar to HB4047) - Introduced 1/11/2018 - To Judiciary
211. By Sen. Maynard - **Real Estate Appraiser Licensing and Certification Board rule relating to requirements for licensure and certification** (original similar to HB4060) - Introduced 1/11/2018 - To Judiciary
212. By Sen. Maynard - **Real Estate Commission rule relating to licensing real estate brokers, associate brokers and sales persons and conduct of brokerage business** (original similar to HB4059) - Introduced 1/11/2018 - To Judiciary
213. By Sen. Maynard - **Real Estate Commission rule relating to schedule of fees** (original similar to HB4058) - Introduced 1/11/2018 - To Judiciary
214. By Sen. Maynard - **Real Estate Commission rule relating to requirements for real estate courses, course providers and instructors** (original similar to HB4057) - Introduced 1/11/2018 - To Judiciary
215. By Sen. Maynard - **Secretary of State rule relating to procedures for canvassing elections** (original similar to HB4056) - Introduced 1/11/2018 - To Judiciary
216. By Sen. Maynard - **Secretary of State rule relating to procedures for handling ballots and counting write-in votes for optical scan ballots** (original similar to HB4055) - Introduced 1/11/2018 - To Judiciary

217. By Sen. Maynard - **Secretary of State rule relating to vote by mail pilot project phase 2** (original similar to HB4054) - Introduced 1/11/2018 - To Judiciary
218. By Sen. Maynard - **Board of Veterinary Medicine rule relating to organization, operation and licensing of veterinarians** (original similar to HB4053) - Introduced 1/11/2018 - To Judiciary
219. By Sen. Maynard - **Board of Veterinary Medicine rule relating to certified animal euthanasia technicians** (original similar to HB4052) - Introduced 1/11/2018 - To Judiciary
220. By Sen. Maynard - **Board of Veterinary Medicine rule relating to schedule of fees** (original similar to HB4051) - Introduced 1/11/2018 - To Judiciary
221. By Sen. Maynard - **Division of Labor rule relating to Zipline and Canopy Tour Responsibility Act** (original similar to HB4119) - Introduced 1/11/2018 - To Judiciary
222. By Sen. Maynard - **Division of Labor rule relating to bedding and upholstered furniture** (original similar to HB4118) - Introduced 1/11/2018 - To Judiciary
223. By Sen. Maynard - **Division of Labor rule relating to Amusement Rides and Amusement Attractions Safety Act** (original similar to HB4117) - Introduced 1/11/2018 - To Judiciary
224. By Sen. Maynard - **Division of Labor rule relating to Elevator Safety Act** (original similar to HB4116) - Introduced 1/11/2018 - To Judiciary
225. By Sen. Maynard - **Division of Labor rule relating to employer wage bonds** (original similar to HB4115) - Introduced 1/11/2018 - To Judiciary
226. By Sen. Maynard - **Division of Labor rule relating to registration of service persons and agencies** (original similar to HB4114) - Introduced 1/11/2018 - To Judiciary
227. By Sen. Maynard - **Division of Labor rule relating to registration of weighing and measuring devices used by businesses in commercial transactions** (original similar to HB4113) - Introduced 1/11/2018 - To Judiciary
228. By Sen. Maynard - **Office of Miners' Health, Safety and Training rule relating to operating diesel equipment in underground mines** (original similar to HB4106) - Introduced 1/11/2018 - To Energy, Industry and Mining then Judiciary
229. By Sen. Maynard - **DNR rule relating to hunting, fishing, and other outfitters and guides** (original similar to HB4107) - Introduced 1/11/2018 - To Natural Resources then Judiciary
- \*230. By Sen. Maynard - **Authorizing Department of Commerce promulgate legislative rules** (original similar to HB4108) - Introduced 1/11/2018 - To

Natural Resources then Judiciary - To Judiciary 1/16/2018 - Com. sub. reported 2/2/2018 - Passed Senate 2/7/2018 - Effective from passage - To House 2/8/2018 - To Judiciary - Amended - Passed House 3/9/2018 - Effective from passage - Senate concurred in House amendments and passed bill 3/10/2018 - Effective from passage - To Governor 3/21/18 - Approved by Governor 3/21/18 - Chapter 145, Acts, Regular Session, 2018

231. By Sen. Maynard - **DNR rule relating to general hunting** (original similar to HB4109) - Introduced 1/11/2018 - To Natural Resources then Judiciary
232. By Sen. Maynard - **DNR rule relating to special migratory game bird hunting** (original similar to HB4110) - Introduced 1/11/2018 - To Natural Resources then Judiciary
233. By Sen. Maynard - **DNR rule relating to miscellaneous permits and licenses** (original similar to HB4111) - Introduced 1/11/2018 - To Natural Resources then Judiciary
234. By Sen. Maynard - **DNR rule relating to wildlife disease management** (original similar to HB4112) - Introduced 1/11/2018 - To Natural Resources then Judiciary - To Judiciary 1/23/2018
235. By Sen. Maynard - **Lottery Commission rule relating to state lottery rules** (original similar to HB4100) - Introduced 1/11/2018 - To Finance then Judiciary
236. By Sen. Maynard - **Racing Commission rule relating to thoroughbred racing** (original similar to HB4101) - Introduced 1/11/2018 - To Finance then Judiciary
- \*237. By Sen. Maynard - **Authorizing Department of Revenue promulgate legislative rules** (original similar to HB4102) - Introduced 1/11/2018 - To Finance then Judiciary - To Judiciary 1/19/2018 - Com. sub. reported 1/26/2018 - Amended - Passed Senate 1/31/2018 - Effective from passage - To House 2/1/2018 - To Judiciary - Amended - Passed House 2/22/2018 - Title amended - Effective from passage - Senate concurred in House amendments and passed bill 2/26/2018 - Effective from passage - To Governor 3/2/18 - Approved by Governor 3/6/18 - Chapter 146, Acts, Regular Session, 2018
238. By Sen. Maynard - **Tax Department rule relating to payment of taxes by electronic funds transfer** (original similar to HB4103) - Introduced 1/11/2018 - To Finance then Judiciary
239. By Sen. Maynard - **Tax Department rule relating to property tax transfer** (original similar to HB4104) - Introduced 1/11/2018 - To Finance then Judiciary
240. By Sen. Maynard - **Tax Department rule relating to municipal sales and service and use tax administration** (original similar to HB4105) - Introduced 1/11/2018 - To Finance then Judiciary
241. By Sen. Trump and Blair - **Relating to used motor vehicle warranties** (original similar to SB308) - Introduced 1/11/2018 - To Judiciary
242. By Sen. Trump, Blair, Maroney and Rucker - **Requiring health insurance providers provide coverage for certain Lyme disease treatment** (original

similar to HB4328) - Introduced 1/11/2018 - To Health and Human Resources  
- Amended - Passed Senate with amended title 1/31/2018 - To House 2/1/2018  
- To Health and Human Resources then Judiciary - To House Judiciary - Passed  
House 3/8/2018 - To Governor 3/19/18 - Approved by Governor 3/20/18 -  
Chapter 124, Acts, Regular Session, 2018

243. By Sen. Trump, Unger, Blair and Rucker - **Increasing number of Berkeley County magistrates** - Introduced 1/11/2018 - To Judiciary then Finance
- \*244. By Sen. Azinger and Rucker - **Specifying conditions for unlawful possession of firearm at school-sponsored activities** (original similar to HB4139) - Introduced 1/11/2018 - To Education then Judiciary - Com. sub. reported 1/31/2018 - 2nd reference dispensed - Amended on 3rd reading - Passed Senate 2/6/2018 - To House 2/7/2018 - To Education then Judiciary - To House Judiciary - Amended - Passed House 3/9/2018 - Title amended - Senate amended House amendment and passed 3/10/2018 - House concurred in Senate title amendment 3/10/2018 - Passed House 3/10/2018 - To Governor 3/21/18 - Approved by Governor 3/27/18 - Chapter 69, Acts, Regular Session, 2018
245. By Sen. Azinger - **Prohibiting use of communication facility in commission of felony** - Introduced 1/11/2018 - To Judiciary
246. By Sen. Azinger and Cline - **Increasing penalty for burglary under certain circumstances** - Introduced 1/11/2018 - To Judiciary
247. By Sen. Azinger and Cline - **Relating to crime of attempted murder** - Introduced 1/11/2018 - To Judiciary
248. By Sen. Azinger, Rucker and Cline - **Raising age to 16 for children who are victims of certain sexual offenses** - Introduced 1/11/2018 - To Judiciary
249. By Sen. Azinger and Cline - **Relating to felony possession of stolen firearm with altered serial number** - Introduced 1/11/2018 - To Judiciary
250. By Sen. Azinger and Cline - **Relating to crime of aggravated malicious wounding** - Introduced 1/11/2018 - To Judiciary
251. By Sen. Azinger and Cline - **Relating to administration of Naloxone or other approved opioid antagonist by first responders** - Introduced 1/11/2018 - To Health and Human Resources then Judiciary
252. By Sen. Azinger and Cline - **Requiring schools provide elective course on certain religious texts** - Introduced 1/11/2018 - To Education
253. By Sen. Plymale, Unger and Boso - **Relating generally to associate of science degrees which target workforce needs** - Introduced 1/11/2018 - To Education then Finance
254. By Sen. Trump and Blair - **Expanding finance board's discretion to include subsidies from Retirement Health Benefit Trust Fund in its financial plans for certain employees** - Introduced 1/11/2018 - To Pensions then Finance

255. By Sen. Beach - **Prohibiting transportation network company drivers from soliciting rides or occupying designated cab stands** - Introduced 1/12/2018 - To Transportation and Infrastructure then Government Organization
256. By Sen. Cline - **Requiring motor vehicles, trailers or semitrailers having hydraulically operated bed have warning device to alert driver** - Introduced 1/12/2018 - To Transportation and Infrastructure
257. By Sen. Azinger - **Creating WV Counseling Protection Act** - Introduced 1/12/2018 - To Health and Human Resources then Judiciary
- \*258. By Sen. Azinger and Cline - **Exempting honorably discharged veterans from fees for license to carry deadly weapons** - Introduced 1/12/2018 - To Military then Judiciary - Com. sub. reported 1/25/2018 - To Judiciary 1/25/2018 - Com. sub. for com. sub. reported 1/30/2018 - Passed Senate 2/2/2018 - To House 2/5/2018 - To Veterans' Affairs and Homeland Security then Judiciary - To House Judiciary - To House Finance 2/28/2018
259. By Sen. Jeffries, Stollings, Gaunch, Romano and Swope - **Clarifying process to assess lowest qualified bidder in government construction contracts** - Introduced 1/12/2018 - To Government Organization then Judiciary
260. By Sen. Beach and Romano - **Requiring state-owned or -leased vehicles be registered** - Introduced 1/12/2018 - To Government Organization then Finance
- \*261. By Sen. Carmichael (Mr. President) and Prezioso [By Request of the Executive] - **Transferring certain powers and programs of WV Affordable Housing Trust Fund to WV Housing Development Fund** (original similar to HB4140) - Introduced 1/12/2018 - To Government Organization then Finance - Com. sub. reported 2/23/2018 - 2nd reference dispensed - Amended - Passed Senate 2/28/2018 - To House 2/28/2018 - To Finance - Amended - Passed House 3/8/2018 - Title amended - Senate amended House amendment and passed 3/9/2018 - House concurred in Senate title amendment 3/10/2018 - Passed House 3/10/2018 - To Governor 3/21/18 - Approved by Governor 3/21/18 - Chapter 116, Acts, Regular Session, 2018
262. By Sen. Carmichael (Mr. President) and Prezioso [By Request of the Executive] - **Providing certain Division of Corrections, Division of Juvenile Services and WV Regional Jail Authority pay equity salary adjustment** (original similar to HB4142) - Introduced 1/12/2018 - To Government Organization then Finance
263. By Sen. Carmichael (Mr. President) and Prezioso [By Request of the Executive] - **Eliminating film tax credits** (original similar to HB4144) - Introduced 1/12/2018 - To Finance - Passed Senate 1/22/2018 - Effective from passage - To House 1/23/2018 - Reference dispensed - Passed House 1/26/2018 - Effective from passage - To Governor 1/29/18 - Approved by Governor 1/29/18 - Chapter 227, Acts, Regular Session, 2018
264. By Sen. Carmichael (Mr. President) and Prezioso [By Request of the Executive] - **Eliminating refundable exemption for road construction contractors** (original similar to HB4157) - Introduced 1/12/2018 - To Finance

265. By Sen. Carmichael (Mr. President) and Prezioso [By Request of the Executive]  
- **Updating meaning of certain terms in WV Corporation Net Income Tax Act** (original similar to HB4135) - Introduced 1/12/2018 - To Finance
266. By Sen. Carmichael (Mr. President) and Prezioso [By Request of the Executive]  
- **Updating meaning of certain terms used in WV Personal Income Tax Act** (original similar to HB4146) - Introduced 1/12/2018 - To Finance
- \*267. By Sen. Carmichael (Mr. President) and Prezioso [By Request of the Executive]  
- **Increasing salaries of certain state employees** (original similar to HB4145)  
- Introduced 1/12/2018 - To Government Organization then Finance - To Finance 1/19/2018 - Com. sub. reported 1/26/2018 - Passed Senate 2/2/2018 - Effective July 1, 2018 - To House 2/5/2018 - To Finance - Amended - Passed House 2/13/2018 - Title amended - Effective July 1, 2018 - Referred to Senate Rules 2/15/2018 - Senate amended House amendment and passed 2/20/2018 - Effective July 1, 2018 - House concurred in Senate amendment 2/20/2018 - Passed House 2/20/2018 - Effective July 1, 2018 - To Governor 2/21/18 - Approved by Governor 2/21/18 - Chapter 189, Acts, Regular Session, 2018
- \*268. By Sen. Carmichael (Mr. President) and Prezioso [By Request of the Executive]  
- **Eliminating requirement that certain agencies purchase commodities produced on institutional farms** (original similar to HB 4338, HB4143) - Introduced 1/12/2018 - To Agriculture and Rural Development then Finance - Com. sub. reported 1/26/2018 - To Finance 1/26/2018 - Passed Senate 2/2/2018 - To House 2/5/2018 - To Agriculture and Natural Resources then Government Organization
- \*269. By Sen. Carmichael (Mr. President) and Prezioso [By Request of the Executive]  
- **Establishing 2018 Regulatory Reform Act** (original similar to HB4154) - Introduced 1/12/2018 - To Government Organization then Judiciary - Com. sub. reported 2/23/2018 - On 2nd reading to Judiciary 2/23/2018
270. By Sen. Carmichael (Mr. President) and Prezioso [By Request of the Executive]  
- **Authorizing DNR implement silvicultural management for state park lands** (original similar to HB4182) - Introduced 1/15/2018 - To Natural Resources then Finance
- \*271. By Sen. Carmichael (Mr. President) and Prezioso [By Request of the Executive]  
- **Creating centralized Shared Services Section of Department of Administration** (original similar to HB4188) - Introduced 1/15/2018 - To Government Organization then Finance - Com. sub. reported 1/24/2018 - To Finance 1/24/2018 - Passed Senate 2/9/2018 - To House 2/12/2018 - To Government Organization then Finance - To House Finance - Amended - Passed House 3/9/2018 - Senate concurred in House amendments and passed bill 3/10/2018 - To Governor 3/21/18 - Approved by Governor 3/21/18 - Chapter 94, Acts, Regular Session, 2018
- \*272. By Sen. Carmichael (Mr. President) and Prezioso [By Request of the Executive]  
- **Relating generally to drug control** (original similar to HB4227) - Introduced 1/15/2018 - To Health and Human Resources then Finance - Com. sub. reported 1/31/2018 - To Finance 1/31/2018 - Com. sub. for com. sub. reported 2/7/2018 - Passed Senate 2/12/2018 - To House 2/13/2018 - To Prevention and Treatment of Substance Abuse then Finance - 2nd reference dispensed - Amended - Passed

House 3/6/2018 - Title amended - Senate concurred in House amendments and passed bill 3/7/2018 - To Governor 3/14/18 - Approved by Governor 3/27/18 - Chapter 194, Acts, Regular Session, 2018

- \*273. By Sen. Carmichael (Mr. President) and Prezioso [By Request of the Executive] - **Reducing use of certain prescription drugs** (original similar to HB 4304, HB4263, HB4465, HB4481) - Introduced 1/15/2018 - To Health and Human Resources then Judiciary - Com. sub. reported 2/2/2018 - To Judiciary 2/2/2018 - Com. sub. for com. sub. reported 2/12/2018 - Amended - Amended on 3rd reading - Passed Senate with amended title 2/16/2018 - To House 2/19/2018 - To Health and Human Resources then Judiciary - To House Judiciary - Amended - Passed House 3/8/2018 - Title amended - Senate concurred in House amendments and passed bill 3/9/2018 - To Governor 3/21/18 - Approved by Governor 3/27/18 - Chapter 46, Acts, Regular Session, 2018
274. By Sen. Karnes - **Relating generally to horse and dog racing lottery** (original similar to HB4292) - Introduced 1/15/2018 - To Judiciary then Finance
- \*275. By Sen. Clements, Azinger, Beach, Jeffries, Maroney, Prezioso, Romano, Unger, Takubo, Stollings and Cline - **Relating to tax on purchases of intoxicating liquors** - Introduced 1/15/2018 - To Judiciary - Com. sub. reported 2/21/2018 - Passed Senate 2/26/2018 - To House 2/27/2018 - To Judiciary then Finance - 2nd reference dispensed - Amended - Passed House 3/8/2018 - Senate amended House amendment and passed 3/9/2018 - House concurred in Senate amendment and passed 3/10/2018 - To Governor 3/21/18 - Approved by Governor 3/27/18 - Chapter 228, Acts, Regular Session, 2018
276. By Sen. Karnes, Azinger and Rucker - **Limiting DEP employees from entering private lands for environmental purposes only** - Introduced 1/15/2018 - To Natural Resources then Judiciary
- \*277. By Sen. Karnes, Drennan, Rucker, Boso and Cline - **Allowing public employees to cash out their retirement plans in lieu of pension payments** - Introduced 1/15/2018 - To Pensions then Finance - Com. sub. reported 2/16/2018 - To Finance 2/16/2018
278. By Sen. Maynard - **Providing for disposition of vacated school buildings or other state-owned buildings** - Introduced 1/15/2018 - To Government Organization
279. By Sen. Ojeda - **Requiring correctional officers be paid overtime** - Introduced 1/15/2018 - To Judiciary
280. By Sen. Gaunch, Boso, Maynard, Blair and Cline - **Allowing airports' emergency management and operations vehicles to use red flashing warning lights** - Introduced 1/15/2018 - To Government Organization - Passed Senate 1/29/2018 - To House 1/30/2018 - To Roads and Transportation then Judiciary
281. By Sen. Gaunch, Maynard, Baldwin, Boso, Clements, Jeffries, Maroney, Palumbo, Smith, Sypolt, Takubo, Weld and Cline - **Relating to state's spending units** (original similar to HB4200) - Introduced 1/15/2018 - To Government Organization



282. By Sen. Gaunch, Baldwin, Blair, Jeffries, Swope, Boso and Cline - **Exempting State Conservation Committee from Purchasing Division requirements for contracts related to flood recovery** (original similar to HB4161) - Introduced 1/15/2018 - To Government Organization - Passed Senate 2/28/2018 - To House 2/28/2018 - To Judiciary - Amended - Passed House 3/7/2018 - Title amended - Senate refused to concur in House amendment 3/8/2018 - House refused to recede and requested conference 3/9/2018 - To conference 3/9/2018 - Senate adopted conference report and passed bill 3/10/2018 - House adopted conference report and passed bill 3/10/2018 - To Governor 3/21/18 - Approved by Governor 3/27/18 - Chapter 95, Acts, Regular Session, 2018
- \*283. By Sen. Carmichael (Mr. President) and Prezioso [By Request of the Executive] - **Relating generally to procurement by state agencies** (original similar to HB4261, SB296) - Introduced 1/15/2018 - To Government Organization then Finance - Com. sub. reported 1/31/2018 - To Finance 1/31/2018 - Passed Senate 2/9/2018 - To House 2/12/2018 - To Government Organization then Finance - To House Finance - Amended - Passed House 3/9/2018 - Title amended - Senate amended House amendment and passed 3/10/2018 - House concurred in Senate amendment and passed 3/10/2018 - To Governor 3/21/18 - Approved by Governor 3/27/18 - Chapter 96, Acts, Regular Session, 2018
- \*284. By Sen. Carmichael (Mr. President) and Prezioso [By Request of the Executive] - **Increasing access to career education and workforce training** (original similar to HB4267, HB4304) - Introduced 1/15/2018 - To Education then Finance - Com. sub. reported 1/24/2018 - To Finance 1/24/2018 - Com. sub. for com. sub. reported 1/25/2018 - Passed Senate 1/31/2018 - Effective July 1, 2018 - To House 1/31/2018 - To Education then Finance
- \*285. By Sen. Karnes and Boso - **Establishing regional recreation authorities and areas** (original similar to SB112, SB67) - Introduced 1/15/2018 - To Natural Resources then Finance - Com. sub. reported 1/25/2018 - 2nd reference dispensed - Amended - Passed Senate with amended title 1/30/2018 - To House 1/31/2018 - To Agriculture and Natural Resources then Finance
286. By Sen. Gaunch, Baldwin, Blair, Jeffries, Swope and Cline - **Granting State Conservation Committee authority to contract for flood response and related stream restoration work** (original similar to HB4292) - Introduced 1/15/2018 - To Government Organization
287. By Sen. Gaunch, Maynard, Baldwin, Boso, Clements, Jeffries, Maroney, Smith, Sypolt, Takubo, Weld, Cline, Rucker and Stollings - **Creating and maintaining centralized state vehicle inventory system** (original similar to HB4170) - Introduced 1/16/2018 - To Government Organization then Finance
- \*288. By Sen. Gaunch, Maynard, Boso, Clements, Jeffries, Maroney, Palumbo, Smith, Takubo, Weld and Cline - **Regulating cremation, embalming and directing of funeral service** (original similar to HB4014, HB4167) - Introduced 1/16/2018 - To Government Organization - Com. sub. reported 2/9/2018 - Passed Senate 2/14/2018 - Effective from passage - To House 2/15/2018 - To Government Organization then Finance - To House Finance - Amended - Passed House 3/9/2018 - Title amended - Effective from passage - Referred to Rules

3/10/2018 - Senate amended House amendment and passed 3/10/2018 - Effective from passage

289. By Sen. Smith and Cline - **Entitling natural resource producers to economic opportunity tax credit** (original similar to HB4205) - Introduced 1/16/2018 - To Finance
- \*290. By Sen. Smith, Azinger, Boso, Clements and Cline - **Relating to DEP standards of water quality and effluent limitations** (original similar to HB4426) - Introduced 1/16/2018 - To Energy, Industry and Mining then Judiciary - To Judiciary 1/22/2018 - Com. sub. reported 2/7/2018 - Passed Senate 2/13/2018 - To House 2/14/2018 - To Judiciary - Passed House 3/8/2018 - To Governor 3/19/18 - Approved by Governor 3/27/18 - Chapter 85, Acts, Regular Session, 2018
291. By Sen. Smith - **Transferring child welfare enforcement responsibilities to WV State Police** - Introduced 1/16/2018 - To Judiciary then Finance
- \*292. By Sen. Woelfel and Trump - **Relating to Commission on Special Investigations** - Introduced 1/16/2018 - To Judiciary - Com. sub. reported 1/19/2018 - Amended - Passed Senate 1/24/2018 - To House 1/25/2018 - To Judiciary
- \*293. By Sen. Rucker, Azinger, Clements, Gaunch, Maynard and Cline - **Adding grievance and appellate procedures and judicial review for participants in DHHR safety and treatment program** - Introduced 1/16/2018 - To Health and Human Resources then Judiciary - Com. sub. reported 2/14/2018 - To Judiciary 2/14/2018
294. By Sen. Trump, Cline and Boso - **Relating generally to suspension and revocation of driver's licenses for DUI** - Introduced 1/16/2018 - To Judiciary then Finance
295. By Sen. Boso - **Relating to Local Powers Act** - Introduced 1/16/2018 - To Transportation and Infrastructure then Finance - To Finance 1/24/2018 - Passed Senate 2/28/2018 - To House 2/28/2018 - To Finance
296. By Sen. Blair, Boley, Boso, Drennan, Facemire, Ferns, Gaunch, Maroney, Palumbo, Plymale, Prezioso and Stollings (Originating in Senate Finance) - **Relating to sale or transfer of surplus property** (original similar to SB283) - Introduced 1/16/2018 - Passed Senate 1/19/2018 - To House 1/22/2018 - To Finance
297. By Sen. Blair, Boley, Boso, Drennan, Facemire, Ferns, Gaunch, Maroney, Palumbo, Plymale, Prezioso and Stollings (Originating in Senate Finance) - **Eliminating taxation on annuity considerations collected by life insurer** (original similar to HB4266) - Introduced 1/16/2018 - Passed Senate 1/19/2018 - To House 1/22/2018 - To Banking and Insurance then Finance - To House Finance - On 2nd reading, House Calendar 3/10/2018
298. By Sen. Blair, Boley, Boso, Drennan, Facemire, Ferns, Gaunch, Maroney, Palumbo, Plymale, Prezioso and Stollings (Originating in Senate Finance) - **Authorizing county assessors make separate entries in landbooks when real**

**property is partly used for exempt and partly for nonexempt purposes** (original similar to HB4256) - Introduced 1/16/2018 - Passed Senate 1/19/2018 - To House 1/22/2018 - To Finance - Amended - Passed House 3/6/2018 - Senate concurred in House amendments and passed bill 3/8/2018 - To Governor 3/20/18 - Approved by Governor 3/22/18 - Chapter 229, Acts, Regular Session, 2018

299. By Sen. Boley, Boso, Drennan, Facemire, Ferns, Gaunch, Maroney, Palumbo, Plymale, Prezioso, Stollings and Blair (Originating in Senate Finance) - **Relating to mandatory insurance coverage for medical foods for amino acid-based formulas** (original similar to HB2051, HB2072, HB3021) - Introduced 1/16/2018 - Passed Senate 1/19/2018 - To House 1/22/2018 - To Health and Human Resources then Finance - To House Finance - Amended - Passed House 3/7/2018 - Title amended - Senate concurred in House amendments and passed bill 3/8/2018 - To Governor 3/20/18 - Approved by Governor 3/27/18 - Chapter 125, Acts, Regular Session, 2018
300. By Sen. Stollings, Blair, Boley, Boso, Drennan, Facemire, Ferns, Gaunch, Maroney, Palumbo, Plymale and Prezioso (Originating in Senate Finance) - **Creating five-year tax credits for businesses locating on post-coal mine sites** (original similar to SB12) - Introduced 1/16/2018 - Amended - Passed Senate 1/22/2018 - To House 1/23/2018 - To Energy then Finance
301. By Sen. Blair, Boley, Boso, Drennan, Facemire, Ferns, Gaunch, Maroney, Palumbo, Plymale, Prezioso and Stollings (Originating in Senate Finance) - **Removing limitation on amount collected by county via hotel occupancy tax used for medical or emergency services** (original similar to SB137) - Introduced 1/16/2018 - Passed Senate 1/19/2018 - To House 1/22/2018 - To Political Subdivisions then Finance
302. By Sen. Rucker, Azinger, Baldwin, Blair, Boley, Clements, Cline, Drennan, Ferns, Gaunch, Karnes, Maroney, Maynard, Ojeda, Romano, Smith, Trump, Woelfel and Plymale - **Relating to size requirements for flags county commissions must purchase and display** - Introduced 1/17/2018 - To Government Organization
303. By Sen. Carmichael (Mr. President), Prezioso, Gaunch, Plymale and Boso - **Relating to debarment of vendors seeking to provide goods and services to state and its subdivisions** - Introduced 1/17/2018 - To Government Organization then Judiciary
304. By Sen. Carmichael (Mr. President), Takubo and Blair - **Relating to authorization and establishment of charter schools** - Introduced 1/17/2018 - To Education then Finance
305. By Sen. Smith, Jeffries, Weld, Plymale, Baldwin, Cline and Boso - **Requiring DHHR provide long-term care and substance abuse treatment facilities** (original similar to HB4373) - Introduced 1/17/2018 - To Health and Human Resources then Finance
306. By Sen. Karnes, Azinger, Clements, Mann, Maroney, Maynard, Rucker, Swope, Stollings, Blair, Cline and Boso - **Allowing grocery stores to sell certain**

- amount of WV-made wine without license** - Introduced 1/17/2018 - To Economic Development then Government Organization
- \*307. By Sen. Trump, Blair, Plymale and Boso - **Declaring fundraising on state highway or roadway by volunteer fire department is not obstruction or nuisance** - Introduced 1/17/2018 - To Transportation and Infrastructure then Judiciary - Com. sub. reported 1/24/2018 - To Judiciary 1/24/2018 - Com. sub. for com. sub. reported 2/20/2018 - Passed Senate 2/23/2018 - To House 2/26/2018 - To Judiciary - Amended - Passed House 3/5/2018 - Senate concurred in House amendments and passed bill 3/6/2018 - To Governor 3/9/18 - Approved by Governor 3/20/18 - Chapter 222, Acts, Regular Session, 2018
308. By Sen. Smith, Jeffries, Sypolt and Cline - **Relating to use of aftermarket crash parts by motor vehicle repair shop** (original similar to SB241) - Introduced 1/17/2018 - To Judiciary
309. By Sen. Karnes - **Relating to outdoor advertising regulated by DOH** - Introduced 1/17/2018 - To Transportation and Infrastructure then Government Organization
310. By Sen. Gaunch, Drennan, Karnes and Rucker - **Transferring Division of Forestry to Department of Agriculture** - Introduced 1/18/2018 - To Agriculture and Rural Development then Finance
311. By Sen. Romano, Facemire, Gaunch, Boso, Plymale and Takubo - **Specifying consumers sales and service tax exemption for purchase of certain services and tangible personal property related to aircraft** (original similar to HB4022, SB131) - Introduced 1/18/2018 - To Finance - Passed Senate 1/26/2018 - To House 1/29/2018 - To Finance
312. By Sen. Ferns and Takubo - **Exempting certain employers from discriminating against tobacco users** - Introduced 1/18/2018 - To Judiciary
- \*313. By Sen. Gaunch, Azinger, Boso, Karnes, Maynard, Ojeda, Palumbo, Romano, Rucker, Baldwin, Cline, Stollings, Prezioso and Plymale - **Waiving occupational fees and licensing requirements for certain low-income individuals, military families, and young workers** - Introduced 1/18/2018 - To Government Organization then Finance - Com. sub. reported 2/21/2018 - 2nd reference dispensed - Passed Senate 2/26/2018 - To House 2/27/2018 - To Government Organization - Amended - Passed House 3/9/2018 - Senate amended House amendment and passed 3/10/2018 - House concurred in Senate amendment 3/10/2018 - Passed House 3/10/2018 - To Governor 3/21/18 - Vetoes by Governor 3/28/18
314. By Sen. Romano, Baldwin, Clements, Facemire, Karnes, Ojeda, Swope, Trump, Woelfel, Stollings and Cline - **Modifying procedure certain public agencies use to contract for architectural and engineering services** - Introduced 1/18/2018 - To Transportation and Infrastructure then Finance
315. By Sen. Jeffries, Baldwin, Beach, Ojeda, Prezioso, Romano, Smith, Facemire, Stollings, Cline, Boso and Plymale - **Increasing penalty for impersonating law-enforcement officer or official** (original similar to SB608) - Introduced 1/18/2018 - To Judiciary

- \*316. By Sen. Jeffries, Baldwin, Beach, Ojeda, Prezioso, Romano, Smith, Facemire and Stollings - **Creating refundable personal income tax credit to encourage persons receiving public assistance to get married** - Introduced 1/18/2018 - To Health and Human Resources then Finance - Com. sub. reported 2/21/2018 - On 2nd reading to Finance 2/21/2018
317. By Sen. Sypolt, Blair, Boso, Gaunch, Maroney, Rucker, Smith, Facemire and Cline - **Transferring milk rules and regulations from DHHR to Department of Agriculture** (original similar to HB4179) - Introduced 1/18/2018 - To Agriculture and Rural Development then Judiciary
318. By Sen. Jeffries, Beach, Prezioso, Romano, Smith, Facemire and Takubo - **Requiring influenza immunizations for health care workers** (original similar to HB4581) - Introduced 1/18/2018 - To Health and Human Resources then Finance
- \*319. By Sen. Rucker, Azinger, Drennan, Gaunch, Karnes, Smith, Sypolt, Trump, Unger, Cline, Boso, Plymale, Clements, Maroney and Takubo - **Allowing individuals who completed home schooling be eligible for PROMISE scholarship without equivalent diploma** - Introduced 1/18/2018 - To Education then Finance - Com. sub. reported 2/9/2018 - To Finance 2/9/2018 - Com. sub. for com. sub. reported 2/15/2018 - Passed Senate 2/20/2018 - Effective July 1, 2018 - To House 2/21/2018 - To Education then Finance - 2nd reference dispensed - Amended - Passed House 3/6/2018 - Title amended - Effective July 1, 2018 - Senate concurred in House amendments and passed bill 3/7/2018 - Effective July 1, 2018 - To Governor 3/14/18 - Approved by Governor 3/20/18 - Chapter 113, Acts, Regular Session, 2018
320. By Sen. Ferns, Facemire, Baldwin, Cline, Prezioso and Takubo - **Permitting law-enforcement or humane officer remove animal from motor vehicle under certain circumstances** - Introduced 1/18/2018 - To Judiciary
- \*321. By Sen. Blair and Boso - **Relating to powers and duties of Public Land Corporation** (original similar to HB4348, HB4437, SB230) - Introduced 1/18/2018 - To Government Organization - Com. sub. reported 2/9/2018 - Passed Senate 2/14/2018 - To House 2/15/2018 - To Finance
322. By Sen. Weld - **Relating to employees of Department of Agriculture** - Introduced 1/19/2018 - To Agriculture and Rural Development then Government Organization - To Government Organization 1/25/2018 - Passed Senate 2/5/2018 - To House 2/6/2018 - To Agriculture and Natural Resources then Government Organization - To House Government Organization - Passed House 3/8/2018 - To Governor 3/19/18 - Vetoed by Governor 3/28/18
323. By Sen. Beach and Ojeda - **Creating Office of Outdoor Recreation** - Introduced 1/19/2018 - To Economic Development then Finance
324. By Sen. Blair - **Removing restrictions where certain traditional lottery games may be played** (original similar to HB4409) - Introduced 1/19/2018 - To Finance - Passed Senate 2/2/2018 - To House 2/5/2018 - To Judiciary then Finance

325. By Sen. Beach and Ojeda - **Creating County Home Rule Pilot Program** - Introduced 1/19/2018 - To Government Organization then Finance
326. By Sen. Weld, Takubo, Cline and Trump - **Protecting certain individuals from civil liability for damages when removing domesticated animal from locked or unattended vehicle** - Introduced 1/19/2018 - To Judiciary
- \*327. By Sen. Weld, Boso, Gaunch, Cline and Drennan - **Providing extortion of anything of value, including sexual contact, subjects person to criminal penalty** - Introduced 1/19/2018 - To Judiciary - Com. sub. reported 1/26/2018 - Passed Senate 1/31/2018 - To House 2/1/2018 - To Judiciary - Passed House 3/5/2018 - To Governor 3/9/18 - Approved by Governor 3/20/18 - Chapter 57, Acts, Regular Session, 2018
328. By Sen. Weld, Boso, Cline, Ferns and Blair - **Requiring participation in drug court program before conditional discharge for first offense of possession of controlled substance** - Introduced 1/19/2018 - To Judiciary
329. By Sen. Weld, Cline, Drennan and Ferns - **Relating to prescribing opioids** - Introduced 1/19/2018 - To Health and Human Resources then Judiciary
330. By Sen. Sypolt, Azinger, Karnes, Mann, Maynard and Rucker - **Relating to exemptions from mandated immunizations** - Introduced 1/19/2018 - To Health and Human Resources then Judiciary
- \*331. By Sen. Karnes, Boso, Cline, Drennan, Gaunch, Mann, Rucker, Swope, Sypolt and Blair - **Relating to retirement and pension benefits of certain members of PERS and Teachers Retirement system** - Introduced 1/19/2018 - To Pensions then Finance - Com. sub. reported 1/25/2018 - To Finance 1/25/2018 - Com. sub. for com. sub. reported 2/22/2018 - Passed Senate 2/27/2018 - To House 2/28/2018 - To Pensions and Retirement then Finance
332. By Sen. Stollings, Ojeda, Palumbo, Takubo and Plymale - **Granting DHHR rule-making authority to regulate local health departments** (original similar to SB333) - Introduced 1/19/2018 - To Health and Human Resources then Judiciary
333. By Sen. Weld, Takubo and Cline - **Granting DHHR rule-making authority to regulate local health departments** (original similar to SB332) - Introduced 1/19/2018 - To Health and Human Resources then Judiciary
334. By Sen. Stollings and Jeffries - **Supplemental appropriation from Excess Lottery Fund to DHHR Central Office** - Introduced 1/22/2018 - To Finance
- \*335. By Sen. Karnes, Weld, Boso, Blair, Rucker, Cline and Ferns - **Protecting employees' wages or salaries from being withheld or diverted for political activities** (original similar to HB4368, SB7) - Introduced 1/22/2018 - To Judiciary - Com. sub. reported 2/6/2018 - Passed Senate 2/9/2018 - To House 2/12/2018 - To Judiciary
- \*336. By Sen. Ferns, Weld, Boso, Baldwin, Blair and Cline - **Providing certain DMV applicants ability to contribute to WV Department of Veterans Assistance** - Introduced 1/22/2018 - To Military then Finance - To Finance 1/24/2018 -

Com. sub. reported 1/29/2018 - Passed Senate 2/1/2018 - To House 2/2/2018 - To Veterans' Affairs and Homeland Security then Finance - To House Finance - Passed House 3/10/2018 - To Governor 3/21/18 - Approved by Governor 3/21/18 - Chapter 97, Acts, Regular Session, 2018

337. By Sen. Karnes and Rucker - **Permitting parents of newborns to decline administration of specific required medication at birth** - Introduced 1/22/2018 - To Health and Human Resources then Judiciary
338. By Sen. Blair and Boso - **Changing date for employers to file annual reconciliation and withholding statements** (original similar to HB4265) - Introduced 1/22/2018 - To Finance - Passed Senate 1/30/2018 - To House 1/31/2018 - To Finance - Amended - Passed House 3/2/2018 - Senate concurred in House amendments and passed bill 3/3/2018 - To Governor 3/9/18 - Approved by Governor 3/20/18 - Chapter 230, Acts, Regular Session, 2018
339. By Sen. Gaunch and Blair - **Relating to WV Retirement Health Benefit Trust Fund within PEIA** (original similar to HB4272) - Introduced 1/23/2018 - To Pensions then Finance - To Finance 2/8/2018 - Passed Senate 2/19/2018 - To House 2/20/2018 - To Pensions and Retirement then Finance - To House Finance - Amended - Passed House 3/9/2018 - Senate concurred in House amendments and passed bill 3/10/2018 - To Governor 3/21/18 - Approved by Governor 3/22/18 - Chapter 98, Acts, Regular Session, 2018
340. - **Relating to employer-employee cost-sharing ratio of premiums for PEIA active members** (original similar to SB453) - Introduced 1/23/2018 - To Government Organization then Finance
- \*341. By Sen. Ferns and Rucker - **Relating generally to WV Appellate Reorganization Act of 2018** (original similar to HB4004, HB4005) - Introduced 1/23/2018 - To Judiciary then Finance - Com. sub. reported 2/2/2018 - To Finance 2/2/2018 - Com. sub. for com. sub. reported 2/12/2018 - Passed Senate 2/15/2018 - To House 2/16/2018 - To Judiciary then Finance
342. By Sen. Blair and Boso - **Requiring agencies provide annual inventory of real property holdings to Real Estate Division** (original similar to HB4236) - Introduced 1/23/2018 - To Government Organization
343. By Sen. Sypolt - **Limiting expenses in preparing list for notice to redeem** - Introduced 1/23/2018 - To Government Organization - Passed Senate 2/5/2018 - To House 2/6/2018 - To Judiciary - Passed House 3/3/2018 - Title amended - Senate concurred in House title amendment 3/5/2018 - Passed Senate 3/5/2018 - To Governor 3/9/18 - Vetoed by Governor 3/28/18
- \*344. By Sen. Sypolt and Baldwin - **Requiring DOH implement program to recycle surplus metal supplies, materials and equipment** (original similar to HB4030) - Introduced 1/23/2018 - To Transportation and Infrastructure then Finance - Com. sub. reported 2/21/2018 - To Finance 2/21/2018
345. By Sen. Maynard - **Authorizing DNR establish procedures and fee schedule for limited permit hunts** (original similar to HB4180) - Introduced 1/23/2018 - To Natural Resources - Passed Senate 2/2/2018 - To House 2/5/2018 - To Agriculture and Natural Resources then Judiciary

346. By Sen. Maynard and Cline - **Permitting full-time nonresident students purchase lifetime resident hunting, trapping and fishing licenses** (original similar to HB4235) - Introduced 1/23/2018 - To Natural Resources then Finance - To Finance 1/30/2018 - Passed Senate 2/9/2018 - To House 2/12/2018 - To Agriculture and Natural Resources then Finance - To House Finance - Amended - Passed House 3/5/2018 - Senate concurred in House amendments and passed bill 3/6/2018 - To Governor 3/9/18 - Approved by Governor 3/20/18 - Chapter 164, Acts, Regular Session, 2018
- \*347. By Sen. Maynard - **Relating to operation of motorboats** (original similar to HB4274) - Introduced 1/23/2018 - To Natural Resources then Judiciary - Com. sub. reported 1/31/2018 - To Judiciary 1/31/2018 - Com. sub. for com. sub. reported 2/12/2018 - Amended - Passed Senate 2/15/2018 - To House 2/16/2018 - To Judiciary - Amended - Passed House 3/7/2018 - Senate concurred in House amendments and passed bill 3/8/2018 - To Governor 3/20/18 - Approved by Governor 3/22/18 - Chapter 165, Acts, Regular Session, 2018
- \*348. By Sen. Maynard - **Allowing for disposal of service weapons of special DNR police officers** (original similar to HB4185) - Introduced 1/23/2018 - To Natural Resources then Judiciary - To Judiciary 1/30/2018 - Com. sub. reported 2/12/2018 - Passed Senate 2/15/2018 - To House 2/16/2018 - To Judiciary - Amended - Passed House 3/1/2018 - Title amended - Senate concurred in House amendments and passed bill 3/2/2018 - To Governor 3/9/18 - Approved by Governor 3/20/18 - Chapter 166, Acts, Regular Session, 2018
349. By Sen. Maynard, Takubo, Cline and Plymale - **Providing teachers with a three percent pay raise** (original similar to HB4469) - Introduced 1/23/2018 - To Education then Finance
350. By Sen. Ferns, Trump, Maynard, Jeffries, Baldwin and Plymale - **Eliminating obsolete requirement that Lottery Commission file racetrack video lottery game rules with Secretary of State** - Introduced 1/23/2018 - To Judiciary - Passed Senate 2/2/2018 - To House 2/5/2018 - To Government Organization then Judiciary - To House Judiciary - Amended - Passed House 3/3/2018 - Title amended - Senate concurred in House amendments and passed bill 3/5/2018 - To Governor 3/9/18 - Approved by Governor 3/20/18 - Chapter 99, Acts, Regular Session, 2018
351. By Sen. Trump, Weld, Azinger, Clements, Cline, Jeffries, Karnes, Maynard, Ojeda, Romano, Rucker, Smith, Swope and Woelfel (Originating in Senate Judiciary) - **Permitting ballot commissioners serve while candidates for certain offices** - Introduced 1/23/2018 - Passed Senate 1/26/2018 - Effective from passage - To House 1/29/2018 - To Judiciary - Passed House 3/5/2018 - Effective from passage - To Governor 3/9/18 - Approved by Governor 3/20/18 - Chapter 77, Acts, Regular Session, 2018
352. By Sen. Cline, Romano, Baldwin and Weld - **Creating emergency text number system for children** - Introduced 1/24/2018 - To Government Organization then Judiciary
353. By Sen. Trump, Weld and Takubo - **Relating generally to certain permits and floor plans of nonintoxicating beer licensees** - Introduced 1/24/2018 - To Judiciary



354. By Sen. Trump, Weld, Takubo, Ferns, Cline and Boso - **Creating one-day special license for charitable events to purchase and sell beer and craft beer** - Introduced 1/24/2018 - To Judiciary
- \*355. By Sen. Gaunch and Blair - **Dissolving IS&C Division under Office of Technology** (original similar to HB4339) - Introduced 1/24/2018 - To Government Organization then Finance - Com. sub. reported 2/1/2018 - To Finance 2/1/2018 - Com. sub. for com. sub. reported 2/12/2018 - Passed Senate 2/15/2018 - To House 2/16/2018 - To Government Organization then Finance - To House Finance - Amended - Passed House 3/9/2018 - Senate amended House amendment and passed 3/10/2018
356. By Sen. Trump - **Making technical corrections to code when referencing chapter 49 of code** - Introduced 1/24/2018 - To Judiciary
357. By Sen. Blair - **Relating generally to limited video lottery** (original similar to HB4303) - Introduced 1/24/2018 - To Finance - Passed Senate 2/2/2018 - To House 2/5/2018 - To Judiciary then Finance
- \*358. By Sen. Trump - **Imposing fee for processing criminal bonds** - Introduced 1/24/2018 - To Judiciary - Com. sub. reported 2/13/2018 - Passed Senate 2/16/2018 - To House 2/19/2018 - To Judiciary then Finance
- \*359. By Sen. Trump, Unger and Weld - **Authorizing Supreme Court establish curricula for mental hygiene commissioners and certain magistrates** - Introduced 1/24/2018 - To Judiciary then Finance - Com. sub. reported 2/15/2018 - To Finance 2/15/2018 - Passed Senate 2/23/2018 - Effective from passage - To House 2/26/2018 - To Judiciary then Finance - To House Finance - Passed House 3/7/2018 - Effective from passage - To Governor 3/19/18 - Approved by Governor 3/20/18 - Chapter 195, Acts, Regular Session, 2018
- \*360. By Sen. Clements - **Clarifying oil and gas permits not be on flat well royalty leases** (original similar to HB4490) - Introduced 1/24/2018 - To Energy, Industry and Mining then Judiciary - Com. sub. reported 2/7/2018 - To Judiciary 2/7/2018 - Passed Senate with amended title 2/28/2018 - To House 2/28/2018 - Passed House 3/2/2018 - To Governor 3/3/18 - Approved by Governor 3/9/18 - Chapter 86, Acts, Regular Session, 2018
- \*361. By Sen. Trump - **Relating to treatment supervision under Drug Offender Accountability and Treatment Act** - Introduced 1/24/2018 - To Judiciary - Com. sub. reported 2/2/2018 - Passed Senate 2/7/2018 - Effective from passage - To House 2/8/2018 - To Judiciary
362. By Sen. Trump, Baldwin and Cline - **Relating to definitions of "child abuse" and "neglect"** - Introduced 1/24/2018 - To Judiciary
363. By Sen. Trump - **Removing requirement of finding of professional negligence concerning involuntary hospitalizations** - Introduced 1/24/2018 - To Judiciary
364. By Sen. Mann, Karnes, Rucker, Gaunch, Azinger, Swope, Takubo and Cline - **Allowing parent or legal guardian of homeschooled child provide signed**

- statement for obtaining permit or license to operate motor vehicle** - Introduced 1/24/2018 - To Education - Passed Senate 2/5/2018 - To House 2/6/2018 - To Judiciary - Passed House 3/2/2018 - To Governor 3/9/18 - Approved by Governor 3/20/18 - Chapter 70, Acts, Regular Session, 2018
365. By Sen. Weld, Ferns, Unger, Plymale, Baldwin, Cline and Boso - **Relating to Young Entrepreneur Reinvestment Act** (original similar to HB4558) - Introduced 1/24/2018 - To Economic Development - Passed Senate 2/13/2018 - To House 2/14/2018 - To Small Business, Entrepreneurship and Economic Development then Finance - 2nd reference dispensed - Passed House 3/6/2018 - Title amended - Senate concurred in House title amendment 3/7/2018 - Passed Senate 3/7/2018 - To Governor 3/14/18 - Approved by Governor 3/20/18 - Chapter 91, Acts, Regular Session, 2018
366. By Sen. Rucker and Azinger - **Prohibiting State Board of Education from accepting federal education plans without approval of Legislature** - Introduced 1/24/2018 - To Education then Government Organization
367. By Sen. Trump - **Allowing retired judicial officers recalled to service avoid normal cap on temporary employment payments** - Introduced 1/24/2018 - To Pensions then Finance
- \*368. By Sen. Jeffries, Beach and Rucker - **Protecting consumers against business using automatic purchase renewals without consent** - Introduced 1/24/2018 - To Judiciary - Com. sub. reported 2/7/2018 - Passed Senate 2/12/2018 - To House 2/13/2018 - To Banking and Insurance then Judiciary
369. By Sen. Clements and Boso - **Relating to powers and authority of newly created divisions of Administrative Services and Corrections and Rehabilitation within MAPS** (original similar to HB4338) - Introduced 1/24/2018 - To Government Organization
- \*370. By Sen. Cline - **Exempting nonpaid volunteers at ski areas from workers' compensation benefits** - Introduced 1/25/2018 - To Banking and Insurance then Judiciary - To Judiciary 2/6/2018 - Com. sub. reported 2/12/2018 - Passed Senate 2/15/2018 - To House 2/16/2018 - To Banking and Insurance then Judiciary
371. By Sen. Trump - **Relating to proceedings for voluntary custody for examination** (original similar to SB603) - Introduced 1/25/2018 - To Judiciary - Passed Senate 2/7/2018 - Effective from passage - To House 2/8/2018 - To Judiciary
372. By Sen. Trump - **Authorizing higher education institutions to eliminate faculty tenure** - Introduced 1/25/2018 - To Education
373. By Sen. Rucker, Arvon, Azinger, Cline, Drennan, Karnes, Smith, Takubo and Baldwin - **Providing special license plate to support adoption** - Introduced 1/25/2018 - To Government Organization then Finance
374. By Sen. Trump and Weld - **Creating private fair and festival license** - Introduced 1/25/2018 - To Economic Development then Judiciary

- \*375. By Sen. Sypolt, Rucker, Takubo, Baldwin and Boso - **Relating to farmers markets** (original similar to HB4295) - Introduced 1/25/2018 - To Agriculture and Rural Development - Com. sub. reported 2/8/2018 - Passed Senate with amended title 2/13/2018 - To House 2/14/2018 - To Judiciary - Amended - Passed House 3/9/2018 - Senate concurred in House amendments and passed bill 3/10/2018 - To Governor 3/21/18 - Approved by Governor 3/27/18 - Chapter 7, Acts, Regular Session, 2018
376. By Sen. Rucker, Azinger, Karnes, Maroney, Maynard, Romano, Trump, Boso and Cline - **Amending residency requirements for people entitled to vote** (original similar to HB4525) - Introduced 1/25/2018 - To Government Organization then Judiciary
377. By Sen. Boso and Cline - **Removing firefighters from certain procedures for investigation and hearing of misconduct allegations** - Introduced 1/25/2018 - To Government Organization then Judiciary
378. By Sen. Carmichael (Mr. President) and Prezioso [By Request of the Executive] - **Expiring, supplementing, amending, increasing and adding items within various DHHR accounts** (original similar to HB4376) - Introduced 1/25/2018 - To Finance
379. By Sen. Carmichael (Mr. President) and Prezioso [By Request of the Executive] - **Supplemental appropriation from State Excess Lottery Revenue Fund to DHHR** (original similar to HB4377) - Introduced 1/25/2018 - To Finance 1/25/2018 - Passed Senate 2/9/2018 - Effective from passage - To House 2/12/2018 - To Finance - Passed House 2/16/2018 - Effective from passage - To Governor 2/21/18 - Approved by Governor 2/27/18 - Chapter 13, Acts, Regular Session, 2018
380. By Sen. Carmichael (Mr. President) and Prezioso [By Request of the Executive] - **Supplemental appropriation of federal funds out of Treasury to certain DOE programs** (original similar to HB4381) - Introduced 1/25/2018 - To Finance
381. By Sen. Carmichael (Mr. President) and Prezioso [By Request of the Executive] - **Supplemental appropriation of federal funds from Treasury to DOT, Division of Public Transit** (original similar to HB4384) - Introduced 1/25/2018 - To Finance
382. By Sen. Carmichael (Mr. President) and Prezioso [By Request of the Executive] - **Supplemental appropriation of Lottery Net Profits to Bureau of Senior Services, Lottery Senior Citizens Fund** (original similar to HB4378) - Introduced 1/25/2018 - To Finance - Passed Senate 2/9/2018 - Effective from passage - To House 2/12/2018 - To Finance - Passed House 2/16/2018 - Effective from passage - To Governor 2/21/18 - Approved by Governor 2/27/18 - Chapter 14, Acts, Regular Session, 2018
383. By Sen. Carmichael (Mr. President) and Prezioso [By Request of the Executive] - **Expiring funds from Treasurer's Office to WV Enterprise Resource Planning Board** (original similar to HB4389) - Introduced 1/25/2018 - To Finance

384. By Sen. Carmichael (Mr. President) and Prezioso [By Request of the Executive] - **Decreasing and increasing appropriations from State Fund, General Revenue to DHHR** (original similar to HB4383) - Introduced 1/25/2018 - To Finance - Amended - Passed Senate with amended title 2/1/2018 - Effective from passage - To House 2/5/2018 - To Finance - Passed House 2/16/2018 - Effective from passage - To Governor 2/21/18 - Approved by Governor 2/27/18 - Chapter 15, Acts, Regular Session, 2018
385. By Sen. Carmichael (Mr. President) and Prezioso [By Request of the Executive] - **Decreasing and adding appropriations out of Treasury to DHHR and MAPS** (original similar to HB4387) - Introduced 1/25/2018 - To Finance - Passed Senate 1/31/2018 - Senate reconsidered effective date - Effective from passage - To House 2/1/2018 - To Finance - Passed House 3/8/2018 - Effective from passage - To Governor 3/14/18 - Approved by Governor 3/15/18 - Chapter 16, Acts, Regular Session, 2018
- \*386. By Sen. Carmichael (Mr. President) and Prezioso [By Request of the Executive] - **Decreasing and increasing appropriations from Treasury to Higher Education Policy Commission** (original similar to HB4388) - Introduced 1/25/2018 - To Finance - Com. sub. reported 1/30/2018 - Passed Senate 2/2/2018 - Effective from passage - To House 2/5/2018 - To Finance - Passed House 2/16/2018 - Effective from passage - To Governor 2/21/18 - Approved by Governor 2/27/18 - Chapter 17, Acts, Regular Session, 2018
387. By Sen. Carmichael (Mr. President) and Prezioso [By Request of the Executive] - **Supplemental appropriation of federal funds from Treasury to DHHR, Division of Health** (original similar to HB4386) - Introduced 1/25/2018 - To Finance
388. By Sen. Carmichael (Mr. President) and Prezioso [By Request of the Executive] - **Decreasing, increasing and adding appropriations out of Treasury to DHHR and Department of Administration** (original similar to HB4382) - Introduced 1/25/2018 - To Finance - Passed Senate 1/31/2018 - Senate reconsidered effective date - Effective from passage - To House 2/1/2018 - To Finance - Passed House 2/16/2018 - Effective from passage - To Governor 2/21/18 - Approved by Governor 2/27/18 - Chapter 18, Acts, Regular Session, 2018
389. By Sen. Carmichael (Mr. President) and Prezioso [By Request of the Executive] - **Supplemental appropriation of federal funds from Treasury to DHHR, Division of Human Services** (original similar to HB4385) - Introduced 1/25/2018 - To Finance
390. By Sen. Carmichael (Mr. President) and Prezioso [By Request of the Executive] - **Supplemental appropriation from State Road Fund to DOT, Division of Highways** (original similar to HB4379) - Introduced 1/25/2018 - To Finance
391. By Sen. Carmichael (Mr. President) and Prezioso [By Request of the Executive] - **Supplemental appropriation of federal funds out of Treasury to Department of Agriculture** (original similar to HB4380) - Introduced 1/25/2018 - To Finance

- \*392. By Sen. Boso, Facemire, Jeffries and Prezioso - **Reconfiguring membership of Emergency Medical Services Advisory Council** - Introduced 1/25/2018 - To Government Organization - Com. sub. reported 2/7/2018 - Passed Senate 2/12/2018 - To House 2/13/2018 - To Government Organization - Amended - Passed House 3/8/2018 - Senate refused to concur in House amendment 3/9/2018 - House refused to recede and requested conference 3/10/2018 - To conference 3/10/2018 - Senate adopted conference report and passed bill 3/10/2018 - House adopted conference report and passed bill 3/10/2018 - To Governor 3/21/18 - Vetoes by Governor 3/28/18
393. By Sen. Blair, Boley, Boso, Drennan, Facemire, Ferns, Gaunch, Palumbo, Plymale, Prezioso, Stollings, Sypolt and Takubo (Originating in Senate Finance) - **Relating to compensation and composition of WV Racing Commission** (original similar to HB2524, HB2790, HB4006, HB4014, HB4300, HB4338, SB310, SB369) - Introduced 1/25/2018 - Amended on 3rd reading - Passed Senate 2/6/2018 - To House 2/7/2018 - To Government Organization then Finance - To House Finance 3/2/2018
394. By Sen. Ojeda, Baldwin, Beach, Clements, Facemire, Jeffries, Palumbo, Plymale, Prezioso, Romano, Rucker, Stollings, Swope and Woelfel - **Changing requisite period necessary to take advantage of criminal offense reduction** - Introduced 1/26/2018 - To Judiciary
- \*395. By Sen. Trump and Boso - **Providing for judicial review of appealed decisions of Air Quality Review Board, Environmental Quality Board and Surface Mine Board** (original similar to HB4510) - Introduced 1/26/2018 - To Judiciary - Com. sub. reported 2/6/2018 - Passed Senate 2/9/2018 - To House 2/12/2018 - To Judiciary - Amended - Passed House 3/5/2018 - Effective from passage - House reconsidered effective date - Title amended - Effective from passage - Senate concurred in House amendments and passed bill 3/6/2018 - Effective from passage - To Governor 3/9/18 - Approved by Governor 3/20/18 - Chapter 87, Acts, Regular Session, 2018
396. By Sen. Ojeda, Baldwin, Beach, Facemire, Jeffries, Prezioso, Romano, Stollings, Unger, Woelfel and Plymale - **Creating West Virginia Net Neutrality Act** - Introduced 1/26/2018 - To Transportation and Infrastructure then Judiciary
- \*397. By Sen. Sypolt, Facemire, Romano and Cline - **Creating crime of impersonating blind or disabled person** - Introduced 1/26/2018 - To Judiciary - Com. sub. reported 2/9/2018 - Amended - Passed Senate 2/14/2018 - To House 2/15/2018 - To Judiciary - Passed House 3/5/2018 - To Governor 3/9/18 - Approved by Governor 3/27/18 - Chapter 58, Acts, Regular Session, 2018
398. By Sen. Gaunch, Cline and Plymale - **Relating to requirements for making consumer loans** - Introduced 1/26/2018 - To Banking and Insurance - Passed Senate 2/19/2018 - Recalled from House 2/20/2018 - Senate reconsidered and passed bill 2/20/2018 - To House 2/21/2018 - To Judiciary
399. By Sen. Sypolt, Romano, Rucker and Drennan - **Creating Taxation with Representation Act** (original similar to HB4041) - Introduced 1/26/2018 - To Finance

400. By Sen. Maynard, Boso, Gaunch and Cline - **Prohibiting state licensing boards from hiring lobbyists** (original similar to HB4297) - Introduced 1/26/2018 - To Government Organization - Passed Senate with amended title 2/5/2018 - To House 2/6/2018 - To Government Organization then Judiciary - To House Judiciary 2/27/2018
- \*401. By Sen. Weld, Ferns, Romano, Baldwin and Drennan - **Requiring specified coverage in health benefit plans for treatment of substance abuse disorders** - Introduced 1/26/2018 - To Health and Human Resources then Judiciary - To Judiciary 2/9/2018 - Com. sub. reported 2/26/2018 - Passed Senate 2/28/2018 - To House 2/28/2018 - To Health and Human Resources then Judiciary - To House Judiciary - Amended - Passed House 3/9/2018 - Senate concurred in House amendments and passed bill 3/10/2018 - To Governor 3/21/18 - Approved by Governor 3/27/18 - Chapter 126, Acts, Regular Session, 2018
- \*402. By Sen. Gaunch and Boso - **Creating exemption from certain contract and common carrier laws for motor vehicles** (original similar to HB4291) - Introduced 1/26/2018 - To Transportation and Infrastructure then Government Organization - Com. sub. reported 2/14/2018 - To Government Organization 2/14/2018 - Com. sub. for com. sub. reported 2/23/2018 - Passed Senate 2/28/2018 - To House 2/28/2018 - To Judiciary
- \*403. By Sen. Rucker, Blair, Cline, Ferns, Jeffries, Romano, Swope, Trump and Woelfel - **Licensing advance deposit wagering** (original similar to HB4406) - Introduced 1/26/2018 - To Judiciary then Finance - Com. sub. reported 2/26/2018 - 2nd reference dispensed - Passed Senate 2/28/2018 - To House 2/28/2018 - To Judiciary then Finance
- \*404. By Sen. Weld and Cline - **Relating to sex offender registry information** - Introduced 1/26/2018 - To Judiciary - Com. sub. reported 2/6/2018 - Passed Senate 2/9/2018 - To House 2/12/2018 - To Judiciary - Amended - Passed House 3/5/2018 - Senate concurred in House amendments and passed bill 3/7/2018 - To Governor 3/14/18 - Approved by Governor 3/27/18 - Chapter 210, Acts, Regular Session, 2018
405. By Sen. Rucker, Arvon, Azinger, Cline, Gaunch, Karnes, Maynard and Smith - **Creating Life at Conception Act of 2018** (original similar to HB4318) - Introduced 1/26/2018 - To Health and Human Resources then Judiciary
406. By Sen. Ferns, Takubo, Boso, Cline and Baldwin - **Clarifying that ground emergency medical transportation is eligible for Medicare and Medicaid reimbursement** - Introduced 1/26/2018 - To Banking and Insurance then Finance - To Finance 2/6/2018 - Passed Senate 2/20/2018 - To House 2/21/2018 - To Banking and Insurance then Finance - To House Finance - Amended - Passed House 3/9/2018 - Title amended - Effective from passage - Senate concurred in House amendments and passed bill 3/10/2018 - Effective from passage - To Governor 3/21/18 - Approved by Governor 3/27/18 - Chapter 117, Acts, Regular Session, 2018
407. By Sen. Takubo, Maroney, Stollings and Plymale - **Licensing and approval of child care programs** - Introduced 1/29/2018 - To Health and Human Resources then Government Organization - To Government Organization 2/7/2018 - Passed Senate with amended title 2/14/2018 - To House 2/15/2018 -

To Health and Human Resources - Passed House 3/9/2018 - To Governor 3/21/18 - Approved by Governor 3/27/18 - Chapter 34, Acts, Regular Session, 2018

- \*408. By Sen. Takubo, Maroney, Stollings and Plymale - **Licensing of nursing homes and assisted living residences** - Introduced 1/29/2018 - To Health and Human Resources then Government Organization - Com. sub. reported 2/7/2018 - To Government Organization 2/7/2018 - Passed Senate with amended title 2/14/2018 - To House 2/15/2018 - To Health and Human Resources then Government Organization - To House Government Organization - Passed House 3/9/2018 - House reconsidered - Amended on 3rd reading - Passed House 3/10/2018 - Senate concurred in House amendments and passed bill 3/10/2018 - To Governor 3/21/18 - Approved by Governor 3/27/18 - Chapter 196, Acts, Regular Session, 2018
409. By Sen. Takubo, Maroney and Stollings - **Requiring training course in telephonic cardiopulmonary resuscitation for county emergency call dispatchers** (original similar to HB4197) - Introduced 1/29/2018 - To Health and Human Resources
410. By Sen. Smith, Azinger, Clements and Sypolt - **Appointing industry advocate within DEP** - Introduced 1/29/2018 - To Energy, Industry and Mining then Government Organization
411. By Sen. Takubo and Maroney - **Removing Commissioner of Bureau for Public Health from State Board of Sanitarians** - Introduced 1/29/2018 - To Health and Human Resources then Government Organization - To Government Organization 2/7/2018 - Passed Senate 2/14/2018 - To House 2/15/2018 - To Health and Human Resources then Government Organization - To House Government Organization - Passed House 3/8/2018 - To Governor 3/21/18 - Approved by Governor 3/21/18 - Chapter 100, Acts, Regular Session, 2018
- \*412. By Sen. Trump - **Relating to authority of county litter control officers** - Introduced 1/29/2018 - To Government Organization then Judiciary - To Judiciary 2/7/2018 - Com. sub. reported 2/19/2018 - Passed Senate 2/22/2018 - To House 2/23/2018 - To Government Organization then Judiciary - To House Judiciary - Passed House 3/6/2018 - To Governor 3/14/18 - Approved by Governor 3/27/18 - Chapter 51, Acts, Regular Session, 2018
413. By Sen. Sypolt and Smith - **Levying 0.5 percent severance tax on deep sand gas and future cracker plants** - Introduced 1/29/2018 - To Energy, Industry and Mining then Finance
414. By Sen. Maynard, Boso, Cline, Plymale and Sypolt - **Requiring purchasers of roundwood collect and maintain certain information** (original similar to HB4312) - Introduced 1/29/2018 - To Natural Resources
- \*415. By Sen. Ferns, Blair, Maroney, Trump, Weld, Woelfel, Stollings and Takubo - **Permitting wagering on certain professional or collegiate sports events authorized as WV Lottery sports wagering activities** (original similar to HB4396) - Introduced 1/29/2018 - To Judiciary then Finance - Com. sub. reported 2/8/2018 - To Finance 2/8/2018 - Amended - Passed Senate 2/20/2018 - Effective from passage - To House 2/21/2018 - To Finance - Amended - Passed

House 3/2/2018 - Title amended - Effective from passage - Senate concurred in House amendments and passed bill 3/3/2018 - Effective from passage - To Governor 3/3/18 - Became law without Governor's signature - Chapter 101, Acts, Regular Session, 2018

- \*416. By Sen. Maynard and Cline - **Making fishing for catfish with bare hands lawful** - Introduced 1/30/2018 - To Natural Resources then Judiciary - Com. sub. reported 2/13/2018 - To Judiciary 2/13/2018
- 417. By Sen. Rucker, Arvon, Azinger, Blair, Boley, Boso, Clements, Cline, Drennan, Ferns, Gaunch, Karnes, Maroney, Maynard, Smith, Swope, Sypolt, Takubo, Trump, Unger, Weld and Plymale - **Amending definition of "medical services" to exclude abortion** (original similar to HB4012) - Introduced 1/30/2018 - To Health and Human Resources then Judiciary
- \*418. By Sen. Maynard, Azinger, Karnes, Rucker, Smith, Sypolt, Cline and Boso - **Relating to WV Monument and Memorial Protection Act of 2018** - Introduced 1/30/2018 - To Government Organization then Finance - Com. sub. reported 2/14/2018 - To Finance 2/14/2018
- \*419. By Sen. Boley, Rucker, Cline and Boso - **Establishing classification and base salaries of certain civilian employees of WV State Police Forensic Laboratory** - Introduced 1/30/2018 - To Government Organization then Finance - Com. sub. reported 2/23/2018 - On 2nd reading to Finance 2/23/2018 - Passed Senate 2/28/2018 - To House 2/28/2018 - To Government Organization then Finance - To House Finance 3/2/2018
- \*420. By Sen. Rucker, Karnes, Smith, Sypolt, Trump, Cline and Boso - **Transferring Safety and Treatment Program from DHHR to DMV** - Introduced 1/30/2018 - To Judiciary - Com. sub. reported 2/21/2018 - Amended - Passed Senate with amended title 2/26/2018 - Effective July 1, 2018 - To House 2/27/2018 - To Judiciary
- \*421. By Sen. Maynard and Cline - **Relating to crossbow hunting** (original similar to HB2696) - Introduced 1/30/2018 - To Natural Resources - Com. sub. reported 2/23/2018 - Passed Senate 2/28/2018 - To House 2/28/2018 - To Judiciary
- 422. By Sen. Blair - **Regulating liquor sales** (original similar to HB4599) - Introduced 1/30/2018 - To Judiciary
- \*423. By Sen. Maynard and Cline - **Relating to hunting, trapping, or fishing on another person's lands** (original similar to HB3020) - Introduced 1/30/2018 - To Natural Resources then Judiciary - Com. sub. reported 2/15/2018 - To Judiciary 2/15/2018
- \*424. By Sen. Maynard, Cline and Boso - **Allowing developmentally disabled person purchase base hunting license free of charge** (original similar to HB2708, HB3008, HB4326) - Introduced 1/30/2018 - To Natural Resources then Judiciary - Com. sub. reported 2/14/2018 - To Judiciary 2/14/2018
- 425. By Sen. Ferns, Cline and Plymale - **Removing sunset dates which members of policemen's or firemen's pension fund elect to participate in deferred retirement option plan** - Introduced 1/30/2018 - To Pensions - Passed Senate



2/6/2018 - To House 2/7/2018 - To Pensions and Retirement then Finance - To House Finance - Passed House 3/9/2018 - To Governor 3/21/18 - Approved by Governor 3/27/18 - Chapter 157, Acts, Regular Session, 2018

- \*426. By Sen. Trump, Weld and Boso - **Modernizing certain alcohol laws** - Introduced 1/30/2018 - To Judiciary - Com. sub. reported 2/22/2018 - Passed Senate 2/27/2018 - To House 2/28/2018 - To Judiciary then Finance
427. By Sen. Gaunch and Facemire - **Modifying form of notice for certain tax delinquencies** - Introduced 1/30/2018 - To Government Organization - Passed Senate 2/12/2018 - To House 2/13/2018 - To Finance - Amended - Passed House 3/6/2018 - Title amended - Senate concurred in House amendments and passed bill 3/7/2018 - To Governor 3/14/18 - Approved by Governor 3/20/18 - Chapter 231, Acts, Regular Session, 2018
428. By Sen. Gaunch, Facemire, Cline, Boso and Romano - **Relating to tax credit for making home more accessible for elderly or disabled** - Introduced 1/30/2018 - To Finance
429. By Sen. Maynard, Boso, Cline, Plymale, Sypolt and Facemire - **Relating to forest fires** (original similar to HB4394) - Introduced 1/30/2018 - To Natural Resources then Judiciary
430. By Sen. Facemire and Blair (Originating in Senate Finance) - **Encouraging collaborative agreements between community and technical colleges and federally registered apprenticeship programs** - Introduced 1/30/2018 - Referred to Rules on 3rd reading 2/6/2018
431. By Sen. Takubo, Trump, Karnes, Rucker, Azinger, Maroney, Cline, Ferns and Boso - **Requiring DHHR implement work requirements for SNAP applicants** - Introduced 1/31/2018 - To Health and Human Resources then Judiciary
- \*432. By Sen. Gaunch, Weld and Boso - **Relating to municipal home rule** (original similar to HB4158) - Introduced 1/31/2018 - To Government Organization then Judiciary - Com. sub. reported 2/19/2018 - To Judiciary 2/19/2018 - Rereferred to Judiciary on 2nd reading 2/26/2018 - Amended - Passed Senate with amended title 2/28/2018 - To House 2/28/2018 - To Government Organization then Judiciary
- \*433. By Sen. Trump, Gaunch, Palumbo, Prezioso and Boso - **Rewriting code sections regarding pyramid promotional schemes** (original similar to HB4271) - Introduced 1/31/2018 - To Judiciary - Com. sub. reported 2/7/2018 - Passed Senate 2/12/2018 - To House 2/13/2018 - To Judiciary
- \*434. By Sen. Trump and Boso - **Specifying documents not subject to discovery in certain proceedings** - Introduced 1/31/2018 - To Judiciary - Com. sub. reported 2/22/2018 - Passed Senate 2/27/2018 - To House 2/28/2018 - To Judiciary - Amended - Passed House 3/9/2018 - Senate concurred in House amendments and passed bill 3/10/2018 - To Governor 3/21/18 - Vetoed by Governor 3/28/18

435. By Sen. Ojeda - **Removing elected or appointed officers** - Introduced 1/31/2018 - To Government Organization then Judiciary
436. By Sen. Karnes, Azinger and Boso - **Creating Nondiscrimination in Involuntary Denial of Treatment Act** (original similar to HB4467) - Introduced 1/31/2018 - To Judiciary then Finance
437. By Sen. Blair and Boso - **Relating to penalties for leaving motor vehicle unattended** - Introduced 1/31/2018 - To Judiciary
- \*438. By Sen. Maynard, Prezioso, Beach, Plymale and Jeffries - **Relating to debt service on bonds secured by State Excess Lottery Revenue Fund** - Introduced 1/31/2018 - To Finance - Com. sub. reported 2/27/2018 - Constitutional rule suspended - Passed Senate 2/27/2018 - To House 2/28/2018 - To Finance - Amended - Passed House 3/9/2018 - Title amended - Senate concurred in House amendments and passed bill 3/10/2018 - To Governor 3/21/18 - Approved by Governor 3/22/18 - Chapter 167, Acts, Regular Session, 2018
- \*439. By Sen. Plymale, Boso and Jeffries - **Exempting motor vehicles engaged in nonemergency transportation of Medicaid members from PSC requirements** (original similar to SB457) - Introduced 1/31/2018 - To Transportation and Infrastructure then Government Organization - Com. sub. reported 2/14/2018 - To Government Organization 2/14/2018
- \*440. By Sen. Gaunch, Cline, Plymale, Boso and Jeffries - **Establishing Library Facilities Improvement Fund** - Introduced 1/31/2018 - To Government Organization - Com. sub. reported 2/7/2018 - Passed Senate 2/12/2018 - To House 2/13/2018 - To Government Organization
441. By Sen. Takubo, Maroney, Stollings, Woelfel and Plymale - **Relating to health care provider taxes** - Introduced 1/31/2018 - To Health and Human Resources then Finance - To Finance 2/2/2018 - Passed Senate 2/12/2018 - Effective July 1, 2018 - To House 2/13/2018 - To Health and Human Resources then Finance - To House Finance - Amended - Passed House 3/6/2018 - Effective July 1, 2018 - Senate concurred in House amendments and passed bill 3/7/2018 - Effective July 1, 2018 - To Governor 3/14/18 - Approved by Governor 3/27/18 - Chapter 232, Acts, Regular Session, 2018
- \*442. By Sen. Takubo, Maroney, Stollings, Woelfel and Plymale - **Establishing universal forms and deadlines when submitting prior authorization electronically** (original similar to HB4239) - Introduced 1/31/2018 - To Health and Human Resources then Finance - Com. sub. reported 2/21/2018 - On 2nd reading to Finance 2/21/2018 - Passed Senate 2/28/2018 - To House 2/28/2018 - To Finance - Amended - Passed House 3/9/2018 - Senate concurred in House amendments and passed bill 3/10/2018 - To Governor 3/21/18 - Vetoed by Governor 3/28/18
- \*443. By Sen. Arvon, Azinger, Cline, Gaunch, Maynard, Rucker and Smith - **Terminating parental rights when certain conditions are met** (original similar to HB4596) - Introduced 1/31/2018 - To Health and Human Resources then Judiciary - Com. sub. reported 2/21/2018 - On 2nd reading to Judiciary 2/21/2018 - Amended - Passed Senate with amended title 2/27/2018 - To House

2/28/2018 - To Health and Human Resources then Judiciary - To House Judiciary - Amended - Passed House 3/9/2018 - Title amended - Senate concurred in House amendments and passed bill 3/10/2018 - To Governor 3/21/18 - Approved by Governor 3/27/18 - Chapter 35, Acts, Regular Session, 2018

444. By Sen. Trump - **Repealing antiquated code sections regarding safety glass and lighting in motor vehicles** - Introduced 1/31/2018 - To Transportation and Infrastructure - Passed Senate 2/19/2018 - To House 2/20/2018 - To Roads and Transportation then Government Organization - 2nd reference dispensed - Passed House 3/2/2018 - To Governor 3/9/18 - Approved by Governor 3/20/18 - Chapter 42, Acts, Regular Session, 2018
- \*445. By Sen. Boso, Swope, Gaunch, Jeffries, Rucker, Maroney, Plymale, Maynard and Beach (Originating in Senate Transportation and Infrastructure) - **Allowing DOH acquire real or personal property for utility accommodation** - Introduced 1/31/2018 - Referred to Government Organization 1/31/2018 - Com. sub. reported 2/23/2018 - Amended - Passed Senate with amended title 2/28/2018 - To House 2/28/2018 - To Judiciary - Amended - Passed House 3/9/2018 - House further considered bill - Title amended - Senate concurred in House amendments and passed bill 3/10/2018 - To Governor 3/21/18 - Approved by Governor 3/27/18 - Chapter 223, Acts, Regular Session, 2018
- \*446. By Sen. Rucker, Sypolt, Unger, Trump and Boso - **Creating Agritourism Responsibility Act** - Introduced 2/1/2018 - To Agriculture and Rural Development - Com. sub. reported 2/8/2018 - Passed Senate 2/13/2018 - To House 2/14/2018 - To Agriculture and Natural Resources then Judiciary - To House Judiciary - Amended - Passed House 3/9/2018 - Title amended - Senate amended House amendment and passed 3/10/2018 - House concurred in Senate amendment 3/10/2018 - Passed House 3/10/2018 - To Governor 3/21/18 - Approved by Governor 3/27/18 - Chapter 8, Acts, Regular Session, 2018
447. By Sen. Sypolt - **Updating powers of certain administrators of estates with regard to easements** - Introduced 2/1/2018 - To Judiciary
- \*448. By Sen. Gaunch and Boso - **Relating generally to professional associations** - Introduced 2/1/2018 - To Government Organization - Com. sub. reported 2/23/2018 - Passed Senate 2/28/2018 - To House 2/28/2018 - To Government Organization
- \*449. By Sen. Gaunch, Boso, Drennan, Maynard, Rucker, Smith, Weld, Woelfel and Cline - **Using criminal conviction records to disqualify person from license or authorization to practice occupation** (original similar to HB4461) - Introduced 2/1/2018 - To Government Organization then Judiciary - Com. sub. reported 2/21/2018 - On 2nd reading to Judiciary 2/21/2018
- \*450. By Sen. Karnes, Azinger, Boso, Clements, Cline, Drennan, Ferns, Gaunch, Mann, Maroney, Maynard, Romano, Rucker, Smith, Swope and Trump - **Collecting and analyzing statistical information pertaining to terminating pregnancies under Medicaid Program** - Introduced 2/1/2018 - To Health and Human Resources then Finance - Com. sub. reported 2/9/2018 - To Finance 2/9/2018 - Amended - Passed Senate 2/20/2018 - To House 2/21/2018 - To Health and Human Resources then Finance

- \*451. By Sen. Maynard, Clements, Ferns, Gaunch, Maroney, Rucker, Smith, Swope, Weld and Cline - **Relating generally to hunting and fishing** (original similar to HB3020) - Introduced 2/1/2018 - To Natural Resources then Judiciary - To Judiciary 2/6/2018 - Com. sub. reported 2/15/2018 - Passed Senate 2/20/2018 - To House 2/21/2018 - To Agriculture and Natural Resources then Judiciary - 2nd reference dispensed - Passed House 3/2/2018 - Title amended - House reconsidered - Amended on 3rd reading - Passed House 3/3/2018 - Title amended - Senate amended House amendment and passed 3/5/2018 - House concurred in Senate amendment and passed 3/6/2018 - To Governor 3/14/18 - Approved by Governor 3/27/18 - Chapter 168, Acts, Regular Session, 2018
452. By Sen. Maynard - **Exempting hunting license information from public disclosure** (original similar to HB2632, HB2699) - Introduced 2/1/2018 - To Natural Resources then Judiciary - 2nd reference dispensed - Passed Senate 2/28/2018 - To House 2/28/2018 - To Agriculture and Natural Resources then Judiciary
453. By Sen. Cline, Arvon, Drennan, Mann, Maynard, Takubo and Maroney - **Fixing PEIA premium cost sharing at 85 percent for employer and 15 percent for employee** (original similar to SB340, SB571) - Introduced 2/1/2018 - To Banking and Insurance then Finance
454. By Sen. Azinger, Arvon, Karnes, Maynard, Rucker, Cline and Boso - **Classifying owner-operators and independent contractors under workers compensation** (original similar to HB4351) - Introduced 2/1/2018 - To Government Organization then Judiciary
455. By Sen. Smith and Sypolt - **Providing proceeds from oil and gas wells due to unknown persons be kept in special fund** (original similar to HB4604) - Introduced 2/1/2018 - To Energy, Industry and Mining then Finance
- \*456. By Sen. Gaunch, Takubo, Ferns, Boso and Maroney - **Physical Therapy Licensure Compact Act** - Introduced 2/1/2018 - To Government Organization - Com. sub. reported 2/21/2018 - Passed Senate 2/26/2018 - To House 2/27/2018 - To Health and Human Resources - Amended - Passed House 3/6/2018 - Title amended - Senate concurred in House amendments and passed bill 3/7/2018 - To Governor 3/20/18 - Approved by Governor 3/27/18 - Chapter 177, Acts, Regular Session, 2018
457. By Sen. Beach - **Relating to jurisdiction of PSC over motor carriers** (original similar to SB439) - Introduced 2/1/2018 - To Government Organization then Judiciary
- \*458. By Sen. Swope, Rucker, Trump, Cline and Boso - **Prohibiting political subdivisions from enacting regulations or legal requirements relating to employer-employee relationship** - Introduced 2/1/2018 - To Judiciary - Com. sub. reported 2/12/2018 - Passed Senate 2/15/2018 - To House 2/16/2018 - To Judiciary
459. By Sen. Rucker, Azinger, Karnes and Smith - **Enacting Refugee Absorptive Capacity Act** (original similar to HB4555) - Introduced 2/1/2018 - To Judiciary then Finance

460. By Sen. Rucker, Arvon, Azinger, Karnes, Maroney, Maynard and Cline - **Requiring retailers ensure products that make content accessible on Internet contain digital blocking capability** (original similar to HB4584) - Introduced 2/1/2018 - To Judiciary
- \*461. By Sen. Ferns and Cline - **Extending time to file petition for motor fuel excise tax refund** - Introduced 2/1/2018 - To Finance - Com. sub. reported 2/12/2018 - Passed Senate 2/15/2018 - To House 2/16/2018 - To Finance - Amended - Passed House 3/7/2018 - Title amended - Senate concurred in House amendments and passed bill 3/8/2018 - To Governor 3/20/18 - Approved by Governor 3/22/18 - Chapter 233, Acts, Regular Session, 2018
462. By Sen. Karnes and Gaunch (Originating in Senate Pensions) - **Establishing contribution holiday for public pension plans funded at 130 percent or more** (original similar to HB 4539) - Introduced 2/1/2018 - Passed Senate 2/6/2018 - To House 2/7/2018 - To Pensions and Retirement then Finance
463. By Sen. Sypolt, Rucker, Clements, Cline, Mann, Maynard, Smith, Baldwin, Beach, Ojeda and Woelfel (Originating in Senate Agriculture and Rural Development) - **Establishing group to examine benefits and need of transferring milk rules and regulations from DHHR to Agriculture** - Introduced 2/1/2018 - Passed Senate 2/6/2018 - To House 2/7/2018 - To Agriculture and Natural Resources then Government Organization - To House Government Organization - Amended - Passed House 3/8/2018 - Title amended - Senate amended House amendment and passed 3/9/2018 - Effective from passage - House concurred in Senate amendment and passed 3/10/2018 - Effective from passage - To Governor 3/21/18 - Approved by Governor 3/27/18 - Chapter 197, Acts, Regular Session, 2018
464. By Sen. Gaunch, Boso and Cline - **Changing statutory payment date for incremental salary increases due state employees** - Introduced 2/2/2018 - To Government Organization - Passed Senate 2/12/2018 - To House 2/13/2018 - To Finance - Passed House 3/2/2018 - To Governor 3/9/18 - Approved by Governor 3/20/18 - Chapter 190, Acts, Regular Session, 2018
- \*465. By Sen. Trump, Boso, Ferns, Baldwin and Cline - **Relating to mandated reporting of child abuse and neglect** (original similar to HB4589) - Introduced 2/2/2018 - To Education then Judiciary - Com. sub. reported 2/14/2018 - To Judiciary 2/14/2018 - Com. sub. for com. sub. reported 2/22/2018 - Passed Senate 2/27/2018 - To House 2/28/2018 - To Judiciary - Passed House 3/7/2018 - To Governor 3/19/18 - Approved by Governor 3/27/18 - Chapter 36, Acts, Regular Session, 2018
466. By Sen. Trump and Boso - **Bringing statutory interest rate paid in condemnation cases into conformity with current statutory rates** - Introduced 2/2/2018 - To Judiciary then Finance
- \*467. By Sen. Trump - **Relating generally to Public Defender Services** - Introduced 2/2/2018 - To Judiciary then Finance - Com. sub. reported 2/14/2018 - To Finance 2/14/2018 - Passed Senate 2/23/2018 - Effective from passage - To House 2/26/2018 - To Judiciary then Finance - To House Finance 3/1/2018

468. By Sen. Gaunch and Boso - **Changing date and recipients for submission of Auditor's annual report** - Introduced 2/2/2018 - To Government Organization - Passed Senate 2/12/2018 - To House 2/13/2018 - To Government Organization - Amended - Passed House 3/9/2018 - Senate concurred in House amendments and passed bill 3/10/2018 - To Governor 3/21/18 - Approved by Governor 3/27/18 - Chapter 205, Acts, Regular Session, 2018
- \*469. By Sen. Weld, Boso, Unger, Ferns, Maroney, Clements and Cline - **Converting Addiction Treatment Pilot Program to permanent program** - Introduced 2/2/2018 - To Health and Human Resources - Com. sub. reported 2/9/2018 - Passed Senate 2/14/2018 - To House 2/15/2018 - To Prevention and Treatment of Substance Abuse then Health and Human Resources - To House Health and Human Resources - Passed House 3/9/2018 - Title amended - Senate concurred in House title amendment 3/10/2018 - Passed Senate 3/10/2018 - To Governor 3/21/18 - Approved by Governor 3/27/18 - Chapter 62, Acts, Regular Session, 2018
470. By Sen. Ojeda, Baldwin, Beach, Jeffries, Palumbo, Stollings and Woelfel - **Justice Through Grace in Communities Act** (original similar to HB4281) - Introduced 2/2/2018 - To Judiciary
471. By Sen. Palumbo, Baldwin, Beach, Clements, Jeffries, Maroney, Ojeda, Plymale, Stollings, Takubo and Weld - **Relating to unlawful discriminatory practices in categories covered by Human Rights Act and Fair Housing Act** - Introduced 2/2/2018 - To Government Organization then Judiciary
- \*472. By Sen. Blair, Unger and Cline - **Providing funds to DHHR for local boards of health employee pay raises** - Introduced 2/2/2018 - To Health and Human Resources then Government Organization - Com. sub. reported 2/9/2018 - Referred to Finance 2/9/2018 - To Government Organization 2/13/2018 - Com. sub. for com. sub. reported 2/23/2018 - Passed Senate 2/28/2018 - To House 2/28/2018 - To Health and Human Resources then Finance - To House Finance 3/6/2018
- \*473. By Sen. Takubo, Ojeda, Stollings, Baldwin and Cline - **Requiring insurance coverage for the prescription drug Varenicline** - Introduced 2/2/2018 - To Health and Human Resources - Com. sub. reported 2/9/2018 - Passed Senate 2/14/2018 - To House 2/15/2018 - To Health and Human Resources then Finance - To House Finance 2/22/2018
- \*474. By Sen. Swope, Azinger, Blair, Boso, Clements, Drennan, Ferns, Gaunch, Karnes, Maynard, Rucker, Smith, Sypolt, Trump, Weld, Maroney and Cline - **Requiring that certain documents filed pursuant to WV Jobs Act which include records of wages be considered confidential** - Introduced 2/2/2018 - To Workforce then Government Organization - Com. sub. reported 2/8/2018 - To Government Organization 2/8/2018 - Com. sub. for com. sub. reported 2/19/2018 - Passed Senate 2/22/2018 - To House 2/23/2018 - To Industry and Labor then Judiciary
- \*475. By Sen. Woelfel, Baldwin and Beach - **Industrial Hemp Development Act** (original similar to HB4500) - Introduced 2/2/2018 - To Agriculture and Rural Development - Com. sub. reported 2/15/2018 - Passed Senate with amended title 2/20/2018 - To House 2/21/2018 - To Agriculture and Natural Resources

- then Judiciary - To House Judiciary - Passed House 3/7/2018 - To Governor 3/20/18 - Approved by Governor 3/27/18 - Chapter 9, Acts, Regular Session, 2018
476. By Sen. Sypolt, Boso, Maroney and Clements - **Permitting surface owners to seek damages resulting from oil and gas operations** - Introduced 2/2/2018 - To Energy, Industry and Mining then Judiciary
- \*477. By Sen. Smith, Boso, Clements, Jeffries, Swope, Sypolt and Cline - **Relating to five-year sunset on tax credits and incentives** - Introduced 2/2/2018 - To Government Organization then Finance - To Finance 2/9/2018 - Com. sub. reported 2/16/2018 - Passed Senate 2/21/2018 - To House 2/21/2018 - To Government Organization then Finance
478. By Sen. Stollings, Palumbo, Jeffries and Plymale - **Relating to mandatory insurance coverage for treatment of mitochondrial disease and other similar conditions** - Introduced 2/5/2018 - To Banking and Insurance then Finance
479. By Sen. Gaunch - **Establishing local government monitoring by Auditor** - Introduced 2/5/2018 - To Government Organization then Finance - To Finance 2/9/2018 - Passed Senate 2/20/2018 - Effective from passage - To House 2/21/2018 - To Government Organization then Finance - To House Finance - Passed House 3/7/2018 - Effective from passage - To Governor 3/19/18 - Approved by Governor 3/27/18 - Chapter 102, Acts, Regular Session, 2018
480. By Sen. Beach, Romano, Jeffries, Baldwin, Stollings, Ojeda, Unger, Facemire, Woelfel, Plymale, Palumbo, Prezioso and Clements - **Creating WV Sports Hall of Fame Commission** - Introduced 2/5/2018 - To Government Organization
481. By Sen. Beach - **Requiring persons building residential structures inform county board of education of structures and estimated number of occupants** - Introduced 2/5/2018 - To Government Organization then Judiciary
482. By Sen. Beach and Cline - **Allowing magistrates carry firearms in county courthouse or on premises of court of law** - Introduced 2/5/2018 - To Judiciary
483. By Sen. Weld, Cline, Ferns and Baldwin - **Expiring funds to Department of Veterans Assistance from Insurance Commissioner** - Introduced 2/5/2018 - To Finance
484. By Sen. Sypolt, Karnes and Ferns - **Creating Business Liability Protection Act** (original similar to HB4187) - Introduced 2/5/2018 - To Judiciary
485. By Sen. Blair - **Terminating Workers Compensation Debt Reduction Fund assessment on self-insured employers** (original similar to HB 4628) - Introduced 2/5/2018 - To Finance - Passed Senate 2/28/2018 - To House 2/28/2018 - To Finance

486. By Sen. Ojeda, Baldwin, Beach, Facemire, Jeffries, Plymale, Prezioso, Romano, Stollings and Unger - **Stabilizing PEIA benefits** - Introduced 2/5/2018 - To Banking and Insurance then Finance
487. By Sen. Ojeda, Romano, Baldwin, Beach, Facemire, Jeffries, Palumbo, Prezioso, Stollings and Unger - **Relating to WV Medical Cannabis Act** - Introduced 2/5/2018 - To Health and Human Resources then Judiciary
488. By Sen. Stollings, Takubo, Unger, Jeffries, Beach and Prezioso - **Supplemental appropriation of funds from Excess Lottery Fund to DHHR, CARDIAC program** - Introduced 2/6/2018 - To Finance
489. By Sen. Boso, Stollings, Takubo, Unger, Rucker, Weld, Baldwin, Sypolt, Jeffries, Cline and Maroney - **Creating WV Volunteer First Responder Act of 2018** - Introduced 2/6/2018 - To Government Organization then Finance
- \*490. By Sen. Gaunch and Boso - **Relating to Revised Uniform Athlete Agents Act of 2015** (original similar to HB4446) - Introduced 2/6/2018 - To Government Organization then Finance - Com. sub. reported 2/15/2018 - To Finance 2/15/2018 - Amended - Passed Senate 2/26/2018 - To House 2/27/2018 - To Government Organization then Finance - To House Finance 3/2/2018
- \*491. By Sen. Boso and Cline - **Establishing fee for expungement of certain criminal convictions** (original similar to HB4353) - Introduced 2/6/2018 - To Judiciary - Com. sub. reported 2/20/2018 - Passed Senate 2/23/2018 - To House 2/26/2018 - To Judiciary - On 1st reading, House Calendar 3/10/2018
492. By Sen. Trump, Boso, Gaunch, Maroney, Rucker, Takubo and Cline - **Eliminating certain special requirements for DHHR provisionally licensed social workers** (original similar to HB4390) - Introduced 2/6/2018 - To Government Organization
- \*493. By Sen. Azinger - **Relating to guaranty associations** - Introduced 2/6/2018 - To Banking and Insurance - Com. sub. reported 2/20/2018 - Passed Senate 2/23/2018 - To House 2/26/2018 - To Banking and Insurance then Judiciary - 2nd reference dispensed - Passed House 3/6/2018 - To Governor 3/19/18 - Approved by Governor 3/27/18 - Chapter 127, Acts, Regular Session, 2018
494. By Sen. Azinger and Ferns - **Considering members of State Teachers Retirement System absent while serving as officer with statewide professional association** - Introduced 2/6/2018 - To Pensions - Amended - Passed Senate with amended title 2/20/2018 - To House 2/21/2018 - To Pensions and Retirement then Finance
- \*495. By Sen. Azinger - **Designating specific insurance coverages exempt from rate filing requirements** - Introduced 2/6/2018 - To Banking and Insurance - Com. sub. reported 2/13/2018 - Passed Senate 2/16/2018 - To House 2/21/2018 - To Banking and Insurance then Judiciary - To House Judiciary - Amended - Passed House 3/9/2018 - Title amended - Senate amended House amendment and passed 3/10/2018 - House concurred in Senate title amendment 3/10/2018 - Passed House 3/10/2018 - To Governor 3/21/18 - Approved by Governor 3/27/18 - Chapter 128, Acts, Regular Session, 2018



496. By Sen. Boley - **Relating to care and management of feral cats** - Introduced 2/7/2018 - To Judiciary
497. By Sen. Maynard - **Removing requirement that Division of Labor charge annual device registration fee** (original similar to HB4401) - Introduced 2/7/2018 - To Government Organization then Finance
498. By Sen. Maynard, Stollings and Plymale - **Creating two-year pilot program allowing all-terrain or recreational vehicles in Cabwayingo State Forest** - Introduced 2/7/2018 - To Natural Resources then Government Organization - To Government Organization 2/13/2018 - 2nd reference dispensed - Passed Senate 2/16/2018 - To House 2/22/2018 - To Agriculture and Natural Resources then Government Organization - To House Government Organization - Amended - Passed House 3/8/2018 - Senate amended House amendment and passed 3/10/2018 - House concurred in Senate title amendment 3/10/2018 - Passed House 3/10/2018 - To Governor 3/21/18 - Approved by Governor 3/27/18 - Chapter 169, Acts, Regular Session, 2018
- \*499. By Sen. Maroney, Clements, Prezioso, Stollings, Takubo, Plymale, Cline and Jeffries - **Requiring one year of certain approved postgraduate clinical training for persons with foreign medical degrees** - Introduced 2/7/2018 - To Health and Human Resources then Government Organization - Com. sub. reported 2/21/2018 - 2nd reference dispensed - Passed Senate 2/26/2018 - To House 2/27/2018 - To Health and Human Resources - Amended - Passed House 3/6/2018 - Title amended - Senate concurred in House amendments and passed bill 3/7/2018 - To Governor 3/19/18 - Approved by Governor 3/27/18 - Chapter 178, Acts, Regular Session, 2018
- \*500. By Sen. Baldwin, Mann, Gaunch, Jeffries, Woelfel and Plymale - **Authorizing City of White Sulphur Springs to expend principal and interest from special interest-bearing fund** - Introduced 2/7/2018 - To Government Organization then Finance - Com. sub. reported 2/19/2018 - To Finance 2/19/2018 - Passed Senate 2/26/2018 - Effective from passage - To House 2/27/2018 - To Finance - Passed House 3/7/2018 - Effective from passage - To Governor 3/19/18 - Became law without Governor's signature - Chapter 249, Acts, Regular Session, 2018
- \*501. By Sen. Drennan, Cline, Jeffries, Karnes, Maroney, Maynard, Rucker, Smith, Swope, Weld, Woelfel, Boso and Plymale - **Relating to accrued benefit of retirees in Deputy Sheriff Retirement System** (original similar to HB4516) - Introduced 2/7/2018 - To Pensions then Finance - Com. sub. reported 2/16/2018 - To Finance 2/16/2018 - Passed Senate 2/23/2018 - To House 2/26/2018 - To Pensions and Retirement then Finance - To House Finance - Amended - Passed House 3/9/2018 - Effective July 1, 2018 - Senate concurred in House amendments and passed bill 3/10/2018 - Effective July 1, 2018 - To Governor 3/21/18 - Approved by Governor 3/27/18 - Chapter 52, Acts, Regular Session, 2018
502. By Sen. Drennan, Cline, Maynard and Rucker - **Creating Patient Safety Evidence-Based Prescribing Act** (original similar to HB4260) - Introduced 2/7/2018 - To Health and Human Resources then Judiciary

503. By Sen. Blair and Unger - **Shifting funding from Landfill Closure Assistance Fund to local solid waste authorities** (original similar to HB4485) - Introduced 2/7/2018 - To Government Organization then Finance
- \*504. By Sen. Maynard and Plymale - **Excluding seasonal amusement park workers from definition of "employee"** - Introduced 2/7/2018 - To Workforce then Judiciary - To Judiciary 2/19/2018 - Com. sub. reported 2/23/2018 - Passed Senate 2/28/2018 - To House 2/28/2018 - To Industry and Labor then Judiciary
505. By Sen. Maynard - **Requiring contact information of state official or employee mobile phone furnished by employer be listed on directory or website** - Introduced 2/7/2018 - To Government Organization
- \*506. By Sen. Swope, Smith, Boso and Cline - **Deregulating persons who perform work on heating, ventilating, and cooling systems** - Introduced 2/7/2018 - To Workforce then Government Organization - Com. sub. reported 2/23/2018 - On 2nd reading to Government Organization 2/23/2018 - Senate further considered bill - 2nd reference dispensed - Amended - Passed Senate 2/27/2018 - To House 2/28/2018 - To Government Organization - Amended - Passed House 3/8/2018 - Senate concurred in House amendments and passed bill 3/9/2018 - To Governor 3/21/18 - Approved by Governor 3/27/18 - Chapter 133, Acts, Regular Session, 2018
- \*507. By Sen. Ferns, Boso, Swope and Plymale - **Establishing Katherine Johnson Academy as magnet school programs at WV colleges and universities** - Introduced 2/7/2018 - To Education then Finance - Com. sub. reported 2/22/2018 - On 2nd reading to Finance 2/22/2018 - Amended - Passed Senate with amended title 2/27/2018 - Effective July 1, 2018 - To House 2/28/2018 - To Education then Finance
- \*508. By Sen. Maynard and Cline - **Establishing State Trail Authority** - Introduced 2/8/2018 - To Natural Resources then Government Organization - Com. sub. reported 2/23/2018 - 2nd reference dispensed - Passed Senate 2/28/2018 - To House 2/28/2018 - To Government Organization - On 1st reading, House Calendar 3/10/2018
509. By Sen. Maynard and Cline - **Authorizing Commissioner of Culture and History designate road as "Historic Route"** - Introduced 2/8/2018 - To Transportation and Infrastructure then Government Organization
- \*510. By Sen. Maynard, Takubo, Stollings, Cline, Boso and Plymale - **Designating hospitals for stroke treatment** (original similar to HB4457) - Introduced 2/8/2018 - To Health and Human Resources - Com. sub. reported 2/14/2018 - Referred to Rules on 2nd reading 2/16/2018 - Amended - Passed Senate with amended title 2/28/2018 - To House 2/28/2018 - To Health and Human Resources - Passed House 3/6/2018 - Title amended - Senate concurred in House title amendment 3/7/2018 - Passed Senate 3/7/2018 - To Governor 3/19/18 - Approved by Governor 3/27/18 - Chapter 198, Acts, Regular Session, 2018
511. By Sen. Azinger, Gaunch, Rucker, Swope, Trump, Blair, Boso and Ferns - **Creating Parents' Bill of Rights** - Introduced 2/8/2018 - To Judiciary

- \*512. By Sen. Trump, Takubo, Romano, Boso, Plymale and Cline - **Authorizing certain WV courthouse security officers carry concealed weapons** - Introduced 2/9/2018 - To Judiciary - Com. sub. reported 2/15/2018 - Passed Senate 2/20/2018 - Effective from passage - To House 2/21/2018 - To Judiciary
513. By Sen. Trump, Stollings, Plymale and Cline - **Increasing amount retirant may earn** - Introduced 2/9/2018 - To Pensions then Finance
- \*514. By Sen. Sypolt, Stollings and Boso - **Enacting Recognition of Emergency Medical Services Personnel Licensure Interstate Compact** (original similar to HB4547) - Introduced 2/9/2018 - To Government Organization then Judiciary - Com. sub. reported 2/21/2018 - On 2nd reading to Judiciary 2/21/2018 - Amended - Passed Senate with amended title 2/27/2018 - To House 2/28/2018 - To Government Organization then Judiciary - To House Judiciary 3/2/2018
- \*515. By Sen. Gaunch, Stollings, Boso and Cline - **Clarifying PSC jurisdiction over water and sewer utilities** (original similar to HB 4542, SB 10) - Introduced 2/9/2018 - To Government Organization then Finance - Com. sub. reported 2/22/2018 - 2nd reference dispensed - Passed Senate 2/27/2018 - To House 2/28/2018 - To Government Organization then Judiciary - To House Judiciary 3/2/2018
516. By Sen. Sypolt, Romano and Cline - **Requiring DEP work with Tax Commission, PSC and county assessors to develop system for verifying production information submitted by oil and gas producer** - Introduced 2/9/2018 - To Energy, Industry and Mining then Government Organization
517. By Sen. Maynard, Sypolt and Cline - **Relating generally to drug overdoses and controlled substances monitoring** - Introduced 2/9/2018 - To Health and Human Resources then Judiciary
518. By Sen. Takubo, Jeffries, Maroney, Maynard, Romano, Stollings, Cline, Boso and Plymale - **Extending WV Invests Grant programs to public and private institutions** - Introduced 2/12/2018 - To Education then Finance
519. By Sen. Woelfel - **Increasing salaries of justices of WV Supreme Court of Appeals** (original similar to HB4557) - Introduced 2/12/2018 - To Judiciary then Finance
520. By Sen. Cline - **Increasing weight limits for vehicles on certain highways** - Introduced 2/12/2018 - To Transportation and Infrastructure then Government Organization
- \*521. By Sen. Trump, Gaunch, Maynard, Stollings and Boso - **Requiring chief executive of municipal law-enforcement agency be certified law-enforcement officer** (original similar to HB4526) - Introduced 2/12/2018 - To Judiciary - Com. sub. reported 2/20/2018 - Passed Senate 2/26/2018 - Effective July 1, 2018 - To House 2/27/2018 - To Judiciary - Amended - Passed House 3/9/2018 - Title amended - Effective July 1, 2018 - Senate concurred in House amendments and passed bill 3/10/2018 - Effective July 1, 2018 - To Governor 3/21/18 - Approved by Governor 3/27/18 - Chapter 179, Acts, Regular Session, 2018

- \*522. By Sen. Maynard - **Relating generally to Administrative Procedures Act** - Introduced 2/12/2018 - To Judiciary - Com. sub. reported 2/19/2018 - Passed Senate 2/22/2018 - To House 2/23/2018 - To Judiciary - Passed House 3/6/2018 - To Governor 3/19/18 - Approved by Governor 3/20/18 - Chapter 103, Acts, Regular Session, 2018
523. By Sen. Smith (Originating in Senate Energy, Industry and Mining) - **Relating to tax treatment of pollution control facilities and wind power projects** (original similar to HB4286, HB4517, SB150) - Introduced 2/12/2018 - Referred to Finance 2/12/2018 - Passed Senate 2/22/2018 - To House 2/23/2018 - To Energy then Finance
524. By Sen. Gaunch, Maynard, Facemire, Boso, Baldwin, Maroney, Sypolt, Clements, Takubo, Jeffries, Smith, Palumbo, Weld and Woelfel (Originating in Senate Government Organization) - **Relating to disposition of complaint proceedings** (original similar to HB4481) - Introduced 2/12/2018 - Passed Senate 2/15/2018 - To House 2/16/2018 - To Government Organization
525. By Sen. Gaunch, Maynard, Facemire, Boso, Baldwin, Maroney, Sypolt, Clements, Takubo, Jeffries, Smith, Palumbo, Weld and Woelfel (Originating in Senate Government Organization) - **Relating to certification for emergency medical training - mining** - Introduced 2/12/2018 - Passed Senate 2/15/2018 - To House 2/16/2018 - To Energy then Government Organization - To House Government Organization - Amended - Passed House 3/8/2018 - Senate amended House amendment and passed 3/9/2018 - House concurred in Senate amend with title amend, passed 3/10/2018 - Senate concurred in House amendments and passed bill 3/10/2018 - To Governor 3/21/18 - Approved by Governor 3/21/18 - Chapter 151, Acts, Regular Session, 2018
526. By Sen. Ojeda, Beach, Facemire, Jeffries, Plymale, Prezioso, Romano, Stollings and Unger - **Providing salary increases for state employees over three-year period** - Introduced 2/13/2018 - To Government Organization then Finance
527. By Sen. Ojeda, Beach, Facemire, Jeffries, Plymale, Prezioso, Romano, Smith, Stollings, Takubo and Baldwin - **Creating WV Black Lung Program** (original similar to HCR104) - Introduced 2/13/2018 - To Government Organization then Finance
- \*528. By Sen. Trump - **Providing additional circuit judge for nineteenth judicial circuit** - Introduced 2/13/2018 - To Judiciary then Finance - Com. sub. reported 2/21/2018 - On 2nd reading to Finance 2/21/2018 - Passed Senate 2/26/2018 - To House 2/27/2018 - To Judiciary then Finance - To House Finance - Passed House 3/9/2018 - To Governor 3/21/18 - Approved by Governor 3/27/18 - Chapter 54, Acts, Regular Session, 2018
529. By Sen. Rucker, Azinger, Drennan, Maynard, Smith, Sypolt and Cline - **Creating Citizen and State Accountability Act** (original similar to HB4458) - Introduced 2/13/2018 - To Government Organization then Judiciary
530. By Sen. Maynard and Cline - **Requiring Secretary of State provide database for registered corporations and sole proprietorship** - Introduced 2/13/2018

- To Government Organization - Passed Senate 2/28/2018 - To House 2/28/2018  
- To Government Organization
531. By Sen. Gaunch and Cline - **Eliminating required waiting period for municipal court notifications to DMV** - Introduced 2/13/2018 - To Judiciary  
- Passed Senate 2/28/2018 - To House 2/28/2018 - To Judiciary
532. By Sen. Rucker, Azinger, Cline, Karnes, Swope, Ferns and Sypolt - **Administering ACT or SAT tests to students** - Introduced 2/13/2018 - To Education then Finance
533. By Sen. Trump and Cline - **Equalizing criminal penalties for intimidating and retaliating against public officers and employees** (original similar to SB549) - Introduced 2/13/2018 - To Judiciary
- \*534. By Sen. Palumbo, Takubo, Stollings, Woelfel, Cline and Jeffries - **Increasing penalty for tobacco-related offenses on public school property** - Introduced 2/14/2018 - To Judiciary - Com. sub. reported 2/23/2018 - Passed Senate 2/28/2018 - To House 2/28/2018 - To Judiciary
- \*535. By Sen. Trump, Unger, Stollings, Woelfel, Plymale and Cline - **Dedicating increased court fees in criminal cases to fund training programs for law-enforcement officers** - Introduced 2/14/2018 - To Judiciary - Com. sub. reported 2/20/2018 - Passed Senate 2/23/2018 - Effective from passage - To House 2/26/2018 - To Judiciary then Finance
- \*536. By Sen. Jeffries, Unger, Takubo and Beach - **Allowing foster and adoptive children obtain lifetime hunting, fishing and trapping license within two years of placement** - Introduced 2/14/2018 - To Natural Resources then Judiciary - Com. sub. reported 2/21/2018 - To Judiciary 2/21/2018
537. By Sen. Plymale, Unger, Stollings, Woelfel and Jeffries - **Implementing Business PROMISE+ Scholarship** - Introduced 2/14/2018 - To Education then Finance
538. By Sen. Baldwin, Arvon, Beach, Cline, Drennan, Facemire, Jeffries, Mann, Ojeda, Plymale, Prezioso, Romano, Stollings, Woelfel, Unger and Takubo - **Providing classroom teachers credit against personal income tax for nonreimbursed supplies** - Introduced 2/14/2018 - To Education then Finance
539. By Sen. Trump, Stollings and Woelfel - **Increasing limit for settling claims against DOH** - Introduced 2/14/2018 - To Judiciary - Passed Senate 2/26/2018 - To House 2/27/2018 - To Judiciary - Passed House 3/5/2018 - To Governor 3/9/18 - Approved by Governor 3/22/18 - Chapter 38, Acts, Regular Session, 2018
540. By Sen. Trump and Stollings - **Increasing salaries of magistrates, supreme court justices, circuit court judges, and family court judges** - Introduced 2/14/2018 - To Judiciary then Finance
541. By Sen. Prezioso, Baldwin, Beach, Facemire, Jeffries, Ojeda, Palumbo, Plymale, Romano, Stollings, Unger, Woelfel and Cline - **Increasing salaries of**

- WV State Police over three-year period** - Introduced 2/14/2018 - To Government Organization then Finance
542. By Sen. Baldwin, Mann, Stollings and Jeffries - **Creating four-year middle high school pilot program as part of Upper Kanawha Valley Resiliency and Revitalization Program** - Introduced 2/14/2018 - To Education then Finance - On 2nd reading to Finance 2/22/2018
- \*543. By Sen. Trump and Cline - **Relating to confidentiality of medical records** - Introduced 2/14/2018 - To Judiciary - Com. sub. reported 2/19/2018 - Passed Senate 2/22/2018 - To House 2/23/2018 - To Judiciary - Passed House 3/7/2018 - To Governor 3/19/18 - Approved by Governor 3/27/18 - Chapter 199, Acts, Regular Session, 2018
544. By Sen. Mann, Boso, Cline and Jeffries - **Establishing WV DNR Police Officer's Retirement System** (original similar to HB4337) - Introduced 2/14/2018 - To Pensions then Finance
545. By Sen. Boso, Swope, Gaunch, Jeffries, Plymale and Beach (Originating in Senate Transportation and Infrastructure) - **Relating to driving privileges and requirements for persons under 18** (original similar to HB3008) - Introduced 2/14/2018 - Referred to Judiciary 2/14/2018 - Amended - Passed Senate 2/27/2018 - Effective from passage - To House 2/28/2018 - To Judiciary - Amended - Passed House 3/6/2018 - Title amended - Effective from passage - Senate refused to concur in House amendment 3/7/2018 - House refused to recede and requested conference 3/9/2018 - To conference 3/9/2018 - Senate adopted conference report and passed bill 3/10/2018 - Effective from passage - House adopted conference report 3/10/2018 - House rejected 3/10/2018
546. By Sen. Jeffries, Ojeda, Stollings, Cline, Romano, Prezioso, Beach and Baldwin - **Improving coordination of law-enforcement agencies in finding missing persons and identifying remains** - Introduced 2/15/2018 - To Judiciary
547. By Sen. Jeffries, Romano and Beach - **Adding members to local school improvement council** - Introduced 2/15/2018 - To Education
- \*548. By Sen. Jeffries, Baldwin, Beach, Drennan, Facemire, Gaunch, Ojeda, Plymale, Prezioso, Romano, Smith, Stollings, Swope and Cline - **Authorizing county commissions to pay election officials** (original similar to HB4493) - Introduced 2/15/2018 - To Government Organization - Com. sub. reported 2/23/2018 - Amended on 3rd reading - Passed Senate with amended title 2/28/2018 - To House 2/28/2018 - To Judiciary - Passed House 3/8/2018 - Effective from passage - Senate concurred in House changed effective date 3/9/2018 - Effective from passage - To Governor 3/21/18 - Approved by Governor 3/27/18 - Chapter 78, Acts, Regular Session, 2018
- \*549. By Sen. Jeffries, Baldwin, Beach, Drennan, Facemire, Gaunch, Ojeda, Plymale, Prezioso, Romano, Smith, Stollings, Swope, Trump and Cline - **Creating felony offense of intimidation or harassment of certain persons that causes injury or loss to person or property** (original similar to SB533) - Introduced 2/15/2018 - To Judiciary - Com. sub. reported 2/20/2018 - Passed Senate 2/23/2018 - To House 2/26/2018 - To Judiciary

550. By Sen. Romano, Beach, Boso, Facemire, Jeffries, Ojeda, Palumbo, Plymale, Prezioso, Stollings, Unger, Woelfel, Cline and Baldwin - **Allowing workers' compensation benefits for first responders diagnosed with job-related PTSD** (original similar to HB4429) - Introduced 2/15/2018 - To Government Organization
551. By Sen. Karnes and Cline - **Relating to failure of employers to make contributions on behalf of employees to retirement plan administered by CPRB** - Introduced 2/15/2018 - To Pensions then Judiciary - On 2nd reading to Judiciary 2/22/2018 - Amended - Passed Senate with amended title 2/28/2018 - To House 2/28/2018 - To Judiciary - Passed House 3/9/2018 - Title amended - Senate amended House amendment and passed 3/10/2018
552. By Sen. Weld - **Making Pierpont Community and Technical College a division of Fairmont State University** - Introduced 2/15/2018 - To Education
553. By Sen. Boso and Cline - **Requiring federal fingerprint background checks for transportation network company drivers and taxi drivers** (original similar to HB4427) - Introduced 2/15/2018 - To Transportation and Infrastructure then Judiciary
554. By Sen. Baldwin - **Relating to distribution of School Building Authority funds** - Introduced 2/15/2018 - To Education then Finance
- \*555. By Sen. Ferns - **Providing immunity from civil liability for qualified directors of certain governmental and nonprofit entities** - Introduced 2/15/2018 - To Judiciary - Com. sub. reported 2/21/2018 - Amended - Passed Senate with amended title 2/26/2018 - To House 2/27/2018 - To Judiciary - Passed House 3/7/2018 - To Governor 3/19/18 - Approved by Governor 3/27/18 - Chapter 1, Acts, Regular Session, 2018
- \*556. By Sen. Jeffries, Beach and Plymale - **Creating small business and minority populations economic and workforce development taskforce to assist Economic Development Authority** - Introduced 2/15/2018 - To Workforce then Economic Development - Com. sub. reported 2/26/2018 - 2nd reference dispensed - Passed Senate 2/28/2018 - To House 2/28/2018 - To Government Organization - Amended on 3rd reading - Passed House 3/9/2018 - Senate amended House amendment and passed 3/10/2018
557. By Sen. Sypolt, Cline, Beach, Plymale, Baldwin and Ojeda - **Relating to Senior Farmers' Market Nutrition Program** - Introduced 2/15/2018 - To Agriculture and Rural Development - On 2nd reading to Finance 2/21/2018 - Amended - Passed Senate 2/27/2018 - To House 2/28/2018 - To Health and Human Resources then Finance
- \*558. By Sen. Swope - **Relating to certification requirements for crane operators** - Introduced 2/15/2018 - To Workforce then Government Organization - Com. sub. reported 2/22/2018 - On 2nd reading to Government Organization 2/22/2018 - Passed Senate 2/27/2018 - To House 2/28/2018 - To Government Organization

559. By Sen. Baldwin and Ojeda - **Creating Shared Table initiative in public schools** (original similar to HB4478) - Introduced 2/15/2018 - To Education then Finance
560. By Sen. Stollings and Beach - **Prohibiting pharmacy benefit managers from using certain contract provisions** - Introduced 2/15/2018 - To Health and Human Resources then Finance
- \*561. By Sen. Jeffries - **Increasing minimum contract price requiring execution of bond with respect to building or repairing school property** - Introduced 2/15/2018 - To Education then Government Organization - Com. sub. reported 2/22/2018 - On 2nd reading to Government Organization 2/22/2018 - Senate further considered bill - 2nd reference dispensed - Passed Senate 2/26/2018 - To House 2/27/2018 - To Education then Finance - 2nd reference dispensed - Passed House 3/5/2018 - To Governor 3/9/18 - Approved by Governor 3/27/18 - Chapter 71, Acts, Regular Session, 2018
- \*562. By Sen. Trump and Romano - **Allowing courts discretion to impose period of supervised release of defendant** - Introduced 2/15/2018 - To Judiciary - Com. sub. reported 2/21/2018 - Passed Senate 2/26/2018 - To House 2/27/2018 - To Judiciary
- \*563. By Sen. Boso - **Allowing persons operate small-engine mopeds without driver's license or while license is suspended or revoked** - Introduced 2/15/2018 - To Transportation and Infrastructure then Judiciary - Com. sub. reported 2/23/2018 - On 2nd reading to Judiciary 2/23/2018
564. By Sen. Palumbo, Gaunch, Jeffries, Takubo, Ojeda, Stollings and Cline - **Providing immunity from civil liability to facilities and employees providing crisis stabilization** - Introduced 2/15/2018 - To Judiciary
- \*565. By Sen. Jeffries, Gaunch, Palumbo, Baldwin, Facemire, Ojeda, Plymale, Prezioso, Romano, Stollings, Unger, Woelfel and Cline - **Clarifying authority of State Fire Commission** (original similar to HB4444) - Introduced 2/15/2018 - To Government Organization - Com. sub. reported 2/23/2018 - Passed Senate 2/28/2018 - To House 2/28/2018 - To Government Organization
566. By Sen. Karnes, Maroney, Weld, Arvon, Plymale and Gaunch (Originating in Senate Pensions) - **Relating to disability pensions of municipal employees** (original similar to HB2537, HB4289) - Introduced 2/15/2018 - Referred to Finance 2/15/2018 - Passed Senate 2/26/2018 - To House 2/27/2018 - To Finance
- \*567. By Sen. Weld - **Including treason, murder, armed robbery, and organized crimes for which communications can be intercepted** (original similar to HB 4502) - Introduced 2/16/2018 - To Judiciary - Com. sub. reported 2/23/2018 - Passed Senate 2/28/2018 - To House 2/28/2018 - To Judiciary
- \*568. By Sen. Trump - **Deferring further proceedings for certain first offenses upon completion of Motor Vehicle Alcohol Test and Lock Program within 12 months** - Introduced 2/16/2018 - To Judiciary - Com. sub. reported 2/23/2018 - Passed Senate 2/28/2018 - To House 2/28/2018 - To Judiciary



569. By Sen. Mann and Rucker - **Establishing local choice program for alternative high school assessments for improving education** - Introduced 2/16/2018 - To Education
570. By Sen. Palumbo and Stollings - **Limiting amount property reappraisal can increase** - Introduced 2/16/2018 - To Government Organization
571. By Sen. Mann and Baldwin - **Fixing PEIA aggregate premium cost sharing** (original similar to SB453) - Introduced 2/16/2018 - To Banking and Insurance then Finance
- \*572. By Sen. Karnes, Sypolt, Cline, Ojeda and Plymale - **Creating Farm-to-School Grant Program** - Introduced 2/16/2018 - To Agriculture and Rural Development then Education - Com. sub. reported 2/21/2018 - 2nd reference dispensed - On 2nd reading to Finance 2/21/2018 - Passed Senate 2/27/2018 - To House 2/28/2018 - To Education then Finance - To House Finance 3/2/2018
- \*573. By Sen. Mann, Baldwin and Boso - **Relating generally to school calendars** (original similar to HB4602) - Introduced 2/16/2018 - To Education then Finance - Com. sub. reported 2/21/2018 - 2nd reference dispensed - Passed Senate 2/26/2018 - Effective from passage - To House 2/27/2018 - To Education
- \*574. By Sen. Weld and Cline - **Relating to crime of misrepresentation of military honors** (original similar to SB608) - Introduced 2/16/2018 - To Judiciary - Com. sub. reported 2/21/2018 - Passed Senate 2/26/2018 - To House 2/27/2018 - To Judiciary - Passed House 3/7/2018 - To Governor 3/19/18 - Approved by Governor 3/27/18 - Chapter 59, Acts, Regular Session, 2018
- \*575. By Sen. Takubo, Arvon, Azinger, Boley, Boso, Clements, Cline, Drennan, Maroney, Maynard, Rucker, Sypolt, Stollings and Plymale - **Approving additional beds for intermediate care facilities** (original similar to HB4366) - Introduced 2/16/2018 - To Health and Human Resources - Com. sub. reported 2/22/2018 - Amended - Passed Senate 2/27/2018 - To House 2/28/2018 - To Judiciary - Amended - Passed House 3/7/2018 - Senate concurred in House amendments and passed bill 3/8/2018 - To Governor 3/19/18 - Approved by Governor 3/27/18 - Chapter 200, Acts, Regular Session, 2018
576. By Sen. Gaunch, Palumbo, Ferns, Trump and Plymale - **Relating to Patient Injury Compensation Fund** - Introduced 2/16/2018 - To Judiciary then Finance - 2nd reference dispensed - Passed Senate 2/23/2018 - To House 2/26/2018 - To Judiciary then Finance - To House Finance - Amended - Passed House 3/7/2018 - Title amended - Senate concurred in House amendments and passed bill 3/8/2018 - To Governor 3/19/18 - Approved by Governor 3/22/18 - Chapter 2, Acts, Regular Session, 2018
577. By Sen. Weld and Cline - **Allowing commercial rental car providers to rent vehicles online** - Introduced 2/16/2018 - To Economic Development
578. By Sen. Plymale and Stollings - **Relating to Youth Mental Health Protection Act** (original similar to HB4435) - Introduced 2/16/2018 - To Health and Human Resources then Judiciary

579. By Sen. Maynard - **Establishing responsibilities of providing credit card processing services** (original similar to HB4496) - Introduced 2/16/2018 - To Judiciary
580. By Sen. Sypolt and Boso - **Updating language for WV geodetic datum to match federal coordinate systems** (original similar to HB 4624) - Introduced 2/16/2018 - To Government Organization - Rereferred to Government Organization on 2nd reading 2/27/2018
581. By Sen. Gaunch - **Allowing Tax Commissioner share certain tax information with certain state entities** - Introduced 2/16/2018 - To Government Organization
- \*582. By Sen. Clements and Maroney - **Allowing candidate for political party executive committee serve as election official** - Introduced 2/16/2018 - To Government Organization - Com. sub. reported 2/23/2018 - Passed Senate 2/28/2018 - Effective from passage - To House 2/28/2018 - To Judiciary - Amended - Passed House 3/7/2018 - Title amended - Effective from passage - Senate refused to concur in House amendment 3/8/2018 - House refused to recede and requested conference 3/9/2018 - To conference 3/9/2018 - Senate adopted conference report and passed bill 3/10/2018 - Effective from passage - House adopted conference report and passed bill 3/10/2018 - Effective from passage - To Governor 3/21/18 - Approved by Governor 3/27/18 - Chapter 79, Acts, Regular Session, 2018
583. By Sen. Boso - **Bringing WV in compliance with federal pipeline safety regulations** - Introduced 2/16/2018 - To Transportation and Infrastructure then Finance
584. By Sen. Blair, Boso, Sypolt and Facemire - **Finding certain claims against state to be moral obligations of state** (original similar to HB4433) - Introduced 2/19/2018 - To Finance - Passed Senate 2/28/2018 - Effective from passage - To House 2/28/2018 - To Finance - Amended - Passed House 3/7/2018 - Effective from passage - Senate concurred in House amendments and passed bill 3/8/2018 - Effective from passage - To Governor 3/19/18 - Approved by Governor 3/20/18 - Chapter 39, Acts, Regular Session, 2018
585. By Sen. Romano, Facemire, Trump and Weld - **Altering boundary line between Doddridge and Harrison counties** - Introduced 2/19/2018 - To Government Organization - Passed Senate 2/28/2018 - Effective from passage - To House 2/28/2018 - To Judiciary - Amended - Passed House 3/8/2018 - Title amended - Effective from passage - Senate concurred in House amendments and passed bill 3/9/2018 - Effective from passage - To Governor 3/21/18 - Approved by Governor 3/27/18 - Chapter 248, Acts, Regular Session, 2018
586. By Sen. Smith, Azinger, Baldwin, Beach, Boley, Boso, Clements, Cline, Drennan, Gaunch, Jeffries, Maroney, Maynard, Ojeda, Rucker, Swope and Sypolt - **Requiring certain probationers participate in work release program and spend six months in work release center** - Introduced 2/19/2018 - To Judiciary
587. By Sen. Mann, Clements, Azinger, Boley, Maroney, Smith, Sypolt, Cline and Baldwin - **Providing counties having less than 1,400 net enrollment be**

**considered as having 1,400 net enrollment for basic foundation program** - Introduced 2/19/2018 - To Education then Government Organization

588. By Sen. Sypolt, Cline and Baldwin - **Prohibiting use of anabolic steroids and certain Class I drugs on racing dogs** (original similar to HB4293) - Introduced 2/19/2018 - To Judiciary
- \*589. By Sen. Rucker, Arvon, Clements, Cline, Drennan, Gaunch, Maynard, Smith, Sypolt and Plymale - **Relating to issuance of personalized plates for antique motor vehicles** - Introduced 2/19/2018 - To Transportation and Infrastructure then Finance - Com. sub. reported 2/23/2018 - On 2nd reading to Finance 2/23/2018 - Passed Senate 2/28/2018 - To House 2/28/2018 - To Finance - Passed House 3/7/2018 - To Governor 3/19/18 - Approved by Governor 3/27/18 - Chapter 153, Acts, Regular Session, 2018
- \*590. By Sen. Jeffries, Baldwin, Beach, Clements, Cline, Facemire, Ojeda, Palumbo, Plymale, Prezioso, Romano, Smith, Stollings, Swope, Sypolt, Trump, Unger, Weld and Woelfel - **Providing special license plate for curing childhood cancer** - Introduced 2/19/2018 - To Transportation and Infrastructure then Finance - Com. sub. reported 2/23/2018 - On 2nd reading to Finance 2/23/2018 - Passed Senate 2/28/2018 - To House 2/28/2018 - To Finance - Passed House 3/7/2018 - To Governor 3/20/18 - Approved by Governor 3/27/18 - Chapter 154, Acts, Regular Session, 2018
591. By Sen. Drennan - **Increasing reimbursement rate for certain Medicaid services** - Introduced 2/19/2018 - To Health and Human Resources then Finance
592. By Sen. Sypolt and Boso - **Adding examination of advanced care technician for firefighter paramedic** - Introduced 2/19/2018 - To Government Organization - Passed Senate 2/28/2018 - To House 2/28/2018 - To Government Organization - Amended - Passed House 3/9/2018 - Title amended - Senate amended House amendment and passed 3/10/2018
593. By Sen. Ojeda - **Reducing criminal penalties and criminalization of marijuana** (original similar to HCR38) - Introduced 2/19/2018 - To Judiciary
594. By Sen. Ojeda - **Directing DNR to file rule relating to WV wildlife management areas** - Introduced 2/19/2018 - To Natural Resources then Finance
- \*595. By Sen. Azinger - **Creating Protect Our Right to Unite Act** (original similar to HB4415) - Introduced 2/19/2018 - To Judiciary - Com. sub. reported 2/26/2018 - Amended - Passed Senate 2/28/2018 - To House 2/28/2018 - To Judiciary
596. By Sen. Gaunch and Boso - **Establishing WV Community Investment Tax Credit Program** - Introduced 2/19/2018 - To Economic Development then Finance
- \*597. By Sen. Gaunch, Boso and Cline - **Prohibiting individuals convicted of domestic violence misdemeanor from conducting private investigation business** - Introduced 2/19/2018 - To Government Organization then Judiciary

- Com. sub. reported 2/22/2018 - On 2nd reading to Judiciary 2/22/2018 - Amended - Passed Senate with amended title 2/27/2018 - To House 2/28/2018 - To Government Organization then Judiciary
- \*598. By Sen. Trump, Ferns, Weld and Cline - **Relating to civil actions against county commissions and municipalities for injuries** - Introduced 2/19/2018 - To Government Organization then Judiciary - Com. sub. reported 2/22/2018 - On 2nd reading to Judiciary 2/22/2018 - Passed Senate with amended title 2/28/2018 - To House 2/28/2018 - To Judiciary
599. By Sen. Beach, Baldwin, Mann, Ojeda, Romano, Stollings and Woelfel - **Relating to county boards of education providing free feminine hygiene products** (original similar to HB4520) - Introduced 2/19/2018 - To Education
- \*600. By Sen. Smith, Ferns and Weld - **Relating to powers and duties of PSC** - Introduced 2/19/2018 - To Energy, Industry and Mining then Government Organization - Com. sub. reported 2/23/2018 - On 2nd reading to Government Organization 2/23/2018 - Rejected by Senate 2/28/2018
- \*601. By Sen. Facemire - **Relating to personal income tax** - Introduced 2/19/2018 - To Finance - Com. sub. reported 2/23/2018 - Passed Senate 2/28/2018 - To House 2/28/2018 - To Finance
602. By Sen. Drennan, Blair, Gaunch, Maroney, Maynard, Plymale, Trump, Stollings and Boso - **Providing immunity from civil liability to facilities and employees providing crisis stabilization** (original similar to HB4603) - Introduced 2/19/2018 - To Judiciary
- \*603. By Sen. Drennan, Blair, Gaunch, Maroney, Maynard, Plymale and Trump - **Relating to proceedings for involuntary custody for examination** (original similar to SB371) - Introduced 2/19/2018 - To Judiciary - Com. sub. reported 2/22/2018 - Passed Senate 2/27/2018 - To House 2/28/2018 - To Judiciary - Amended - Passed House 3/8/2018 - Title amended - Senate concurred in House amendments and passed bill 3/10/2018 - To Governor 3/21/18 - Approved by Governor 3/27/18 - Chapter 201, Acts, Regular Session, 2018
604. By Sen. Drennan - **Relating to temporary permits to perform social work functions within community health centers** - Introduced 2/19/2018 - To Health and Human Resources then Government Organization
605. By Sen. Mann, Drennan and Cline - **Relating to vocational and technical education programs** (original similar to HB4259) - Introduced 2/19/2018 - To Education then Finance
606. By Sen. Swope, Rucker, Smith and Cline - **Relating to admissibility of certain evidence in civil action** - Introduced 2/19/2018 - To Judiciary
607. By Sen. Swope, Rucker, Smith, Boso and Cline - **Prohibiting certain misleading lawsuit advertising practices** - Introduced 2/19/2018 - To Judiciary
608. By Sen. Ojeda, Baldwin, Beach, Facemire, Palumbo, Plymale, Romano, Stollings, Swope, Unger, Woelfel, Prezioso and Cline - **Creating misdemeanor**

- offense of impersonating military** (original similar to SB315) - Introduced 2/19/2018 - To Military then Judiciary
609. By Sen. Facemire, Baldwin, Beach, Jeffries and Romano - **Relating generally to valuation of natural resources property** - Introduced 2/19/2018 - To Natural Resources then Finance
610. By Sen. Romano, Beach, Drennan, Facemire, Gaunch, Jeffries, Mann, Palumbo, Prezioso, Rucker, Smith, Stollings, Swope, Sypolt, Plymale and Cline - **Providing penalty for possession of marijuana** - Introduced 2/19/2018 - To Judiciary
611. By Sen. Drennan, Boso, Cline, Takubo and Woelfel - **Relating to licensing of mental health facilities** - Introduced 2/19/2018 - To Health and Human Resources then Government Organization
612. By Sen. Boley, Boso and Maynard - **Relating to sale of municipal property** - Introduced 2/19/2018 - To Government Organization - Passed Senate 2/28/2018 - To House 2/28/2018 - To Government Organization - Passed House 3/9/2018 - To Governor 3/20/18 - Approved by Governor 3/27/18 - Chapter 158, Acts, Regular Session, 2018
613. By Sen. Takubo, Baldwin, Beach, Clements, Facemire, Jeffries, Maroney, Ojeda, Palumbo, Romano, Stollings, Weld, Plymale and Prezioso - **Relating to Youth Mental Health Protection Act** (original similar to HB4435) - Introduced 2/19/2018 - To Health and Human Resources
614. By Sen. Drennan, Boso and Cline - **Relating to crime of impeding investigation involving acts of violence** (original similar to HB4425) - Introduced 2/19/2018 - To Judiciary
615. By Sen. Drennan and Woelfel - **Relating to licensing and registering opioid treatment programs** - Introduced 2/19/2018 - To Health and Human Resources then Government Organization
- \*616. By Sen. Boso and Cline - **Establishing maximum gross weight for certain wood-bearing trucks** - Introduced 2/19/2018 - To Transportation and Infrastructure then Judiciary - Com. sub. reported 2/23/2018 - 2nd reference dispensed - Passed Senate 2/28/2018 - To House 2/28/2018 - To Judiciary - Amended - Passed House 3/7/2018 - Senate concurred in House amendments and passed bill 3/8/2018 - To Governor 3/19/18 - Approved by Governor 3/22/18 - Chapter 242, Acts, Regular Session, 2018
617. By Sen. Boso and Cline - **Allowing municipal fire chiefs appoint deputy fire chief** - Introduced 2/19/2018 - To Government Organization
618. By Sen. Weld (By Request) and Boso - **Relating to sale of tax liens** - Introduced 2/19/2018 - To Finance
619. By Sen. Ferns and Boso - **Creating Prosecuting Attorney Directives Act** - Introduced 2/19/2018 - To Judiciary then Finance

620. By Sen. Baldwin - **Creating opioid crisis recovery fine program** - Introduced 2/19/2018 - To Health and Human Resources then Judiciary
621. By Sen. Trump - **Prohibiting consumer-reporting agency from charging fee to consumer** - Introduced 2/19/2018 - To Judiciary
622. By Sen. Boso - **Imposing additional court costs on violations of seat belt usage** - Introduced 2/19/2018 - To Judiciary then Finance
623. By Sen. Takubo, Maroney, Gaunch and Boso - **Relating to Medicaid subrogation liens of DHHR** - Introduced 2/19/2018 - To Health and Human Resources
624. By Sen. Unger - **Relating to racetrack video lottery** - Introduced 2/19/2018 - To Government Organization then Judiciary
- \*625. By Sen. Gaunch, Maynard, Boso, Clements, Jeffries, Palumbo, Smith, Sypolt and Weld (Originating in Senate Government Organization) - **Creating WV Volunteer Fire and Rescue Act of 2018** (original similar to HB2094, HB2361, HB2608, HB2638, HB2780, HB2862, HB2916, HB2977, HB4253, SB105, SB108, SB128, SB251, SB42, SB489, SB49, SB59, SB89) - Introduced 2/19/2018 - Referred to Finance 2/19/2018 - Com. sub. reported 2/22/2018 - Passed Senate 2/27/2018 - To House 2/28/2018 - To Fire Departments and Emergency Medical Services then Finance - To House Finance - Amended - Passed House 3/9/2018 - Title amended - Senate amended House amendment and passed 3/10/2018 - Senate reconsidered action - Senate amended House amendment and passed 3/10/2018 - House concurred in Senate amendment and passed 3/10/2018 - To Governor 3/21/18 - Approved by Governor 3/27/18 - Chapter 211, Acts, Regular Session, 2018
626. By Sen. Smith (Originating in Senate Energy, Industry and Mining) - **Relating generally to coal mining** (original similar to HB4340) - Introduced 2/19/2018 - Passed Senate 2/22/2018 - To House 2/23/2018 - To Energy then Judiciary - To House Judiciary - Amended - Passed House 3/7/2018 - Senate concurred in House amendments and passed bill 3/8/2018 - To Governor 3/20/18 - Approved by Governor 3/27/18 - Chapter 152, Acts, Regular Session, 2018
627. By Sen. Trump, Weld, Beach, Maynard, Romano, Azinger, Rucker, Ojeda, Karnes, Cline, Jeffries, Smith, Swope, Baldwin, Clements and Ferns (Originating in Senate Judiciary) - **Permitting local governments to access certain economic development project-related tax records** - Introduced 2/21/2018 - Passed Senate 2/26/2018 - Effective from passage - To House 2/27/2018 - To Judiciary then Finance - To House Finance 3/3/2018
628. By Sen. Maroney, Maynard, Arvon, Baldwin, Cline, Drennan and Swope (Originating in Senate Economic Development) - **Relating generally to WV Jobs Investment Trust Board** - Introduced 2/22/2018 - Passed Senate 2/27/2018 - To House 2/28/2018 - To Finance
629. By Sen. Maynard, Beach, Cline, Facemire, Karnes, Rucker, Smith, Stollings, Sypolt and Woelfel (Originating in Senate Natural Resources) - **Expanding conditions of permanent disability required for Class Q permit** - Introduced 2/23/2018 - Passed Senate 2/28/2018 - To House 2/28/2018 - To Judiciary

630. By Sen. Blair, Arvon, Boley, Boso, Drennan, Facemire, Gaunch, Mann, Maroney, Palumbo, Plymale, Prezioso, Stollings, Sypolt, Takubo and Unger (Originating in Senate Finance) - **Relating to changes in distribution of certain racetrack video lottery net terminal income and excess lottery fund** - Introduced 2/26/2018 - Amended - Passed Senate 2/28/2018 - To House 2/28/2018 - To Judiciary then Finance - To House Finance 3/6/2018
631. By Sen. Blair, Arvon, Boley, Boso, Drennan, Facemire, Gaunch, Mann, Maroney, Palumbo, Plymale, Prezioso, Stollings, Sypolt, Takubo and Unger (Originating in Senate Finance) - **Relating generally to one-call system** - Introduced 2/26/2018 - Amended - Passed Senate 2/28/2018 - To House 2/28/2018 - To Judiciary - Passed House 3/7/2018 - To Governor 3/20/18 - Approved by Governor 3/24/18 - Chapter 244, Acts, Regular Session, 2018
632. By Sen. Trump, Weld, Azinger, Baldwin, Beach, Clements, Cline, Jeffries, Karnes, Maynard, Ojeda, Romano, Rucker, Smith, Swope and Woelfel (Originating in Senate Judiciary) - **Allowing retired judicial officers recalled to service to avoid limit on temporary payments under certain circumstances** (original similar to HB 2125, HB 4137, SB 367) - Introduced 2/28/2018 - Constitutional rule suspended - Passed Senate 2/28/2018 - To House 3/1/2018 - To Judiciary - On 1st reading, House Calendar 3/10/2018
633. By Sen. Blair, Arvon, Boley, Boso, Drennan, Facemire, Ferns, Gaunch, Mann, Maroney, Palumbo, Plymale, Prezioso, Stollings, Sypolt, Takubo and Unger (Originating in Senate Finance) - **Expiring funds from Insurance Commission Fund and appropriating funds to Consolidated Medical Services Fund** - Introduced 3/5/2018 - Passed Senate 3/8/2018 - Effective from passage - To House 3/9/2018 - Reference dispensed - Passed House 3/9/2018 - Effective from passage - House reconsidered effective date - On 3rd reading, Special Calendar 3/10/2018 - Amended on 3rd reading - Read 3rd time 3/10/2018 - Passed House 3/10/2018 - Effective from passage - Senate concurred in House amendments and passed bill 3/10/2018 - Effective from passage - To Governor 3/14/18 - Approved by Governor 3/15/18 - Chapter 19, Acts, Regular Session, 2018
634. By Sen. Blair, Arvon, Boley, Boso, Drennan, Facemire, Ferns, Gaunch, Mann, Maroney, Palumbo, Plymale, Prezioso, Stollings, Sypolt, Takubo and Unger (Originating in Senate Finance) - **Adding, increasing, and decreasing appropriations from General Revenue to DHHR** - Introduced 3/5/2018 - Passed Senate 3/8/2018 - Effective from passage - To House 3/9/2018 - To Finance - Passed House 3/10/2018 - Effective from passage - To Governor 3/14/18 - Approved by Governor 3/15/18 - Chapter 20, Acts, Regular Session, 2018
635. By Sen. Arvon, Boso, Drennan, Facemire, Ferns, Gaunch, Palumbo, Prezioso, Stollings, Sypolt, Takubo and Blair (Originating in Senate Finance) - **Relating to 2019 salary adjustment for employees of DHHR** - Introduced 3/8/2018 - Passed Senate 3/9/2018 - To House 3/9/2018 - Reference dispensed - Passed House 3/9/2018 - To Governor 3/21/18 - Approved by Governor 3/21/18 - Chapter 191, Acts, Regular Session, 2018

**ALL SENATE JOINT RESOLUTIONS OFFERED**

1. By Sen. Karnes, Rucker and Maynard - **Right to Farm and Ranch Amendment** - Introduced 1/10/2018 - To Agriculture and Rural Development then Judiciary
2. By Sen. Karnes - **Fair and Simple Tax Reform or FASTR Amendment** - Introduced 1/10/2018 - To Tax Reform then Finance
- \*3. By Sen. Boso and Cline - **Judicial Budget Oversight Amendment** (original similar to HJR101, HJR104, HJR109) - Introduced 1/10/2018 - To Judiciary then Finance - Com. sub. reported 2/5/2018 - To Finance 2/5/2018 - Com. sub. for com. sub. reported 2/12/2018 - Amended on 3rd reading - Adopted by Senate 2/15/2018 - Title amended - To House 2/16/2018 - To Finance then Judiciary - To House Judiciary - Amended – Adopted by House 3/9/2018 - Title amended - Senate amended House amendment and adopted 3/10/2018 - Senate adopted conference report and adopted resolution 3/10/2018 - House adopted conference report and resolution 3/10/2018
4. By Sen. Sypolt - **Protection of Electronic Communication and Data Amendment** - Introduced 1/10/2018 - To Judiciary then Finance
5. By Sen. Sypolt and Rucker - **Homestead Exemption Increase Amendment** - Introduced 1/10/2018 - To Judiciary then Finance
6. By Sen. Ojeda - **Judicial Budget Oversight Amendment** - Introduced 1/12/2018 - To Judiciary then Finance
- \*7. By Sen. Boso, Rucker, Cline and Azinger - **Supervision of Free Schools Modification Amendment** - Introduced 1/15/2018 - To Judiciary then Finance - Com. sub. reported 2/26/2018 - Recommitted to Finance on 3rd reading 2/28/2018
- \*8. By Sen. Boso and Cline - **County Economic Development Amendment** - Introduced 1/15/2018 - To Judiciary then Finance - Com. sub. reported 2/12/2018 - To Finance 2/12/2018 - Referred to Rules on 2nd reading 3/5/2018
9. By Sen. Carmichael (Mr. President) and Prezioso [By Request of the Executive] - **Just Cut Taxes and Win or JCTAW Amendment** - Introduced 1/18/2018 - To Judiciary then Finance
- \*10. By Sen. Sypolt, Facemire and Cline - **Disabled Veteran Exemption From Ad Valorem Property Tax Amendment** (original similar to HB4566) - Introduced 1/26/2018 - To Judiciary then Finance - Com. sub. reported 2/23/2018 - On 2nd reading to Finance 2/23/2018
11. By Sen. Ojeda and Rucker - **Recall Election Amendment** - Introduced 1/31/2018 - To Judiciary then Finance
- \*12. By Sen. Rucker, Arvon, Azinger, Blair, Boley, Boso, Cline, Ferns, Gaunch, Karnes, Mann, Maynard, Smith, Swope, Sypolt and Maroney - **No Constitutional right to abortion Amendment** - Introduced 2/1/2018 - To



Judiciary - Com. sub. reported 2/6/2018 - Adopted by Senate 2/9/2018 - To House 2/12/2018 - To Judiciary - Adopted by House 3/5/2018

## **ALL SENATE CONCURRENT RESOLUTIONS OFFERED**

1. By Sen. Ojeda, Plymale, Beach and Woelfel - **US Army SGT Denver E. Short Memorial Road** - Introduced 1/10/2018 - To Transportation and Infrastructure - Adopted by Senate 2/8/2018 - To House 2/9/2018 - To Roads and Transportation then Rules - To House Rules - Adopted by House 3/10/2018
2. By Sen. Romano, Facemire, Plymale, Beach and Woelfel - **Walter E. Swiger, Jr., Memorial Bridge** - Introduced 1/10/2018 - To Transportation and Infrastructure - Adopted by Senate 2/21/2018 - To House 2/21/2018 - To Roads and Transportation then Rules - To House Roads and Transportation 2/21/2018
- \*3. By Sen. Romano, Facemire, Plymale, Beach and Woelfel - **Michael Angiulli Memorial Bridge** - Introduced 1/10/2018 - To Transportation and Infrastructure - Com. sub. reported 1/31/2018 - Adopted by Senate 2/1/2018 - To House 2/5/2018 - To Roads and Transportation then Rules - To House Rules 2/27/2018 - Adopted by House 3/10/2018
- \*4. By Sen. Boso, Plymale and Woelfel - **WV Army National Guard Sergeant Glenn F. Lough, P.E., Memorial Bridge** - Introduced 1/10/2018 - To Transportation and Infrastructure - Com. sub. reported 1/25/2018 - Adopted by Senate 1/26/2018 - To House 1/29/2018 - To Roads and Transportation then Rules - To House Rules 2/6/2018 - Adopted by House 2/16/2018
5. By Sen. Clements, Azinger, Boso, Ojeda, Romano, Weld, Cline, Takubo, Unger, Stollings, Plymale and Baldwin - **Requesting DMAPS and Division of Personnel develop plan to raise correctional officers' salaries** (original similar to SB18) - Introduced 1/16/2018 - To Government Organization
6. By Sen. Ferns, Carmichael (Mr. President), Weld, Stollings, Beach, Plymale and Boso - **Supporting construction of Gold Star Families Memorial Monument** - Introduced 1/17/2018 - Committee reference dispensed - Adopted by Senate 1/18/2018 - To House 1/22/2018 - Reference dispensed - Adopted by House 1/22/2018
7. By Sen. Takubo and Stollings - **Requesting federal government grant waiver for required waiting period for tubal ligation procedures** - Introduced 1/23/2018 - To Health and Human Resources
8. By Sen. Maynard - **Requesting study of creation and role of WV Motorsports Commission** - Introduced 1/24/2018 - To Transportation and Infrastructure then Rules - To Transportation and Infrastructure 1/25/2018
9. By Sen. Karnes, Azinger, Boley, Cline, Mann, Rucker, Swope, Trump and Ferns - **Urging Congress call convention of states under Article V limited to proposing amendments to Constitution of United States** - Introduced 1/26/2018 - To Judiciary

10. By Sen. Beach, Baldwin, Clements, Gaunch, Maroney, Maynard, Ojeda, Plymale, Stollings, Woelfel, Facemire, Cline and Prezioso - **Proposing amendment to US Constitution restoring free and fair elections** - Introduced 1/26/2018 - To Judiciary
- \*11. By Sen. Rucker and Unger - **Evans Center for Excellence in Aircraft Maintenance** - Introduced 1/30/2018 - To Government Organization - Com. sub. reported 2/9/2018 - Adopted by Senate 2/12/2018 - To House 2/13/2018 - To Roads and Transportation then Rules - To House Rules 2/27/2018 - Adopted by House 3/1/2018
12. By Sen. Stollings, Smith, Boso, Drennan, Beach and Plymale - **US Army SP4 Darrell Gregory Triplett Memorial Bridge** - Introduced 2/7/2018 - To Transportation and Infrastructure - Adopted by Senate 2/21/2018 - To House 2/21/2018 - To Roads and Transportation then Rules - To House Roads and Transportation 2/21/2018
13. By Sen. Beach, Stollings and Plymale - **Jeffrey Alan Clovis Memorial Bridge** - Introduced 2/8/2018 - To Transportation and Infrastructure
14. By Sen. Woelfel, Stollings and Plymale - **US Army SPC 4 William L. Amos Memorial Bridge** (original similar to HCR47) - Introduced 2/8/2018 - To Transportation and Infrastructure - Adopted by Senate 2/21/2018 - To House 2/21/2018 - To Rules - To House Rules 2/21/2018 - Adopted by House 3/10/2018
15. By Sen. Romano, Facemire, Unger, Stollings and Plymale - **US Marine SGT Stephen E. Drummond Memorial Bridge** - Introduced 2/9/2018 - To Transportation and Infrastructure - Adopted by Senate 2/21/2018 - To House 2/21/2018 - To Roads and Transportation then Rules - To House Roads and Transportation 2/21/2018
16. By Sen. Romano, Facemire, Unger, Stollings and Plymale - **Sardis District Veterans Memorial Bridge** - Introduced 2/9/2018 - To Transportation and Infrastructure - Adopted by Senate 2/21/2018 - To House 2/21/2018 - To Roads and Transportation then Rules - To House Roads and Transportation 2/21/2018
17. By Sen. Rucker, Unger, Stollings and Plymale - **John Hancock Hall Memorial Bridge** - Introduced 2/9/2018 - To Transportation and Infrastructure - Adopted by Senate 3/6/2018 - To House 3/7/2018 - To Rules - To House Rules 3/7/2018 - Adopted by House 3/10/2018
18. By Sen. Stollings and Plymale - **Balentine Brothers Bridge** - Introduced 2/12/2018 - To Transportation and Infrastructure
19. By Sen. Stollings and Plymale - **John B. Short Memorial Bridge** - Introduced 2/12/2018 - To Transportation and Infrastructure
20. By Sen. Sypolt, Stollings, Boso and Cline - **Requesting Bureau for Medical Services review and update Medicaid rates for ground and air ambulance services** - Introduced 2/14/2018 - Committee reference dispensed - Adopted by Senate 2/15/2018 - To House 2/16/2018 - To Health and Human Resources then Rules - To House Health and Human Resources 2/16/2018

21. By Sen. Stollings, Beach and Plymale - **US Army PFC Charles Thurman "Buddy" Ellis Memorial Bridge** - Introduced 2/14/2018 - To Transportation and Infrastructure - Adopted by Senate 3/6/2018 - To House 3/7/2018 - To Rules - To House Rules 3/7/2018 - Adopted by House 3/10/2018
22. By Sen. Stollings, Beach and Plymale - **US Army Colonel Larkin Bilton Vance Memorial Highway** - Introduced 2/14/2018 - To Transportation and Infrastructure - Adopted by Senate 3/6/2018 - To House 3/7/2018 - To Rules - To House Rules 3/7/2018 - Adopted by House 3/10/2018
23. By Sen. Stollings, Beach and Plymale - **Betty Jo Delong Memorial Bridge** - Introduced 2/15/2018 - To Transportation and Infrastructure - Adopted by Senate 3/10/2018 - To House 3/10/2018 - Reference dispensed - Adopted by House 3/10/2018
24. By Sen. Stollings, Ojeda, Beach and Plymale - **Requesting study by Joint Committee on Children and Families regarding efficiency of organizations within DHHR** - Introduced 2/15/2018 - To Health and Human Resources then Rules - To Health and Human Resources 2/16/2018
25. By Sen. Stollings, Beach and Plymale - **US Army PFC O. T. (Teaberry) Mullins Memorial Bridge** - Introduced 2/15/2018 - To Transportation and Infrastructure - Adopted by Senate 3/6/2018 - To House 3/7/2018 - To Rules - To House Rules 3/7/2018 - Adopted by House 3/10/2018
26. By Sen. Jeffries, Drennan, Gaunch, Swope, Stollings, Beach and Plymale - **US Army PFC Thomas Mayford Martin Memorial Bridge** - Introduced 2/15/2018 - To Transportation and Infrastructure - Adopted by Senate 3/6/2018 - To House 3/7/2018 - To Rules - To House Rules 3/7/2018 - Adopted by House 3/10/2018
27. By Sen. Stollings, Beach and Plymale - **US Army CPL F. Lee Noel Memorial Bridge** - Introduced 2/15/2018 - To Transportation and Infrastructure - Adopted by Senate 3/6/2018 - To House 3/7/2018 - To Rules - To House Rules 3/7/2018 - Adopted by House 3/10/2018
28. By Sen. Gaunch and Boso - **Requesting study to consider removing solid waste facilities from jurisdiction of PSC** - Introduced 2/16/2018 - To Government Organization then Rules - To Rules 2/28/2018
- \*29. By Sen. Maynard, Plymale and Stollings - **US Army SGT Benny Fleming Memorial Bridge** - Introduced 2/19/2018 - To Transportation and Infrastructure - Com. sub. reported 3/6/2018 - Adopted by Senate 3/7/2018 - To House 3/8/2018 - To Rules - To House Rules 3/8/2018 - Adopted by House 3/10/2018
30. By Sen. Maynard, Stollings, Boso and Cline - **Requesting study of legal procedures and fiscal means for state to acquire idle railway property** - Introduced 2/19/2018 - To Judiciary then Rules - To Judiciary 2/20/2018

31. By Sen. Maynard, Stollings and Cline - **Requesting study of eliminating "dead spots" in wireless coverage in WV** - Introduced 2/19/2018 - To Government Organization then Rules - To Government Organization 2/20/2018
32. By Sen. Beach, Baldwin, Clements, Facemire, Jeffries, Ojeda, Palumbo, Romano, Rucker, Smith, Stollings, Plymale and Cline - **Recognizing importance of industrial hemp** - Introduced 2/21/2018 - Committee reference dispensed - Adopted by Senate 2/21/2018 - To House 2/21/2018 - To Industry and Labor then Rules
33. By Sen. Smith, Sypolt, Plymale and Stollings - **William "Bill" Thurman King Memorial Bridge** - Introduced 2/21/2018 - To Transportation and Infrastructure
34. By Sen. Smith, Sypolt, Plymale and Stollings - **Requesting DNR study deer hunting in WV** - Introduced 2/22/2018 - To Natural Resources
35. By Sen. Swope, Beach, Plymale and Stollings - **Constable Joseph H. Davidson Memorial Bridge** - Introduced 2/22/2018 - To Transportation and Infrastructure
36. By Sen. Takubo, Maroney, Azinger, Boley, Boso, Clements, Cline, Drennan, Mann, Rucker, Swope, Sypolt, Weld, Plymale, Unger, Baldwin and Stollings - **Requesting study of public schools' prevention and response to violent acts against students and personnel** - Introduced 2/22/2018 - To Education then Rules - To Education 2/23/2018
37. By Sen. Stollings, Plymale and Beach - **Sheriff John E. White Memorial Road** - Introduced 2/22/2018 - To Transportation and Infrastructure - Adopted by Senate 3/6/2018 - To House 3/7/2018 - To Rules - To House Rules 3/7/2018 - Adopted by House 3/10/2018
38. By Sen. Sypolt, Beach, Cline and Boso - **Urging Congress reassess federal definition of "industrial hemp"** - Introduced 2/23/2018 - To Judiciary
39. By Sen. Trump, Weld, Beach, Maynard, Romano, Azinger, Rucker, Ojeda, Karnes, Cline, Jeffries, Smith, Swope, Baldwin, Clements, Woelfel and Ferns (Originating in Senate Judiciary) - **Requesting study of feasibility and implementation of coordination of law-enforcement agencies in finding missing persons and identifying found remains** - Introduced 2/23/2018 - Referred to Rules 2/23/2018
40. By Sen. Trump, Weld, Beach, Maynard, Romano, Azinger, Rucker, Ojeda, Karnes, Cline, Jeffries, Smith, Swope, Baldwin, Clements, Woelfel and Ferns (Originating in Senate Judiciary) - **Requesting study of legality and effects of prohibit retailers from selling or leasing products that make content accessible on the Internet** - Introduced 2/23/2018 - Referred to Rules 2/23/2018
41. By Sen. Cline, Baldwin, Clements, Jeffries, Smith, Swope, Woelfel, Beach, Plymale, Stollings and Boso - **Home of Coach Bob Bolen Mountain State University 2004 NAIA Champions road marker** - Introduced 2/27/2018 - To Transportation and Infrastructure

42. By Sen. Palumbo, Stollings, Boso, Beach and Plymale - **US Navy Veteran Samuel H. Slack, Jr., Memorial Bridge** - Introduced 3/1/2018 - To Transportation and Infrastructure
43. By Sen. Romano, Facemire, Stollings, Beach and Plymale - **US Army T-4 CE Caesar Bango Memorial Bridge** - Introduced 3/1/2018 - To Transportation and Infrastructure - Adopted by Senate 3/6/2018 - To House 3/7/2018 - To Rules - To House Rules 3/7/2018 - Adopted by House 3/10/2018
44. By Sen. Swope, Boso, Maynard, Stollings, Cline and Plymale - **Bluefield Police LT Aaron L. Crook Memorial Bridge** - Introduced 3/1/2018 - To Transportation and Infrastructure
45. By Sen. Blair - **Suspending provisions of Joint Rule 5 as to Com Sub for SJR 8** - Introduced 3/1/2018 - Committee reference dispensed - Referred to Rules 3/1/2018
46. By Sen. Trump, Weld, Maynard, Azinger, Rucker, Karnes, Cline, Smith, Swope, Clements and Ferns (Originating in Senate Judiciary) - **Requesting study of creating WV legal system to curb abusive lawsuits** - Introduced 3/1/2018 - Referred to Rules 3/1/2018
47. By Sen. Trump, Weld, Beach, Maynard, Romano, Azinger, Rucker, Ojeda, Karnes, Cline, Jeffries, Smith, Swope, Baldwin, Clements, Woelfel and Ferns (Originating in Senate Judiciary) - **Requesting study on limiting use of criminal records to disqualify person from license to practice occupation** - Introduced 3/1/2018 - Referred to Rules 3/1/2018
48. By Sen. Carmichael (Mr. President), Plymale and Stollings - **US Army MSG Monty Ray Skeen, Sr., Memorial Bridge** - Introduced 3/3/2018 - To Transportation and Infrastructure - Adopted by Senate 3/10/2018 - To House 3/10/2018 - Reference dispensed - Adopted by House 3/10/2018
49. By Sen. Jeffries, Baldwin, Beach, Ojeda, Prezioso, Romano, Stollings and Plymale - **US Army PFC Robert "Bobby" Tate, Jr., Memorial Bridge** - Introduced 3/3/2018 - To Transportation and Infrastructure - Adopted by Senate 3/10/2018 - To House 3/10/2018 - Reference dispensed - Adopted by House 3/10/2018
50. By Sen. Karnes, Beach, Plymale, Romano, Stollings, Swope, Trump and Unger (Originating in Senate Education) - **Requesting study requiring Department of Education provide free feminine hygiene products to female students in grades 5 through 12** - Introduced 3/3/2018 - Referred to Rules 3/3/2018
51. By Sen. Trump - **Extending conference committee relating to Engrossed Committee Substitute for HB 4013** - Introduced 3/5/2018 - Committee reference dispensed - Adopted by Senate 3/5/2018 - To House 3/5/2018 - Reference dispensed - Amended - Adopted by House 3/5/2018 - Senate concurred in House amendment and adopted resolution 3/5/2018
- \*52. By Sen. Drennan, Plymale, Boso and Stollings - **Deputy Sheriff John Janey Memorial Bridge** - Introduced 3/6/2018 - To Transportation and Infrastructure

- Com. sub. reported 3/10/2018 - Adopted by Senate 3/10/2018 - To House 3/10/2018 - Reference dispensed - Adopted by House 3/10/2018

53. By Sen. Stollings, Beach, Plymale and Boso - **US Army SGT Harold Scott White Memorial Bridge** - Introduced 3/7/2018 - To Transportation and Infrastructure
54. By Sen. Plymale, Boso and Cline - **Requesting study on effect of new vehicle weights on WV roads** - Introduced 3/8/2018 - Committee reference dispensed - Adopted by Senate 3/8/2018 - To House 3/9/2018 - To Rules - To House Rules 3/9/2018 - Adopted by House 3/10/2018
55. By Sen. Plymale, Boso and Cline - **Urging Congress pass law permitting WV to increase vehicle weight on interstate highways** - Introduced 3/8/2018 - Committee reference dispensed - Adopted by Senate 3/8/2018 - To House 3/9/2018 - To Rules - To House Rules 3/9/2018 - Adopted by House 3/10/2018
56. By Sen. Stollings, Beach and Plymale - **PFC Franklin L. Conn and SGM Bill Jeffrey Memorial Bridge** - Introduced 3/8/2018 - To Transportation and Infrastructure
57. By Sen. Trump, Weld, Beach, Maynard, Romano, Azinger, Rucker, Ojeda, Karnes, Cline, Jeffries, Smith, Swope, Baldwin, Clements, Woelfel and Ferns (Originating in Senate Judiciary) - **Requesting study of potential creation of WV Sentencing Commission** - Introduced 3/8/2018 - Referred to Rules 3/8/2018
58. By Sen. Maynard, Beach, Cline, Karnes, Rucker, Smith, Stollings and Sypolt (Originating in Senate Natural Resources) - **Requesting study options for solving crisis of abandonment of large horses** - Introduced 3/8/2018 - Referred to Rules 3/8/2018
59. By Sen. Maynard, Beach, Cline, Karnes, Rucker, Smith, Stollings and Sypolt (Originating in Senate Natural Resources) - **Requesting study possible methods to enhance forest management** - Introduced 3/8/2018 - Referred to Rules 3/8/2018
60. By Sen. Maynard, Beach, Cline, Karnes, Rucker, Smith, Stollings and Swope (Originating in Senate Natural Resources) - **Requesting study requiring DNR and state agencies use non-employee workforce** - Introduced 3/8/2018 - Referred to Rules 3/8/2018
61. By Sen. Maynard, Beach, Cline, Karnes, Rucker, Smith, Stollings and Sypolt (Originating in Senate Natural Resources) - **Requesting study for developing plans reclaiming solid waste landfills** - Introduced 3/8/2018 - Referred to Rules 3/8/2018
62. By Sen. Maynard, Beach, Cline, Karnes, Rucker, Smith, Stollings and Sypolt (Originating in Senate Natural Resources) - **Requesting study of potential economic benefits of rock climbing tourism** - Introduced 3/8/2018 - Referred to Rules 3/8/2018

63. By Sen. Maynard, Beach, Cline, Karnes, Rucker, Smith and Stollings (Originating in Senate Natural Resources) - **Requesting study of development of "adopt-a-waterway" program** - Introduced 3/8/2018 - Referred to Rules 3/8/2018
64. By Sen. Takubo, Rucker and Plymale - **Designating Sunday, May 6, 2018, as World Moyamoya Awareness Day** - Introduced 3/9/2018 - To Health and Human Resources
65. By Sen. Romano, Beach, Boso, Facemire, Ojeda and Plymale - **US Army SP4 Wilbur Allen Smith Memorial Bridge** - Introduced 3/9/2018 - To Transportation and Infrastructure
66. By Sen. Boso, Maynard and Plymale - **Robert "Glen" Schoonover Memorial Bridge** - Introduced 3/9/2018 - To Transportation and Infrastructure
67. By Sen. Boley, Beach, Blair, Cline, Facemire, Karnes, Sypolt, Rucker, Maynard, Boso and Plymale - **Requesting study on improving WV students' scores on educational tests** - Introduced 3/9/2018 - To Education
68. By Sen. Trump, Weld, Beach, Maynard, Romano, Azinger, Rucker, Ojeda, Karnes, Cline, Jeffries, Smith, Swope, Baldwin, Clements, Woelfel and Ferns (Originating in Senate Judiciary) - **Requesting study of potentially creating nonpartisan commission for planning and mapping state legislative election districts** - Introduced 3/9/2018 - Referred to Rules 3/9/2018
69. By Sen. Maynard, Beach, Cline, Karnes, Rucker, Smith, Stollings and Sypolt (Originating in Senate Natural Resources) - **Requesting study development of Office of Outdoor Recreation** - Introduced 3/9/2018 - Referred to Rules 3/9/2018
70. By Sen. Maynard, Beach, Cline, Karnes, Rucker, Smith, Stollings and Sypolt (Originating in Senate Natural Resources) - **Requesting study ways to deter wanton waste of animals, birds and fish** - Introduced 3/9/2018 - Referred to Rules 3/9/2018

### ALL SENATE RESOLUTIONS OFFERED

1. By Sen. Ferns - **Notifying House of Delegates Senate has assembled in regular session** - Introduced 1/10/2018 - Committee reference dispensed - Adopted 1/10/2018
2. By Sen. Ferns - **Notifying Governor Legislature has assembled in regular session** - Introduced 1/10/2018 - Committee reference dispensed - Adopted 1/10/2018
3. By Sen. Blair - **Authorizing appointment of permanent and per diem employees** - Introduced 1/10/2018 - Committee reference dispensed - Adopted 1/10/2018

4. By Sen. Trump, Blair, Sypolt, Smith, Plymale, Stollings and Boso - **Honoring life of Dr. Harry Warren Boggs** - Introduced 1/11/2018 - Committee reference dispensed - Adopted 1/11/2018
5. By Sen. Trump, Blair, Sypolt, Smith, Plymale, Stollings and Boso - **Recognizing public service of Anne Palmer** - Introduced 1/11/2018 - Committee reference dispensed - Adopted 1/11/2018
6. By Sen. Gaunch, Takubo, Boso, Blair, Stollings, Cline and Drennan - **Designating March 21, 2018, as Down Syndrome Awareness Day** - Introduced 1/15/2018 - Committee reference dispensed - Adopted 1/15/2018
7. By Sen. Ferns, Weld and Stollings - **Congratulating Wheeling Central Catholic high school on winning 2017 Class A football championship** - Introduced 1/15/2018 - Committee reference dispensed - Adopted 1/15/2018
8. By Sen. Drennan, Romano, Cline, Trump, Unger, Beach, Plymale, Rucker, Karnes and Azinger - **Designating January 16, 2018, as WV Homeschool Day** - Introduced 1/16/2018 - Committee reference dispensed - Adopted 1/16/2018
9. By Sen. Takubo, Stollings, Prezioso, Beach, Plymale, Cline and Boso - **Designating January 17, 2018, as Disability Advocacy Day** - Introduced 1/17/2018 - Committee reference dispensed - Adopted 1/17/2018
10. By Sen. Smith, Sypolt, Facemire, Stollings, Beach and Plymale - **Designating January 18, 2018, as Tucker County Day** - Introduced 1/18/2018 - Committee reference dispensed - Adopted 1/18/2018
11. By Sen. Stollings, Takubo, Ojeda, Boso, Plymale and Cline - **Designating January 19, 2018, as Southern West Virginia Day at Capitol** - Introduced 1/19/2018 - Committee reference dispensed - Adopted 1/19/2018
12. By Sen. Palumbo, Trump, Stollings, Beach and Cline - **Designating January 22, 2018, as Women's and Girls' Day** - Introduced 1/22/2018 - Committee reference dispensed - Adopted 1/22/2018
13. By Sen. Unger, Trump, Stollings, Blair, Beach and Rucker - **Recognizing Leadership Berkeley** - Introduced 1/22/2018 - Committee reference dispensed - Adopted 1/22/2018
14. By Sen. Mann, Stollings, Rucker, Cline, Boso, Karnes, Maynard, Baldwin, Prezioso, Beach, Plymale and Drennan - **Designating January 23, 2018, as Higher Education Day** - Introduced 1/23/2018 - Committee reference dispensed - Adopted 1/23/2018
15. By Sen. Maynard, Stollings, Romano, Unger, Beach, Baldwin and Cline - **Designating January 24, 2018, as School Counselors Day** - Introduced 1/24/2018 - Committee reference dispensed - Adopted 1/24/2018
16. By Sen. Plymale, Woelfel, Stollings, Unger, Beach and Boso - **Designating January 24, 2018, as Marshall University Day** - Introduced 1/24/2018 - Committee reference dispensed - Adopted 1/24/2018



17. By Sen. Plymale, Woelfel, Stollings, Romano, Unger, Beach and Boso - **Recognizing Marshall University football team** - Introduced 1/24/2018 - Committee reference dispensed - Adopted 1/24/2018
18. By Sen. Beach, Stollings, Romano, Unger, Plymale, Cline and Prezioso - **Designating January 26, 2018, as Human Resources Day** - Introduced 1/26/2018 - Committee reference dispensed - Adopted 1/26/2018
19. By Sen. Rucker, Unger and Plymale - **Designating January 29, 2018, as Jefferson County Day** - Introduced 1/29/2018 - Committee reference dispensed - Adopted 1/29/2018
20. By Sen. Beach, Prezioso, Stollings, Facemire, Unger and Plymale - **Celebrating achievements and contributions of Monongalia County** - Introduced 1/30/2018 - Committee reference dispensed - Adopted 1/30/2018
21. By Sen. Beach, Stollings, Facemire, Prezioso and Plymale - **Recognizing Bryan Schuerman for being named 2017 WV Outstanding Earth Science Teacher** - Introduced 1/30/2018 - Committee reference dispensed - Adopted 1/30/2018
22. By Sen. Trump, Woelfel, Unger, Stollings, Cline, Rucker, Plymale, Beach and Boso - **Designating January 31, 2018, as Nurses Unity Day** - Introduced 1/31/2018 - Committee reference dispensed - Adopted 1/31/2018
23. By Sen. Carmichael (Mr. President), Ferns, Stollings and Boso - **Recognizing contributions and efforts of Donate Life West Virginia partners** - Introduced 2/1/2018 - Committee reference dispensed - Adopted 2/1/2018
24. By Sen. Baldwin, Stollings, Plymale and Beach - **Celebrating efforts and contributions of Greenbrier County Elder Abuse Awareness Committee** - Introduced 2/1/2018 - Committee reference dispensed - Adopted 2/1/2018
25. By Sen. Stollings, Boso, Unger, Beach and Plymale - **Designating February 2, 2018, as Dental Hygienists Day** - Introduced 2/2/2018 - Committee reference dispensed - Adopted 2/2/2018
26. By Sen. Cline, Plymale and Unger - **Congratulating Wyoming East High School golf team for 2017 Class AA state championship** - Introduced 2/5/2018 - Committee reference dispensed - Adopted 2/5/2018
27. By Sen. Beach, Prezioso, Plymale, Unger and Stollings - **Celebrating achievements and contributions of athletes from Marion County** - Introduced 2/5/2018 - Committee reference dispensed - Adopted 2/5/2018
28. By Sen. Gaunch, Jeffries, Plymale, Stollings, Unger, Boso, Baldwin, Cline, Beach and Drennan - **Designating February 6, 2018, as West Virginia State University Day** - Introduced 2/6/2018 - Committee reference dispensed - Adopted 2/6/2018
29. By Sen. Carmichael (Mr. President), Drennan, Plymale, Stollings, Palumbo, Unger, Boso and Beach - **Congratulating Hurricane High School boys'**

- soccer team** - Introduced 2/6/2018 - Committee reference dispensed - Adopted 2/6/2018
30. By Sen. Weld, Stollings, Boso, Unger, Drennan, Swope, Beach, Prezioso, Plymale and Cline - **Designating February 7, 2018, as Veterans Visibility Day** - Introduced 2/7/2018 - Committee reference dispensed - Adopted 2/7/2018
31. By Sen. Takubo, Stollings, Boso, Unger, Swope, Beach, Prezioso, Plymale, Cline and Jeffries - **Designating February 7, 2018, as Go Red for Women Day** - Introduced 2/7/2018 - Committee reference dispensed - Adopted 2/7/2018
32. By Sen. Weld, Ferns, Stollings, Unger, Boso, Plymale and Maroney - **Honoring heroic actions of Brooke County Deputy Sheriffs Devin C. Baker, Kristen L. Richmond and Shane S. Siranovic** - Introduced 2/8/2018 - Committee reference dispensed - Adopted 2/8/2018
33. By Sen. Baldwin, Mann, Stollings, Takubo, Unger, Blair, Cline, Boso, Plymale, Jeffries and Maroney - **Recognizing WV School of Osteopathic Medicine for excellence in medical education** - Introduced 2/8/2018 - Committee reference dispensed - Adopted 2/8/2018
34. By Sen. Boso, Unger, Stollings, Romano, Karnes, Sypolt, Drennan, Plymale, Facemire and Cline - **Designating February 9, 2018, as Corrections Day** - Introduced 2/9/2018 - Committee reference dispensed - Adopted 2/9/2018
35. By Sen. Ferns, Weld, Unger, Stollings, Karnes, Sypolt, Boso, Plymale, Cline and Rucker - **Recognizing distinguished military service of Brigadier General John C. "Doc" Bahnsen, Jr.** - Introduced 2/9/2018 - Committee reference dispensed - Adopted 2/9/2018
36. By Sen. Clements, Carmichael (Mr. President), Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld and Woelfel - **Memorializing life of Jan Vineyard** - Introduced 2/12/2018 - Committee reference dispensed - Adopted 2/12/2018
37. By Sen. Romano, Facemire, Unger, Stollings and Plymale - **Celebrating bicentennial of City of Weston** - Introduced 2/12/2018 - Committee reference dispensed - Adopted 2/12/2018
38. By Sen. Drennan, Takubo, Stollings, Romano, Baldwin, Cline, Plymale and Maynard - **Designating February 13, 2018, as WV Child Care Association Celebrating Children and Families Day** - Introduced 2/13/2018 - Committee reference dispensed - Adopted 2/13/2018
39. By Sen. Ferns, Takubo, Stollings, Baldwin, Cline and Plymale - **Designating week of February 11-17, 2018, as WV 211 Awareness Week** - Introduced 2/13/2018 - Committee reference dispensed - Adopted 2/13/2018

40. By Sen. Stollings, Takubo, Unger, Beach, Plymale, Cline, Drennan and Prezioso - **Designating February 14, 2018, as Tiny Hearts Day** - Introduced 2/14/2018 - Committee reference dispensed - Adopted 2/14/2018
41. By Sen. Carmichael (Mr. President), Unger, Stollings, Maynard, Beach, Boso, Plymale, Cline, Drennan and Prezioso - **Designating February 14, 2018, as Arts Day** - Introduced 2/14/2018 - Committee reference dispensed - Adopted 2/14/2018
42. By Sen. Gaunch, Carmichael (Mr. President), Unger, Stollings, Woelfel, Maynard, Boso, Plymale, Cline and Drennan - **Recognizing contribution of car dealers to economy of West Virginia** - Introduced 2/14/2018 - Committee reference dispensed - Adopted 2/14/2018
43. By Sen. Beach, Stollings, Jeffries, Palumbo, Facemire, Baldwin, Prezioso, Romano, Cline and Plymale - **Designating February 15, 2018, as WV Alzheimer's Association Day** - Introduced 2/15/2018 - Committee reference dispensed - Adopted 2/15/2018
44. By Sen. Ojeda - **Urging House of Delegates investigate impeachment of Chief Justice Allen Loughry** - Introduced 2/16/2018 - To Rules
45. By Sen. Takubo, Palumbo, Plymale, Stollings and Boso - **Congratulating Glen Chestnut as WV Outstanding Tree Farmer of 2018** - Introduced 2/19/2018 - Committee reference dispensed - Adopted 2/19/2018
46. By Sen. Unger, Rucker, Blair, Trump, Plymale and Beach - **Recognizing achievements and contributions of Berkeley County and its citizens to WV** - Introduced 2/20/2018 - Committee reference dispensed - Adopted 2/20/2018
47. By Sen. Swope, Plymale, Cline, Stollings, Prezioso, Boso and Romano - **Designating February 21, 2018, as WV Aviation Day** - Introduced 2/21/2018 - Committee reference dispensed - Adopted 2/21/2018
48. By Sen. Carmichael (Mr. President), Drennan, Plymale and Stollings - **Celebrating 150th anniversary of Winfield** - Introduced 2/21/2018 - Committee reference dispensed - Adopted 2/21/2018
49. By Sen. Stollings, Plymale, Cline, Prezioso and Boso - **Designating March 11-17, 2018, as Multiple Sclerosis Awareness Week** - Introduced 2/21/2018 - Committee reference dispensed - Adopted 2/21/2018
50. By Sen. Sypolt, Plymale, Cline, Stollings, Prezioso and Boso - **Designating February 21, 2018, as WV Local Foods Day** - Introduced 2/21/2018 - Committee reference dispensed - Adopted 2/21/2018
51. By Sen. Smith and Cline - **Urging Congress reinstate separation of commercial and investment banking functions** - Introduced 2/23/2018 - To Judiciary
52. By Sen. Baldwin, Beach and Plymale - **Designating February 26, 2018, as Families Leading Change Day** - Introduced 2/26/2018 - Committee reference dispensed - Adopted 2/26/2018

53. By Sen. Romano, Facemire, Beach, Stollings and Cline - **Recognizing Glenville State College for its efforts in making education more affordable** - Introduced 2/26/2018 - Committee reference dispensed - Adopted 3/1/2018
54. By Sen. Unger, Rucker, Beach, Plymale and Stollings - **Recognizing Leadership Jefferson for service, dedication, and commitment to Jefferson County** - Introduced 2/27/2018 - Committee reference dispensed - Adopted 2/27/2018
55. By Sen. Plymale, Woelfel, Beach, Stollings and Boso - **Congratulating Cabell Midland Knights girls' soccer team for 2017 Class AAA state championship** - Introduced 2/27/2018 - Committee reference dispensed - Adopted 2/27/2018
56. By Sen. Cline - **Recognizing Michael Todd Paynter for public service to state and country** - Introduced 2/28/2018 - Committee reference dispensed - Adopted 2/28/2018
57. By Sen. Palumbo, Stollings, Cline, Boso, Prezioso, Beach and Plymale - **Designating March 1, 2018, as Innovation and Entrepreneurship Day** - Introduced 3/1/2018 - Committee reference dispensed - Adopted 3/1/2018
58. By Sen. Prezioso, Stollings, Boso, Beach and Plymale - **Recognizing guiding principles and partnership of WV Forward's initiatives** - Introduced 3/1/2018 - Committee reference dispensed - Adopted 3/1/2018
59. By Sen. Palumbo, Stollings, Prezioso, Plymale and Boso - **Recognizing dedicated and honorable public service of Linda Gibson** - Introduced 3/2/2018 - Committee reference dispensed - Adopted 3/2/2018
60. By Sen. Clements, Stollings, Cline, Prezioso, Plymale and Boso - **Designating March 2, 2018, as Suicide Prevention and Awareness Day** - Introduced 3/2/2018 - Committee reference dispensed - Adopted 3/2/2018
61. By Sen. Carmichael (Mr. President), Stollings, Plymale, Cline and Prezioso - **Designating month of March, 2018, as American Red Cross Month** - Introduced 3/5/2018 - Committee reference dispensed - Adopted 3/5/2018
62. By Sen. Boso and Plymale - **Congratulating Quinn Raffo, distinguished finalist for 2018 Prudential Spirit of Community Award** - Introduced 3/5/2018 - Committee reference dispensed - Adopted 3/5/2018
63. By Sen. Unger, Plymale and Stollings - **Honoring Dennis Frye for his dedicated public service** - Introduced 3/6/2018 - Committee reference dispensed - Adopted 3/6/2018
64. By Sen. Prezioso, Plymale, Stollings, Beach and Cline - **Reaffirming sister-state relationship between WV and Taiwan** - Introduced 3/6/2018 - Committee reference dispensed - Adopted 3/6/2018
65. By Sen. Drennan, Plymale, Stollings and Boso - **Memorializing life of Leon McCoy** - Introduced 3/7/2018 - Committee reference dispensed - Adopted 3/7/2018

66. By Sen. Trump, Ferns, Unger, Prezioso, Boso and Plymale - **Recognizing 50th anniversary of Commission on Special Investigations and staff** - Introduced 3/9/2018 - Committee reference dispensed - Adopted 3/9/2018
67. By Sen. Jeffries, Drennan, Stollings, Unger and Plymale - **Congratulating Winfield High School girls' tennis team for 2017 Class AA-A championship** - Introduced 3/9/2018 - Committee reference dispensed - Adopted 3/9/2018
68. By Sen. Beach, Carmichael (Mr. President), Arvon, Azinger, Baldwin, Blair, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Maroney, Maynard, Ojeda, Plymale, Prezioso, Romano, Rucker, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld and Woelfel - **Memorializing life of Stephen L. Cook** - Introduced 3/10/2018 - Committee reference dispensed - Adopted 3/10/2018
69. By Sen. Ojeda - **Urging Frontier Communications prioritize negotiations to conclude fair labor agreement with CWA** - Introduced 3/10/2018 - On Unfinished Business 3/11/2018
70. By Sen. Plymale, Woelfel, Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Carmichael (Mr. President), Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger and Weld - **Recognizing Randy Moss for his induction into the Pro Football Hall of Fame** - Introduced 3/10/2018 - Committee reference dispensed - Adopted 3/10/2018
71. By Sen. Ferns - **Notifying House of Delegates Senate is ready to adjourn sine die** - Introduced 3/10/2018 - Committee reference dispensed - Adopted 3/10/2018
72. By Sen. Ferns - **Notifying Governor Legislature is ready to adjourn sine die** - Introduced 3/10/2018 - Committee reference dispensed - Adopted 3/11/2018

### SENATE BILLS COMMUNICATED TO HOUSE

- \*7. By Sen. Trump, Cline and Takubo - **Relating to claims under Wage Payment and Collection Act** (original similar to SB335) - Introduced 1/10/2018 - To Judiciary - Com. sub. reported 1/24/2018 - Passed Senate 1/29/2018 - To House 1/30/2018 - To Judiciary - Amended - House rejected 3/6/2018
- \*30. By Sen. Maynard - **Relating generally to hunting with dogs** - Introduced 1/10/2018 - To Natural Resources then Judiciary - Com. sub. reported 1/23/2018 - To Judiciary 1/23/2018 - Passed Senate 2/23/2018 - To House 2/26/2018 - To Agriculture and Natural Resources then Judiciary
- \*39. By Sen. Woelfel, Baldwin, Plymale and Beach - **Creating Sexual Assault Victims' Bill of Rights** - Introduced 1/10/2018 - To Judiciary - Com. sub. reported 1/19/2018 - Passed Senate 1/24/2018 - To House 1/25/2018 - To Judiciary

- \*53. By Sen. Palumbo - **Correcting code reference in regard to certain persons exempted from prohibitions against carrying concealed deadly weapons** (original similar to HB4187) - Introduced 1/10/2018 - To Judiciary - Com. sub. reported 1/17/2018 - Passed Senate 1/22/2018 - Effective from passage - To House 1/23/2018 - To Judiciary
- \*57. By Sen. Romano - **Relating to third-party litigation financing** - Introduced 1/10/2018 - To Judiciary then Finance - Com. sub. reported 2/8/2018 - 2nd reference dispensed - Passed Senate 2/13/2018 - To House 2/14/2018 - To Government Organization then Judiciary
67. By Sen. Weld and Cline - **Exempting DNR police officers' pensions from state income tax** (original similar to SB112, SB285) - Introduced 1/10/2018 - To Pensions then Finance - To Finance 1/18/2018 - Passed Senate 1/26/2018 - To House 1/29/2018 - To Pensions and Retirement then Finance
- \*75. By Sen. Ferns and Maroney - **Relating to sale or transfer of video lottery locations** - Introduced 1/10/2018 - To Judiciary - Com. sub. reported 1/19/2018 - Passed Senate 1/24/2018 - Effective from passage - To House 1/25/2018 - To Judiciary then Finance
78. By Sen. Ferns and Cline - **Continuing personal income tax adjustment for certain retirees** - Introduced 1/10/2018 - To Pensions then Finance - To Finance 2/1/2018 - Passed Senate 2/9/2018 - To House 2/12/2018 - To Pensions and Retirement then Finance
- \*87. By Sen. Karnes and Cline - **Allowing purchase of Class XS resident senior hunting, fishing and trapping licenses at age 65** - Introduced 1/10/2018 - To Natural Resources then Government Organization - To Government Organization 2/6/2018 - Com. sub. reported 2/14/2018 - Passed Senate 2/19/2018 - To House 2/20/2018 - To Senior Citizen Issues then Judiciary
- \*98. By Sen. Palumbo, Gaunch, Drennan, Takubo and Beach - **Creating incentives to consolidate local governments** (original similar to HB2843) - Introduced 1/10/2018 - To Government Organization - Com. sub. reported 1/17/2018 - Passed Senate 1/22/2018 - To House 1/23/2018 - To Political Subdivisions then Government Organization
112. By Sen. Trump and Boso - **Clarifying that natural resources police officers' subsistence allowance is pensionable** (original similar to SB285, SB67) - Introduced 1/10/2018 - To Natural Resources then Pensions - 2nd reference dispensed - Passed Senate 2/23/2018 - To House 2/26/2018 - To Agriculture and Natural Resources then Finance - To House Finance 2/27/2018
- \*116. By Sen. Trump - **Providing court costs collected under Second Chance Driver's License Program are not subject to 5 percent offset** - Introduced 1/10/2018 - To Judiciary then Finance - Com. sub. reported 1/19/2018 - To Finance 1/19/2018 - Passed Senate 1/26/2018 - To House 1/29/2018 - To Judiciary then Finance - 2nd reference dispensed - On 2nd reading, House Calendar 3/10/2018
- \*258. By Sen. Azinger and Cline - **Exempting honorably discharged veterans from fees for license to carry deadly weapons** - Introduced 1/12/2018 - To Military

then Judiciary - Com. sub. reported 1/25/2018 - To Judiciary 1/25/2018 - Com. sub. for com. sub. reported 1/30/2018 - Passed Senate 2/2/2018 - To House 2/5/2018 - To Veterans' Affairs and Homeland Security then Judiciary - To House Judiciary - To House Finance 2/28/2018

- \*268. By Sen. Carmichael (Mr. President) and Prezioso [By Request of the Executive] - **Eliminating requirement that certain agencies purchase commodities produced on institutional farms** (original similar to HB 4338, HB4143) - Introduced 1/12/2018 - To Agriculture and Rural Development then Finance - Com. sub. reported 1/26/2018 - To Finance 1/26/2018 - Passed Senate 2/2/2018 - To House 2/5/2018 - To Agriculture and Natural Resources then Government Organization
280. By Sen. Gaunch, Boso, Maynard, Blair and Cline - **Allowing airports' emergency management and operations vehicles to use red flashing warning lights** - Introduced 1/15/2018 - To Government Organization - Passed Senate 1/29/2018 - To House 1/30/2018 - To Roads and Transportation then Judiciary
- \*284. By Sen. Carmichael (Mr. President) and Prezioso [By Request of the Executive] - **Increasing access to career education and workforce training** (original similar to HB4267, HB4304) - Introduced 1/15/2018 - To Education then Finance - Com. sub. reported 1/24/2018 - To Finance 1/24/2018 - Com. sub. for com. sub. reported 1/25/2018 - Passed Senate 1/31/2018 - Effective July 1, 2018 - To House 1/31/2018 - To Education then Finance
- \*285. By Sen. Karnes and Boso - **Establishing regional recreation authorities and areas** (original similar to SB112, SB67) - Introduced 1/15/2018 - To Natural Resources then Finance - Com. sub. reported 1/25/2018 - 2nd reference dispensed - Amended - Passed Senate with amended title 1/30/2018 - To House 1/31/2018 - To Agriculture and Natural Resources then Finance
- \*288. By Sen. Gaunch, Maynard, Boso, Clements, Jeffries, Maroney, Palumbo, Smith, Takubo, Weld and Cline - **Regulating cremation, embalming and directing of funeral service** (original similar to HB4014, HB4167) - Introduced 1/16/2018 - To Government Organization - Com. sub. reported 2/9/2018 - Passed Senate 2/14/2018 - Effective from passage - To House 2/15/2018 - To Government Organization then Finance - To House Finance - Amended - Passed House 3/9/2018 - Title amended - Effective from passage - Referred to Rules 3/10/2018 - Senate amended House amendment and passed 3/10/2018 - Effective from passage
- \*292. By Sen. Woelfel and Trump - **Relating to Commission on Special Investigations** - Introduced 1/16/2018 - To Judiciary - Com. sub. reported 1/19/2018 - Amended - Passed Senate 1/24/2018 - To House 1/25/2018 - To Judiciary
295. By Sen. Boso - **Relating to Local Powers Act** - Introduced 1/16/2018 - To Transportation and Infrastructure then Finance - To Finance 1/24/2018 - Passed Senate 2/28/2018 - To House 2/28/2018 - To Finance
296. By Sen. Blair, Boley, Boso, Drennan, Facemire, Ferns, Gaunch, Maroney, Palumbo, Plymale, Prezioso and Stollings (Originating in Senate Finance) -

- Relating to sale or transfer of surplus property** (original similar to SB283) - Introduced 1/16/2018 - Passed Senate 1/19/2018 - To House 1/22/2018 - To Finance
297. By Sen. Blair, Boley, Boso, Drennan, Facemire, Ferns, Gaunch, Maroney, Palumbo, Plymale, Prezioso and Stollings (Originating in Senate Finance) - **Eliminating taxation on annuity considerations collected by life insurer** (original similar to HB4266) - Introduced 1/16/2018 - Passed Senate 1/19/2018 - To House 1/22/2018 - To Banking and Insurance then Finance - To House Finance - On 2nd reading, House Calendar 3/10/2018
300. By Sen. Stollings, Blair, Boley, Boso, Drennan, Facemire, Ferns, Gaunch, Maroney, Palumbo, Plymale and Prezioso (Originating in Senate Finance) - **Creating five-year tax credits for businesses locating on post-coal mine sites** (original similar to SB12) - Introduced 1/16/2018 - Amended - Passed Senate 1/22/2018 - To House 1/23/2018 - To Energy then Finance
301. By Sen. Blair, Boley, Boso, Drennan, Facemire, Ferns, Gaunch, Maroney, Palumbo, Plymale, Prezioso and Stollings (Originating in Senate Finance) - **Removing limitation on amount collected by county via hotel occupancy tax used for medical or emergency services** (original similar to SB137) - Introduced 1/16/2018 - Passed Senate 1/19/2018 - To House 1/22/2018 - To Political Subdivisions then Finance
311. By Sen. Romano, Facemire, Gaunch, Boso, Plymale and Takubo - **Specifying consumers sales and service tax exemption for purchase of certain services and tangible personal property related to aircraft** (original similar to HB4022, SB131) - Introduced 1/18/2018 - To Finance - Passed Senate 1/26/2018 - To House 1/29/2018 - To Finance
- \*321. By Sen. Blair and Boso - **Relating to powers and duties of Public Land Corporation** (original similar to HB4348, HB4437, SB230) - Introduced 1/18/2018 - To Government Organization - Com. sub. reported 2/9/2018 - Passed Senate 2/14/2018 - To House 2/15/2018 - To Finance
324. By Sen. Blair - **Removing restrictions where certain traditional lottery games may be played** (original similar to HB4409) - Introduced 1/19/2018 - To Finance - Passed Senate 2/2/2018 - To House 2/5/2018 - To Judiciary then Finance
- \*331. By Sen. Karnes, Boso, Cline, Drennan, Gaunch, Mann, Rucker, Swope, Sypolt and Blair - **Relating to retirement and pension benefits of certain members of PERS and Teachers Retirement system** - Introduced 1/19/2018 - To Pensions then Finance - Com. sub. reported 1/25/2018 - To Finance 1/25/2018 - Com. sub. for com. sub. reported 2/22/2018 - Passed Senate 2/27/2018 - To House 2/28/2018 - To Pensions and Retirement then Finance
- \*335. By Sen. Karnes, Weld, Boso, Blair, Rucker, Cline and Ferns - **Protecting employees' wages or salaries from being withheld or diverted for political activities** (original similar to HB4368, SB7) - Introduced 1/22/2018 - To Judiciary - Com. sub. reported 2/6/2018 - Passed Senate 2/9/2018 - To House 2/12/2018 - To Judiciary



- \*341. By Sen. Ferns and Rucker - **Relating generally to WV Appellate Reorganization Act of 2018** (original similar to HB4004, HB4005) - Introduced 1/23/2018 - To Judiciary then Finance - Com. sub. reported 2/2/2018 - To Finance 2/2/2018 - Com. sub. for com. sub. reported 2/12/2018 - Passed Senate 2/15/2018 - To House 2/16/2018 - To Judiciary then Finance
345. By Sen. Maynard - **Authorizing DNR establish procedures and fee schedule for limited permit hunts** (original similar to HB4180) - Introduced 1/23/2018 - To Natural Resources - Passed Senate 2/2/2018 - To House 2/5/2018 - To Agriculture and Natural Resources then Judiciary
- \*355. By Sen. Gaunch and Blair - **Dissolving IS&C Division under Office of Technology** (original similar to HB4339) - Introduced 1/24/2018 - To Government Organization then Finance - Com. sub. reported 2/1/2018 - To Finance 2/1/2018 - Com. sub. for com. sub. reported 2/12/2018 - Passed Senate 2/15/2018 - To House 2/16/2018 - To Government Organization then Finance - To House Finance - Amended - Passed House 3/9/2018 - Senate amended House amendment and passed 3/10/2018
357. By Sen. Blair - **Relating generally to limited video lottery** (original similar to HB4303) - Introduced 1/24/2018 - To Finance - Passed Senate 2/2/2018 - To House 2/5/2018 - To Judiciary then Finance
- \*358. By Sen. Trump - **Imposing fee for processing criminal bonds** - Introduced 1/24/2018 - To Judiciary - Com. sub. reported 2/13/2018 - Passed Senate 2/16/2018 - To House 2/19/2018 - To Judiciary then Finance
- \*361. By Sen. Trump - **Relating to treatment supervision under Drug Offender Accountability and Treatment Act** - Introduced 1/24/2018 - To Judiciary - Com. sub. reported 2/2/2018 - Passed Senate 2/7/2018 - Effective from passage - To House 2/8/2018 - To Judiciary
- \*368. By Sen. Jeffries, Beach and Rucker - **Protecting consumers against business using automatic purchase renewals without consent** - Introduced 1/24/2018 - To Judiciary - Com. sub. reported 2/7/2018 - Passed Senate 2/12/2018 - To House 2/13/2018 - To Banking and Insurance then Judiciary
- \*370. By Sen. Cline - **Exempting nonpaid volunteers at ski areas from workers' compensation benefits** - Introduced 1/25/2018 - To Banking and Insurance then Judiciary - To Judiciary 2/6/2018 - Com. sub. reported 2/12/2018 - Passed Senate 2/15/2018 - To House 2/16/2018 - To Banking and Insurance then Judiciary
371. By Sen. Trump - **Relating to proceedings for voluntary custody for examination** (original similar to SB603) - Introduced 1/25/2018 - To Judiciary - Passed Senate 2/7/2018 - Effective from passage - To House 2/8/2018 - To Judiciary
393. By Sen. Blair, Boley, Boso, Drennan, Facemire, Ferns, Gaunch, Palumbo, Plymale, Prezioso, Stollings, Sypolt and Takubo (Originating in Senate Finance) - **Relating to compensation and composition of WV Racing Commission** (original similar to HB2524, HB2790, HB4006, HB4014, HB4300, HB4338, SB310, SB369) - Introduced 1/25/2018 - Amended on 3rd

reading - Passed Senate 2/6/2018 - To House 2/7/2018 - To Government Organization then Finance - To House Finance 3/2/2018

398. By Sen. Gaunch, Cline and Plymale - **Relating to requirements for making consumer loans** - Introduced 1/26/2018 - To Banking and Insurance - Passed Senate 2/19/2018 - Recalled from House 2/20/2018 - Senate reconsidered and passed bill 2/20/2018 - To House 2/21/2018 - To Judiciary
400. By Sen. Maynard, Boso, Gaunch and Cline - **Prohibiting state licensing boards from hiring lobbyists** (original similar to HB4297) - Introduced 1/26/2018 - To Government Organization - Passed Senate with amended title 2/5/2018 - To House 2/6/2018 - To Government Organization then Judiciary - To House Judiciary 2/27/2018
- \*402. By Sen. Gaunch and Boso - **Creating exemption from certain contract and common carrier laws for motor vehicles** (original similar to HB4291) - Introduced 1/26/2018 - To Transportation and Infrastructure then Government Organization - Com. sub. reported 2/14/2018 - To Government Organization 2/14/2018 - Com. sub. for com. sub. reported 2/23/2018 - Passed Senate 2/28/2018 - To House 2/28/2018 - To Judiciary
- \*403. By Sen. Rucker, Blair, Cline, Ferns, Jeffries, Romano, Swope, Trump and Woelfel - **Licensing advance deposit wagering** (original similar to HB4406) - Introduced 1/26/2018 - To Judiciary then Finance - Com. sub. reported 2/26/2018 - 2nd reference dispensed - Passed Senate 2/28/2018 - To House 2/28/2018 - To Judiciary then Finance
- \*419. By Sen. Boley, Rucker, Cline and Boso - **Establishing classification and base salaries of certain civilian employees of WV State Police Forensic Laboratory** - Introduced 1/30/2018 - To Government Organization then Finance - Com. sub. reported 2/23/2018 - On 2nd reading to Finance 2/23/2018 - Passed Senate 2/28/2018 - To House 2/28/2018 - To Government Organization then Finance - To House Finance 3/2/2018
- \*420. By Sen. Rucker, Karnes, Smith, Sypolt, Trump, Cline and Boso - **Transferring Safety and Treatment Program from DHHR to DMV** - Introduced 1/30/2018 - To Judiciary - Com. sub. reported 2/21/2018 - Amended - Passed Senate with amended title 2/26/2018 - Effective July 1, 2018 - To House 2/27/2018 - To Judiciary
- \*421. By Sen. Maynard and Cline - **Relating to crossbow hunting** (original similar to HB2696) - Introduced 1/30/2018 - To Natural Resources - Com. sub. reported 2/23/2018 - Passed Senate 2/28/2018 - To House 2/28/2018 - To Judiciary
- \*426. By Sen. Trump, Weld and Boso - **Modernizing certain alcohol laws** - Introduced 1/30/2018 - To Judiciary - Com. sub. reported 2/22/2018 - Passed Senate 2/27/2018 - To House 2/28/2018 - To Judiciary then Finance
- \*432. By Sen. Gaunch, Weld and Boso - **Relating to municipal home rule** (original similar to HB4158) - Introduced 1/31/2018 - To Government Organization then Judiciary - Com. sub. reported 2/19/2018 - To Judiciary 2/19/2018 - Rereferred to Judiciary on 2nd reading 2/26/2018 - Amended - Passed Senate with amended

title 2/28/2018 - To House 2/28/2018 - To Government Organization then Judiciary

- \*433. By Sen. Trump, Gaunch, Palumbo, Prezioso and Boso - **Rewriting code sections regarding pyramid promotional schemes** (original similar to HB4271) - Introduced 1/31/2018 - To Judiciary - Com. sub. reported 2/7/2018 - Passed Senate 2/12/2018 - To House 2/13/2018 - To Judiciary
- \*440. By Sen. Gaunch, Cline, Plymale, Boso and Jeffries - **Establishing Library Facilities Improvement Fund** - Introduced 1/31/2018 - To Government Organization - Com. sub. reported 2/7/2018 - Passed Senate 2/12/2018 - To House 2/13/2018 - To Government Organization
- \*448. By Sen. Gaunch and Boso - **Relating generally to professional associations** - Introduced 2/1/2018 - To Government Organization - Com. sub. reported 2/23/2018 - Passed Senate 2/28/2018 - To House 2/28/2018 - To Government Organization
- \*450. By Sen. Karnes, Azinger, Boso, Clements, Cline, Drennan, Ferns, Gaunch, Mann, Maroney, Maynard, Romano, Rucker, Smith, Swope and Trump - **Collecting and analyzing statistical information pertaining to terminating pregnancies under Medicaid Program** - Introduced 2/1/2018 - To Health and Human Resources then Finance - Com. sub. reported 2/9/2018 - To Finance 2/9/2018 - Amended - Passed Senate 2/20/2018 - To House 2/21/2018 - To Health and Human Resources then Finance
452. By Sen. Maynard - **Exempting hunting license information from public disclosure** (original similar to HB2632, HB2699) - Introduced 2/1/2018 - To Natural Resources then Judiciary - 2nd reference dispensed - Passed Senate 2/28/2018 - To House 2/28/2018 - To Agriculture and Natural Resources then Judiciary
- \*458. By Sen. Swope, Rucker, Trump, Cline and Boso - **Prohibiting political subdivisions from enacting regulations or legal requirements relating to employer-employee relationship** - Introduced 2/1/2018 - To Judiciary - Com. sub. reported 2/12/2018 - Passed Senate 2/15/2018 - To House 2/16/2018 - To Judiciary
462. By Sen. Karnes and Gaunch (Originating in Senate Pensions) - **Establishing contribution holiday for public pension plans funded at 130 percent or more** (original similar to HB 4539) - Introduced 2/1/2018 - Passed Senate 2/6/2018 - To House 2/7/2018 - To Pensions and Retirement then Finance
- \*467. By Sen. Trump - **Relating generally to Public Defender Services** - Introduced 2/2/2018 - To Judiciary then Finance - Com. sub. reported 2/14/2018 - To Finance 2/14/2018 - Passed Senate 2/23/2018 - Effective from passage - To House 2/26/2018 - To Judiciary then Finance - To House Finance 3/1/2018
- \*472. By Sen. Blair, Unger and Cline - **Providing funds to DHHR for local boards of health employee pay raises** - Introduced 2/2/2018 - To Health and Human Resources then Government Organization - Com. sub. reported 2/9/2018 - Referred to Finance 2/9/2018 - To Government Organization 2/13/2018 - Com. sub. for com. sub. reported 2/23/2018 - Passed Senate 2/28/2018 - To House

2/28/2018 - To Health and Human Resources then Finance - To House Finance  
3/6/2018

- \*473. By Sen. Takubo, Ojeda, Stollings, Baldwin and Cline - **Requiring insurance coverage for the prescription drug Varenicline** - Introduced 2/2/2018 - To Health and Human Resources - Com. sub. reported 2/9/2018 - Passed Senate 2/14/2018 - To House 2/15/2018 - To Health and Human Resources then Finance - To House Finance 2/22/2018
- \*474. By Sen. Swope, Azinger, Blair, Boso, Clements, Drennan, Ferns, Gaunch, Karnes, Maynard, Rucker, Smith, Sypolt, Trump, Weld, Maroney and Cline - **Requiring that certain documents filed pursuant to WV Jobs Act which include records of wages be considered confidential** - Introduced 2/2/2018 - To Workforce then Government Organization - Com. sub. reported 2/8/2018 - To Government Organization 2/8/2018 - Com. sub. for com. sub. reported 2/19/2018 - Passed Senate 2/22/2018 - To House 2/23/2018 - To Industry and Labor then Judiciary
- \*477. By Sen. Smith, Boso, Clements, Jeffries, Swope, Sypolt and Cline - **Relating to five-year sunset on tax credits and incentives** - Introduced 2/2/2018 - To Government Organization then Finance - To Finance 2/9/2018 - Com. sub. reported 2/16/2018 - Passed Senate 2/21/2018 - To House 2/21/2018 - To Government Organization then Finance
485. By Sen. Blair - **Terminating Workers Compensation Debt Reduction Fund assessment on self-insured employers** (original similar to HB 4628) - Introduced 2/5/2018 - To Finance - Passed Senate 2/28/2018 - To House 2/28/2018 - To Finance
- \*490. By Sen. Gaunch and Boso - **Relating to Revised Uniform Athlete Agents Act of 2015** (original similar to HB4446) - Introduced 2/6/2018 - To Government Organization then Finance - Com. sub. reported 2/15/2018 - To Finance 2/15/2018 - Amended - Passed Senate 2/26/2018 - To House 2/27/2018 - To Government Organization then Finance - To House Finance 3/2/2018
- \*491. By Sen. Boso and Cline - **Establishing fee for expungement of certain criminal convictions** (original similar to HB4353) - Introduced 2/6/2018 - To Judiciary - Com. sub. reported 2/20/2018 - Passed Senate 2/23/2018 - To House 2/26/2018 - To Judiciary - On 1st reading, House Calendar 3/10/2018
494. By Sen. Azinger and Ferns - **Considering members of State Teachers Retirement System absent while serving as officer with statewide professional association** - Introduced 2/6/2018 - To Pensions - Amended - Passed Senate with amended title 2/20/2018 - To House 2/21/2018 - To Pensions and Retirement then Finance
- \*504. By Sen. Maynard and Plymale - **Excluding seasonal amusement park workers from definition of "employee"** - Introduced 2/7/2018 - To Workforce then Judiciary - To Judiciary 2/19/2018 - Com. sub. reported 2/23/2018 - Passed Senate 2/28/2018 - To House 2/28/2018 - To Industry and Labor then Judiciary

- \*507. By Sen. Ferns, Boso, Swope and Plymale - **Establishing Katherine Johnson Academy as magnet school programs at WV colleges and universities** - Introduced 2/7/2018 - To Education then Finance - Com. sub. reported 2/22/2018 - On 2nd reading to Finance 2/22/2018 - Amended - Passed Senate with amended title 2/27/2018 - Effective July 1, 2018 - To House 2/28/2018 - To Education then Finance
- \*508. By Sen. Maynard and Cline - **Establishing State Trail Authority** - Introduced 2/8/2018 - To Natural Resources then Government Organization - Com. sub. reported 2/23/2018 - 2nd reference dispensed - Passed Senate 2/28/2018 - To House 2/28/2018 - To Government Organization - On 1st reading, House Calendar 3/10/2018
- \*512. By Sen. Trump, Takubo, Romano, Boso, Plymale and Cline - **Authorizing certain WV courthouse security officers carry concealed weapons** - Introduced 2/9/2018 - To Judiciary - Com. sub. reported 2/15/2018 - Passed Senate 2/20/2018 - Effective from passage - To House 2/21/2018 - To Judiciary
- \*514. By Sen. Sypolt, Stollings and Boso - **Enacting Recognition of Emergency Medical Services Personnel Licensure Interstate Compact** (original similar to HB4547) - Introduced 2/9/2018 - To Government Organization then Judiciary - Com. sub. reported 2/21/2018 - On 2nd reading to Judiciary 2/21/2018 - Amended - Passed Senate with amended title 2/27/2018 - To House 2/28/2018 - To Government Organization then Judiciary - To House Judiciary 3/2/2018
- \*515. By Sen. Gaunch, Stollings, Boso and Cline - **Clarifying PSC jurisdiction over water and sewer utilities** (original similar to HB 4542, SB 10) - Introduced 2/9/2018 - To Government Organization then Finance - Com. sub. reported 2/22/2018 - 2nd reference dispensed - Passed Senate 2/27/2018 - To House 2/28/2018 - To Government Organization then Judiciary - To House Judiciary 3/2/2018
523. By Sen. Smith (Originating in Senate Energy, Industry and Mining) - **Relating to tax treatment of pollution control facilities and wind power projects** (original similar to HB4286, HB4517, SB150) - Introduced 2/12/2018 - Referred to Finance 2/12/2018 - Passed Senate 2/22/2018 - To House 2/23/2018 - To Energy then Finance
524. By Sen. Gaunch, Maynard, Facemire, Boso, Baldwin, Maroney, Sypolt, Clements, Takubo, Jeffries, Smith, Palumbo, Weld and Woelfel (Originating in Senate Government Organization) - **Relating to disposition of complaint proceedings** (original similar to HB4481) - Introduced 2/12/2018 - Passed Senate 2/15/2018 - To House 2/16/2018 - To Government Organization
530. By Sen. Maynard and Cline - **Requiring Secretary of State provide database for registered corporations and sole proprietorship** - Introduced 2/13/2018 - To Government Organization - Passed Senate 2/28/2018 - To House 2/28/2018 - To Government Organization
531. By Sen. Gaunch and Cline - **Eliminating required waiting period for municipal court notifications to DMV** - Introduced 2/13/2018 - To Judiciary - Passed Senate 2/28/2018 - To House 2/28/2018 - To Judiciary

- \*534. By Sen. Palumbo, Takubo, Stollings, Woelfel, Cline and Jeffries - **Increasing penalty for tobacco-related offenses on public school property** - Introduced 2/14/2018 - To Judiciary - Com. sub. reported 2/23/2018 - Passed Senate 2/28/2018 - To House 2/28/2018 - To Judiciary
- \*535. By Sen. Trump, Unger, Stollings, Woelfel, Plymale and Cline - **Dedicating increased court fees in criminal cases to fund training programs for law-enforcement officers** - Introduced 2/14/2018 - To Judiciary - Com. sub. reported 2/20/2018 - Passed Senate 2/23/2018 - Effective from passage - To House 2/26/2018 - To Judiciary then Finance
545. By Sen. Boso, Swope, Gaunch, Jeffries, Plymale and Beach (Originating in Senate Transportation and Infrastructure) - **Relating to driving privileges and requirements for persons under 18** (original similar to HB3008) - Introduced 2/14/2018 - Referred to Judiciary 2/14/2018 - Amended - Passed Senate 2/27/2018 - Effective from passage - To House 2/28/2018 - To Judiciary - Amended - Passed House 3/6/2018 - Title amended - Effective from passage - Senate refused to concur in House amendment 3/7/2018 - House refused to recede and requested conference 3/9/2018 - To conference 3/9/2018 - Senate adopted conference report and passed bill 3/10/2018 - Effective from passage - House adopted conference report 3/10/2018 - House rejected 3/10/2018
- \*549. By Sen. Jeffries, Baldwin, Beach, Drennan, Facemire, Gaunch, Ojeda, Plymale, Prezioso, Romano, Smith, Stollings, Swope, Trump and Cline - **Creating felony offense of intimidation or harassment of certain persons that causes injury or loss to person or property** (original similar to SB533) - Introduced 2/15/2018 - To Judiciary - Com. sub. reported 2/20/2018 - Passed Senate 2/23/2018 - To House 2/26/2018 - To Judiciary
551. By Sen. Karnes and Cline - **Relating to failure of employers to make contributions on behalf of employees to retirement plan administered by CPRB** - Introduced 2/15/2018 - To Pensions then Judiciary - On 2nd reading to Judiciary 2/22/2018 - Amended - Passed Senate with amended title 2/28/2018 - To House 2/28/2018 - To Judiciary - Passed House 3/9/2018 - Title amended - Senate amended House amendment and passed 3/10/2018
- \*556. By Sen. Jeffries, Beach and Plymale - **Creating small business and minority populations economic and workforce development taskforce to assist Economic Development Authority** - Introduced 2/15/2018 - To Workforce then Economic Development - Com. sub. reported 2/26/2018 - 2nd reference dispensed - Passed Senate 2/28/2018 - To House 2/28/2018 - To Government Organization - Motion to table bill rejected - Placed at foot of bills on calendar - Amended on 3rd reading - Passed House 3/9/2018 - Senate amended House amendment and passed 3/10/2018
557. By Sen. Sypolt, Cline, Beach, Plymale, Baldwin and Ojeda - **Relating to Senior Farmers' Market Nutrition Program** - Introduced 2/15/2018 - To Agriculture and Rural Development - On 2nd reading to Finance 2/21/2018 - Amended - Passed Senate 2/27/2018 - To House 2/28/2018 - To Health and Human Resources then Finance
- \*558. By Sen. Swope - **Relating to certification requirements for crane operators** - Introduced 2/15/2018 - To Workforce then Government Organization - Com.

- sub. reported 2/22/2018 - On 2nd reading to Government Organization 2/22/2018 - Passed Senate 2/27/2018 - To House 2/28/2018 - To Government Organization
- \*562. By Sen. Trump and Romano - **Allowing courts discretion to impose period of supervised release of defendant** - Introduced 2/15/2018 - To Judiciary - Com. sub. reported 2/21/2018 - Passed Senate 2/26/2018 - To House 2/27/2018 - To Judiciary
- \*565. By Sen. Jeffries, Gaunch, Palumbo, Baldwin, Facemire, Ojeda, Plymale, Prezioso, Romano, Stollings, Unger, Woelfel and Cline - **Clarifying authority of State Fire Commission** (original similar to HB4444) - Introduced 2/15/2018 - To Government Organization - Com. sub. reported 2/23/2018 - Passed Senate 2/28/2018 - To House 2/28/2018 - To Government Organization
566. By Sen. Karnes, Maroney, Weld, Arvon, Plymale and Gaunch (Originating in Senate Pensions) - **Relating to disability pensions of municipal employees** (original similar to HB2537, HB4289) - Introduced 2/15/2018 - Referred to Finance 2/15/2018 - Passed Senate 2/26/2018 - To House 2/27/2018 - To Finance
- \*567. By Sen. Weld - **Including treason, murder, armed robbery, and organized crimes for which communications can be intercepted** (original similar to HB 4502) - Introduced 2/16/2018 - To Judiciary - Com. sub. reported 2/23/2018 - Passed Senate 2/28/2018 - To House 2/28/2018 - To Judiciary
- \*568. By Sen. Trump - **Deferring further proceedings for certain first offenses upon completion of Motor Vehicle Alcohol Test and Lock Program within 12 months** - Introduced 2/16/2018 - To Judiciary - Com. sub. reported 2/23/2018 - Passed Senate 2/28/2018 - To House 2/28/2018 - To Judiciary
- \*572. By Sen. Karnes, Sypolt, Cline, Ojeda and Plymale - **Creating Farm-to-School Grant Program** - Introduced 2/16/2018 - To Agriculture and Rural Development then Education - Com. sub. reported 2/21/2018 - 2nd reference dispensed - On 2nd reading to Finance 2/21/2018 - Passed Senate 2/27/2018 - To House 2/28/2018 - To Education then Finance - To House Finance 3/2/2018
- \*573. By Sen. Mann, Baldwin and Boso - **Relating generally to school calendars** (original similar to HB4602) - Introduced 2/16/2018 - To Education then Finance - Com. sub. reported 2/21/2018 - 2nd reference dispensed - Passed Senate 2/26/2018 - Effective from passage - To House 2/27/2018 - To Education
592. By Sen. Sypolt and Boso - **Adding examination of advanced care technician for firefighter paramedic** - Introduced 2/19/2018 - To Government Organization - Passed Senate 2/28/2018 - To House 2/28/2018 - To Government Organization - Amended - Passed House 3/9/2018 - Title amended - Senate amended House amendment and passed 3/10/2018
- \*595. By Sen. Azinger - **Creating Protect Our Right to Unite Act** (original similar to HB4415) - Introduced 2/19/2018 - To Judiciary - Com. sub. reported 2/26/2018 - Amended - Passed Senate 2/28/2018 - To House 2/28/2018 - To Judiciary

- \*597. By Sen. Gaunch, Boso and Cline - **Prohibiting individuals convicted of domestic violence misdemeanor from conducting private investigation business** - Introduced 2/19/2018 - To Government Organization then Judiciary - Com. sub. reported 2/22/2018 - On 2nd reading to Judiciary 2/22/2018 - Amended - Passed Senate with amended title 2/27/2018 - To House 2/28/2018 - To Government Organization then Judiciary
- \*598. By Sen. Trump, Ferns, Weld and Cline - **Relating to civil actions against county commissions and municipalities for injuries** - Introduced 2/19/2018 - To Government Organization then Judiciary - Com. sub. reported 2/22/2018 - On 2nd reading to Judiciary 2/22/2018 - Passed Senate with amended title 2/28/2018 - To House 2/28/2018 - To Judiciary
- \*601. By Sen. Facemire - **Relating to personal income tax** - Introduced 2/19/2018 - To Finance - Com. sub. reported 2/23/2018 - Passed Senate 2/28/2018 - To House 2/28/2018 - To Finance
627. By Sen. Trump, Weld, Beach, Maynard, Romano, Azinger, Rucker, Ojeda, Karnes, Cline, Jeffries, Smith, Swope, Baldwin, Clements and Ferns (Originating in Senate Judiciary) - **Permitting local governments to access certain economic development project-related tax records** - Introduced 2/21/2018 - Passed Senate 2/26/2018 - Effective from passage - To House 2/27/2018 - To Judiciary then Finance - To House Finance 3/3/2018
628. By Sen. Maroney, Maynard, Arvon, Baldwin, Cline, Drennan and Swope (Originating in Senate Economic Development) - **Relating generally to WV Jobs Investment Trust Board** - Introduced 2/22/2018 - Passed Senate 2/27/2018 - To House 2/28/2018 - To Finance
629. By Sen. Maynard, Beach, Cline, Facemire, Karnes, Rucker, Smith, Stollings, Sypolt and Woelfel (Originating in Senate Natural Resources) - **Expanding conditions of permanent disability required for Class Q permit** - Introduced 2/23/2018 - Passed Senate 2/28/2018 - To House 2/28/2018 - To Judiciary
630. By Sen. Blair, Arvon, Boley, Boso, Drennan, Facemire, Gaunch, Mann, Maroney, Palumbo, Plymale, Prezioso, Stollings, Sypolt, Takubo and Unger (Originating in Senate Finance) - **Relating to changes in distribution of certain racetrack video lottery net terminal income and excess lottery fund** - Introduced 2/26/2018 - Amended - Passed Senate 2/28/2018 - To House 2/28/2018 - To Judiciary then Finance - To House Finance 3/6/2018
632. By Sen. Trump, Weld, Azinger, Baldwin, Beach, Clements, Cline, Jeffries, Karnes, Maynard, Ojeda, Romano, Rucker, Smith, Swope and Woelfel (Originating in Senate Judiciary) - **Allowing retired judicial officers recalled to service to avoid limit on temporary payments under certain circumstances** (original similar to HB 2125, HB 4137, SB 367) - Introduced 2/28/2018 - Constitutional rule suspended - Passed Senate 2/28/2018 - To House 3/1/2018 - To Judiciary - On 1st reading, House Calendar 3/10/2018

## SENATE CONCURRENT RESOLUTIONS COMMUNICATED TO HOUSE

2. By Sen. Romano, Facemire, Plymale, Beach and Woelfel - **Walter E. Swiger, Jr., Memorial Bridge** - Introduced 1/10/2018 - To Transportation and



Infrastructure - Adopted by Senate 2/21/2018 - To House 2/21/2018 - To Roads and Transportation then Rules - To House Roads and Transportation 2/21/2018

12. By Sen. Stollings, Smith, Boso, Drennan, Beach and Plymale - **US Army SP4 Darrell Gregory Triplett Memorial Bridge** - Introduced 2/7/2018 - To Transportation and Infrastructure - Adopted by Senate 2/21/2018 - To House 2/21/2018 - To Roads and Transportation then Rules - To House Roads and Transportation 2/21/2018
15. By Sen. Romano, Facemire, Unger, Stollings and Plymale - **US Marine SGT Stephen E. Drummond Memorial Bridge** - Introduced 2/9/2018 - To Transportation and Infrastructure - Adopted by Senate 2/21/2018 - To House 2/21/2018 - To Roads and Transportation then Rules - To House Roads and Transportation 2/21/2018
16. By Sen. Romano, Facemire, Unger, Stollings and Plymale - **Sardis District Veterans Memorial Bridge** - Introduced 2/9/2018 - To Transportation and Infrastructure - Adopted by Senate 2/21/2018 - To House 2/21/2018 - To Roads and Transportation then Rules - To House Roads and Transportation 2/21/2018
20. By Sen. Sypolt, Stollings, Boso and Cline - **Requesting Bureau for Medical Services review and update Medicaid rates for ground and air ambulance services** - Introduced 2/14/2018 - Committee reference dispensed - Adopted by Senate 2/15/2018 - To House 2/16/2018 - To Health and Human Resources then Rules - To House Health and Human Resources 2/16/2018
32. By Sen. Beach, Baldwin, Clements, Facemire, Jeffries, Ojeda, Palumbo, Romano, Rucker, Smith, Stollings, Plymale and Cline - **Recognizing importance of industrial hemp** - Introduced 2/21/2018 - Committee reference dispensed - Adopted by Senate 2/21/2018 - To House 2/21/2018 - To Industry and Labor then Rules

## HOUSE BILLS COMMUNICATED TO SENATE

- \*2008. By Del. Gearheart and Hamrick - **Relating to the Dealer Recovery Program** - Introduced 1/10/2018 - To Roads and Transportation then Finance - To House Finance 2/6/2018 - Passed House 2/28/2018 - To Senate 3/1/2018 - To Finance - Passed Senate 3/9/2018 - To Governor 3/19/18 - Approved by Governor 3/20/18 - Chapter 155, Acts, Regular Session, 2018
- \*2028. By Del. Folk, Hanshaw, Shott, Dean, Fleischauer, Fluharty, McGeehan, Paynter, Martin and Wilson - **Relating to the venue for suits and other actions against the state** - Introduced 1/10/2018 - To Judiciary - Passed House 1/23/2018 - To Senate 1/24/2018 - To Judiciary - Passed Senate 3/8/2018 - To Governor 3/16/18 - Approved by Governor 3/27/18 - Chapter 40, Acts, Regular Session, 2018
- \*2464. By Del. Cowles - **Relating to disclaimers and exclusions of warranties in consumer transactions for goods** - Introduced 1/10/2018 - To Judiciary - Amended - Passed House 2/19/2018 - To Senate 2/20/2018 - To Judiciary - Amended - Passed Senate with amended title 3/6/2018 - House concurred in

Senate amendment and passed 3/9/2018 - To Governor 3/16/18 - Approved by Governor 3/27/18 - Chapter 44, Acts, Regular Session, 2018

- \*2483. By Del. Eldridge, Butler, Rohrbach, Miller, R., Sobonya and Iaquina - **Requiring the Division of Juvenile Services to transfer to a correctional facility or regional jail any juvenile in its custody that has been transferred to adult jurisdiction of the circuit court and who reaches his or her eighteenth birthday** - Introduced 1/10/2018 - To Judiciary - Passed House 1/26/2018 - To Senate 1/29/2018 - To Judiciary - Amended - Passed Senate with amended title 3/2/2018 - House concurred in Senate amendment and passed 3/5/2018 - To Governor 3/9/18 - Approved by Governor 3/20/18 - Chapter 49, Acts, Regular Session, 2018
- \*2546. By Del. Foster, Higginbotham, Howell, Wilson, Fast, Zatezalo, Kelly, Harshbarger, Maynard and Walters - **Allowing replacement costs of employer provided property to be deducted from an employee's final paycheck if the property is not returned** - Introduced 1/10/2018 - To Industry and Labor then Judiciary - To House Judiciary 1/17/2018 - Passed House 1/29/2018 - To Senate 1/30/2018 - To Workforce - Passed Senate 2/14/2018 - To Governor 2/19/18 - Approved by Governor 2/23/18 - Chapter 134, Acts, Regular Session, 2018
- \*2607. By Del. Canestraro - **Extending the maximum period of confinement a judge may impose for certain, first-time probationary violations** - Introduced 1/10/2018 - To Judiciary - Passed House 1/24/2018 - To Senate 1/25/2018 - To Judiciary - Amended - Passed Senate with amended title 3/3/2018 - House refused to concur and requested Senate to recede 3/5/2018 - Senate refused to recede and requested conference 3/6/2018 - To conference 3/6/2018
2612. By Del. Walters, Howell, Summers, Fluharty and Frich - **Repealing section relating to unattended motor vehicles and penalties** - Introduced 1/10/2018 - To Roads and Transportation then Judiciary - To House Judiciary 1/23/2018 - Passed House 2/2/2018 - To Senate 2/5/2018 - To Judiciary - Passed Senate 2/13/2018 - To Governor 2/16/18 - Approved by Governor 2/21/18 - Chapter 43, Acts, Regular Session, 2018
- \*2654. By Del. Statler, Miley, Evans, E., Pethel, Williams, Upson and Frich - **Expanding county commissions' ability to dispose of county or district property** - Introduced 1/10/2018 - To Political Subdivisions then Judiciary - To House Judiciary 1/17/2018 - Passed House 2/7/2018 - To Senate 2/8/2018 - To Government Organization - Passed Senate 3/3/2018 - To Governor 3/6/18 - Approved by Governor 3/27/18 - Chapter 53, Acts, Regular Session, 2018
- \*2655. By Del. Upson, Blair, Espinosa, Householder, Longstreth, Robinson, Sobonya, Phillips, Hill and Higginbotham - **Defining and establishing the crime of cyberbullying** - Introduced 1/10/2018 - To Judiciary - Passed House 2/5/2018 - To Senate 2/6/2018 - To Judiciary - Amended - Passed Senate with amended title 3/9/2018 - House concurred in Senate amendment and passed 3/10/2018 - To Governor 3/19/18 - Approved by Governor 3/27/18 - Chapter 60, Acts, Regular Session, 2018
- \*2662. By Del. Ambler, Cooper, Paynter, Maynard, Evans, A., Hamilton, Hicks, Eldridge and Rodighiero - **Prohibiting the waste of game animals, game birds or game fish** - Introduced 1/10/2018 - To Agriculture and Natural Resources

then Judiciary - To House Judiciary 1/17/2018 - Passed House 2/5/2018 - To Senate 2/6/2018 - To Natural Resources

- \*2693. By Del. Hamilton, Evans, A., Paynter, Ambler, Butler, Romine, R., Rodighiero, Eldridge and Hornbuckle - **Relating to state ownership of wildlife** - Introduced 1/10/2018 - To Agriculture and Natural Resources then Judiciary - To House Judiciary 1/17/2018 - Passed House 2/6/2018 - To Senate 2/7/2018 - To Judiciary - Amended - Passed Senate 3/3/2018 - House concurred in Senate amendment and passed 3/5/2018 - To Governor 3/10/18 - Approved by Governor 3/22/18 - Chapter 170, Acts, Regular Session, 2018
- \*2694. By Del. Hamrick, Gearheart, Zatezalo, Howell, Atkinson, Ward, Williams, Statler, Moye, Sobonya and Butler - **Relating to the development and implementation of a program to facilitate commercial sponsorship of rest areas** - Introduced 1/10/2018 - To Roads and Transportation then Finance - To House Finance 1/31/2018 - Passed House 2/15/2018 - To Senate 2/16/2018 - To Finance - Passed Senate 3/2/2018 - To Governor 3/8/18 - Approved by Governor 3/27/18 - Chapter 224, Acts, Regular Session, 2018
- \*2696. By Del. Hamilton, Romine, R., Evans, A., Eldridge, Wagner, Rowan, Wilson, Love and Frich - **Relating to crossbow hunting** - Introduced 1/10/2018 - To Agriculture and Natural Resources then Judiciary - To House Judiciary 1/17/2018 - Passed House 2/5/2018 - To Senate 2/6/2018 - To Judiciary - Amended - Passed Senate 3/2/2018 - House concurred in Senate amendment and passed 3/3/2018 - To Governor 3/8/18 - Approved by Governor 3/22/18 - Chapter 171, Acts, Regular Session, 2018
- \*2799. By Del. Foster, Higginbotham, Kessinger, Hill, Cowles, Fast, Miller, R. and Isner - **Prohibiting the superintendent of schools from requiring a physical examination to be included to the application for a minor's work permit** - Introduced 1/10/2018 - To Education then Judiciary - To House Judiciary 1/19/2018 - Passed House 1/30/2018 - To Senate 1/31/2018 - To Education - Amended - Passed Senate 3/9/2018 - House concurred in Senate amendment and passed 3/10/2018 - To Governor 3/21/18 - Approved by Governor 3/22/18 - Chapter 135, Acts, Regular Session, 2018
2822. By Del. Howell, Shott, Ward, Storch, Martin, Hill and Paynter - **Allowing honorably discharged veterans who possess certain military ratings to qualify to take an examination for licensing as a plumber, electrician, and sprinkler fitter** - Introduced 1/10/2018 - To Veterans' Affairs and Homeland Security then Government Organization - 2nd reference dispensed - Amended - Passed House 1/24/2018 - To Senate 1/25/2018 - To Military
- \*2831. By Del. Gearheart and Frich - **Relating to the reconstitution of the Driver's Licensing Advisory Board** - Introduced 1/10/2018 - To Roads and Transportation then Government Organization - To House Government Organization 1/16/2018 - Passed House 1/31/2018 - To Senate 2/1/2018 - To Government Organization - Passed Senate with amended title 2/14/2018 - House concurred in Senate title amendment 2/20/2018 - Passed House 2/20/2018 - To Governor 2/23/18 - Approved by Governor 2/27/18 - Chapter 156, Acts, Regular Session, 2018

2838. By Del. Howell, Shott, Frich, Dean, Harshbarger, Hill, Foster, Martin and Criss - **Allowing military veterans who meet certain qualifications to qualify for examination for license as an emergency medical technician** - Introduced 1/10/2018 - To Veterans' Affairs and Homeland Security then Health and Human Resources - 2nd reference dispensed - Amended - Passed House 1/24/2018 - To Senate 1/25/2018 - To Military then Health and Human Resources - To Military 1/25/2018
- \*2841. By Del. Howell, Frich, Dean, Harshbarger, Hill, Foster, Martin and Criss - **Requiring board members to have attended a board meeting to be compensated for the meeting** - Introduced 1/10/2018 - To Government Organization then Finance - To House Finance 1/12/2018 - Passed House 2/12/2018 - To Senate 2/13/2018 - To Government Organization
- \*2843. By Del. Fast, Kessinger, Hill, Howell and Ward - **Permitting Class III municipalities to be included in the West Virginia Tax Increment Act** - Introduced 1/10/2018 - To Political Subdivisions then Finance - To House Finance 1/17/2018 - Amended - Passed House 2/23/2018 - Title amended - To Senate 2/26/2018 - To Finance - Passed Senate 3/2/2018 - To Governor 3/8/18 - Approved by Governor 3/27/18 - Chapter 234, Acts, Regular Session, 2018
2869. By Mr. Speaker (Mr. Armstead) - **Providing for paid leave for certain state officers and employees during a declared state of emergency** - Introduced 1/10/2018 - To Judiciary - Amended - Passed House 1/17/2018 - To Senate 1/18/2018 - To Government Organization - Amended - Passed Senate with amended title 3/9/2018 - House refused to concur and requested Senate to recede 3/10/2018 - Senate receded and passed 3/10/2018 - To Governor 3/19/18 - Approved by Governor 3/22/18 - Chapter 212, Acts, Regular Session, 2018
- \*2889. By Del. Howell, Shott, Storch, Ward, Maynard, Ferro, Lynch and Criss - **Allowing military veterans with certain military ratings to qualify for examinations required of probationary police officer** - Introduced 1/10/2018 - To Veterans' Affairs and Homeland Security then Government Organization - To House Government Organization 2/15/2018 - Passed House 2/26/2018 - To Senate 2/27/2018 - To Government Organization - Passed Senate 3/5/2018 - To Governor 3/6/18 - Approved by Governor 3/9/18 - Chapter 213, Acts, Regular Session, 2018
- \*2890. By Del. Lovejoy, Sobonya, Romine, C., Rohrbach, Hornbuckle, Canestraro, Thompson, Hicks, Isner and Miller, C. - **Establishing a Library Facilities Improvement Fund that will serve to support library facilities construction, maintenance and improvement projects** - Introduced 1/10/2018 - To Finance - Passed House 2/15/2018 - To Senate 2/16/2018 - To Finance - Passed Senate 3/2/2018 - To Governor 3/8/18 - Approved by Governor 3/20/18 - Chapter 148, Acts, Regular Session, 2018
- \*2916. By Del. Pethtel, Hanshaw and Lovejoy - **Authorizing certain first responders to carry firearms** - Introduced 1/10/2018 - To Judiciary - Amended - Passed House 1/25/2018 - Title amended - To Senate 1/26/2018 - To Judiciary - Amended - Passed Senate with amended title 3/2/2018 - House concurred in Senate amend with title amend, passed 3/9/2018 - Senate concurred in House amendments and passed bill 3/10/2018 - To Governor 3/21/18 - Approved by Governor 3/27/18 - Chapter 214, Acts, Regular Session, 2018

- \*2982. By Del. Upson - **Relating to allowing draw games winners to remain anonymous** - Introduced 1/10/2018 - To Judiciary - Passed House 2/27/2018 - To Senate 2/28/2018 - To Judiciary - Rereferred to Judiciary on 2nd reading 3/7/2018 - Amended - Passed Senate with amended title 3/9/2018 - House concurred in Senate amendment and passed 3/10/2018 - To Governor 3/19/18 - Approved by Governor 3/27/18 - Chapter 104, Acts, Regular Session, 2018
- \*2983. By Mr. Speaker (Mr. Armstead) - **Granting priority to roadway construction, reconstruction and maintenance for roadways prone to recurring floods that hinder ingress and egress** - Introduced 1/10/2018 - To Roads and Transportation then Finance - To House Finance 2/6/2018 - Passed House 2/23/2018 - To Senate 2/26/2018 - To Finance - Passed Senate 3/3/2018 - To Governor 3/10/18 - Approved by Governor 3/22/18 - Chapter 225, Acts, Regular Session, 2018
- \*2995. By Del. Overington, Paynter and Kessinger - **Permitting certain animal euthanasia technicians who have been certified by other states be certified animal euthanasia technicians in West Virginia** - Introduced 1/10/2018 - To Agriculture and Natural Resources then Government Organization - To House Government Organization 1/24/2018 - Passed House 2/14/2018 - To Senate 2/15/2018 - To Government Organization - Amended - Passed Senate with amended title 3/5/2018 - House refused to concur and requested Senate to recede 3/5/2018 - Senate refused to recede and requested conference 3/6/2018 - To conference 3/6/2018 - House adopted conference report and passed bill 3/9/2018 - Senate adopted conference report and passed bill 3/10/2018 - To Governor 3/21/18 - Approved by Governor 3/21/18 - Chapter 180, Acts, Regular Session, 2018
- \*3004. By Del. Hill, Martin, Howell, Kessinger, Statler, Shott, McGeehan and Espinosa - **Relating to filling vacancies in certain offices** - Introduced 1/10/2018 - To Judiciary - Amended - Passed House 1/25/2018 - Title amended - To Senate 1/26/2018 - To Judiciary - Amended - Passed Senate with amended title 2/16/2018 - House concurred in Senate amendment and passed 3/1/2018 - To Governor 3/3/18 - Chapter 80, Acts, Regular Session, 2018
- \*3005. By Del. Fast, Hanshaw, Overington, Kessinger and Gearheart - **Relating to regulation of unmanned aircraft systems** - Introduced 1/10/2018 - To Judiciary - Amended on 3rd reading - Motion to table bill rejected - Passed House 1/25/2018 - To Senate 1/26/2018 - To Judiciary - Amended - Passed Senate with amended title 3/3/2018 - House concurred in Senate amendment and passed 3/7/2018 - To Governor 3/16/18 - Approved by Governor 3/27/18 - Chapter 61, Acts, Regular Session, 2018
- \*3020. By Del. Harshbarger, Cowles, Ambler, Boggs, Paynter, Atkinson, Kessinger, Eldridge, Statler and Overington - **Relating to criminal penalties for the offenses of hunting, trapping or fishing on the lands of another person** - Introduced 1/10/2018 - To Agriculture and Natural Resources then Judiciary - To House Judiciary 1/17/2018 - Recommitted to Judiciary on 2nd reading 1/31/2018 - Passed House 2/7/2018 - To Senate 2/8/2018 - To Judiciary
- \*3061. By Del. Upson, Espinosa, Statler, Cooper, Rowan, Romine, R., Higginbotham, Hornbuckle, Thompson and Frich - **Encouraging mastery-based education**

**through the Innovation In Schools program** - Introduced 1/10/2018 - To Education - To House Finance 1/31/2018 - Passed House 2/22/2018 - To Senate 2/23/2018 - To Education

- \*3089. By Del. Espinosa, Statler, Higginbotham, Upson, Cooper, Rowan, Harshbarger and Dean - **Relating to the adoption of instructional resources for use in the public schools** - Introduced 1/10/2018 - To Education - Passed House 1/22/2018 - To Senate 1/23/2018 - To Education - Passed Senate 3/9/2018 - To Governor 3/19/18 - Approved by Governor 3/27/18 - Chapter 72, Acts, Regular Session, 2018
- \*3104. By Del. Howell and Iaquinta - **Transfer of the West Virginia Traumatic Brain and Spinal Cord Injury Rehabilitation Fund** - Introduced 1/10/2018 - To Government Organization then Finance - To House Finance 1/12/2018 - Passed House 2/15/2018 - To Senate 2/16/2018 - To Finance - Passed Senate 3/2/2018 - To Governor 3/8/18 - Approved by Governor 3/22/18 - Chapter 118, Acts, Regular Session, 2018
- \*4001. By Del. Fast, Higginbotham, Foster, McGeehan, Kessinger, Westfall, Martin, Ambler, Butler, Queen and Sypolt - **Relating to eligibility and fraud requirements for public assistance** - Introduced 1/12/2018 - To Health and Human Resources then Judiciary - To House Judiciary 1/24/2018 - Passed House 2/20/2018 - To Senate 2/21/2018 - To Health and Human Resources - Rereferred to Health and Human Resources on 2nd reading 3/7/2018 - Amended - Passed Senate with amended title 3/9/2018 - House refused to concur and requested Senate to recede 3/10/2018 - Senate refused to recede and requested conference 3/10/2018 - To conference 3/10/2018 - House adopted conference report and passed bill 3/10/2018 - Senate adopted conference report and passed bill 3/10/2018 - To Governor 3/21/18 - Approved by Governor 3/27/18 - Chapter 119, Acts, Regular Session, 2018
- \*4002. By Del. Overington, Cowles, Moore, Hill, Romine, C., Deem, Hamilton, Jennings, Mr. Speaker (Mr. Armstead) and Del. Maynard - **Providing that all delegates shall be elected from one hundred single districts following the United States Census in 2020** - Introduced 1/12/2018 - To Judiciary - Passed House 1/22/2018 - To Senate 1/23/2018 - To Judiciary - Rereferred to Judiciary on 2nd reading 3/7/2018 - Amended - Passed Senate 3/9/2018 - House concurred in Senate amendment and passed 3/10/2018 - To Governor 3/21/18 - Approved by Governor 3/21/18 - Chapter 81, Acts, Regular Session, 2018
4005. By Del. Shott, Miller, C., Hanshaw, Lane, Zatezalo, Ellington, Sobonya, Deem, Capito, Romine, C. and Mr. Speaker (Mr. Armstead) - **Clarifying that appeals to the Supreme Court are a matter of right** - Introduced 1/12/2018 - To Judiciary - Passed House 1/18/2018 - To Senate 1/19/2018 - To Judiciary
- \*4006. By Del. Romine, R., Blair, Espinosa, Higginbotham, Cowles, Criss, Ellington, Hamrick, Westfall, Atkinson and Statler - **Revising the processes through which professional development is delivered for those who provide public education** - Introduced 1/12/2018 - To Education then Finance - To House Finance 1/19/2018 - Amended - Motion to postpone indefinitely rejected - Passed House 1/31/2018 - To Senate 2/1/2018 - To Education - Amended - Passed Senate with amended title 3/9/2018 - House concurred in Senate

amendment and passed 3/10/2018 - To Governor 3/21/18 - Approved by Governor 3/28/18 - Chapter 105, Acts, Regular Session, 2018

- \*4009. By Del. Rohrbach, Anderson, Cowles, Phillips, Kelly, Jennings, Atkinson, Harshbarger, Ellington, Lane and Maynard - **State Settlement and Recovered Funds Accountability Act** - Introduced 1/12/2018 - To Judiciary then Finance - To House Finance 1/17/2018 - Amended - Passed House 2/13/2018 - Effective July 1, 2018 - To Senate 2/14/2018 - To Judiciary - Amended - Passed Senate with amended title 3/9/2018 - Effective July 1, 2018 - House concurred in Senate amend with title amend, passed 3/10/2018 - Effective July 1, 2018 - Senate concurred in House amendments and passed bill 3/10/2018 - Effective July 1, 2018 - To Governor 3/21/18 - Vetoed by Governor 3/28/18
4010. By Del. Jennings, Ward, Evans, A., Hollen, Fast, Ambler, Martin, Paynter, Rowan, Graves and Zatezalo - **Providing no requirement to perform or host a marriage ceremony that does not conform to sincerely held religious beliefs** - Introduced 1/12/2018 - To Judiciary - Passed House 1/30/2018 - To Senate 1/31/2018 - To Judiciary
- \*4011. By Del. Hamrick, Phillips, Storch, Capito, Harshbarger, Kessinger, Householder, Criss, Paynter and Foster - **Requiring agencies, when submitting a new rule or changes, to also identify two existing rules that could be repealed** - Introduced 1/12/2018 - To Government Organization - Passed House 2/21/2018 - To Senate 2/22/2018 - To Judiciary - Rereferred to Judiciary on 2nd reading 3/7/2018
- \*4013. By Del. Hanshaw, Miller, C., Overington, Graves, Westfall, Anderson, Frich, Cooper, Atkinson, Romine, R. and Hollen - **Clarifying venue in West Virginia state courts as it applies to nonresidents of the state** - Introduced 1/12/2018 - To Judiciary - Passed House 1/22/2018 - To Senate 1/23/2018 - To Judiciary - Amended - Passed Senate with amended title 2/6/2018 - House refused to concur and requested Senate to recede 3/1/2018 - Senate refused to recede and requested conference 3/2/2018 - To conference 3/2/2018 - House adopted conference report and passed bill 3/9/2018 - Senate adopted conference report and passed bill 3/10/2018 - To Governor 3/19/18 - Approved by Governor 3/27/18 - Chapter 3, Acts, Regular Session, 2018
- \*4014. By Del. Summers, Romine, R., Ellington, Rohrbach, Maynard, Householder, Miller, C., Cooper, Dean and Ambler - **Relating to reorganization of the West Virginia Department of Health and Human Resources** - Introduced 1/18/2018 - To Health and Human Resources then Finance - To House Finance 2/7/2018 - Amended - Passed House 2/27/2018 - To Senate 2/28/2018 - To Finance
- \*4015. By Del. Howell, Criss, Hill, Hamrick, Statler, Queen, Blair, Summers, Sypolt, Moore and Storch - **Relating to the management and continuous inventory of vehicles owned, leased, operated, or acquired by the state and its agencies (original similar to HB4170)** - Introduced 1/22/2018 - To Government Organization then Finance - 2nd reference dispensed - Passed House 2/15/2018 - To Senate 2/16/2018 - To Government Organization - Amended - Passed Senate with amended title 3/6/2018 - House concurred in Senate amendment and passed 3/7/2018 - To Governor 3/10/18 - Approved by Governor 3/27/18 - Chapter 106, Acts, Regular Session, 2018

- \*4016. By Del. Atkinson, Frich, Dean, Shott, Sypolt, Graves, Hamrick, White, Ward and Capito - **Relating to combatting waste, fraud, and misuse of public funds through investigations, accountability and transparency** - Introduced 1/25/2018 - To Judiciary then Finance - To House Finance 2/6/2018 - Passed House 2/27/2018 - To Senate 2/28/2018 - To Judiciary - Amended - Passed Senate 3/7/2018 - House concurred in Senate amendment and passed 3/8/2018 - To Governor 3/15/18 - Approved by Governor 3/27/18 - Chapter 206, Acts, Regular Session, 2018
- \*4020. By Del. Hanshaw and Foster - **Making technical corrections in the code when referencing chapter 49** - Introduced 1/11/2018 - To Judiciary - Passed House 1/19/2018 - To Senate 1/22/2018 - To Judiciary - Amended - Passed Senate with amended title 2/5/2018 - House concurred in Senate amendment and passed 2/6/2018 - House concurred in Senate amend with title amend, passed 2/7/2018 - Senate concurred in House title amendment 2/8/2018 - Passed Senate 2/8/2018 - To Governor 2/14/18 - Approved by Governor 2/20/18 - Chapter 37, Acts, Regular Session, 2018
- \*4022. By Del. Hamrick, Butler, Barrett, Dean, Fast, Hollen, Lovejoy and Queen - **Exempting the consumer sales and service tax and use tax for services for the repair, remodeling and maintenance of certain aircraft** (original similar to SB131, SB311) - Introduced 1/11/2018 - To Roads and Transportation then Finance - To House Finance 1/31/2018 - Passed House 2/21/2018 - To Senate 2/22/2018 - To Finance - Passed Senate 3/2/2018 - To Governor 3/8/18 - Approved by Governor 3/20/18 - Chapter 235, Acts, Regular Session, 2018
- \*4023. By Del. Summers, Ellington, Householder, Rohrbach, Hollen, Dean and Butler - **Relating to the regulation of dialysis technicians** - Introduced 1/11/2018 - To Health and Human Resources then Government Organization - To House Government Organization 1/17/2018 - Passed House 2/9/2018 - To Senate 2/12/2018 - To Health and Human Resources - Passed Senate 3/6/2018 - To Governor 3/16/18 - Approved by Governor 3/27/18 - Chapter 181, Acts, Regular Session, 2018
- \*4024. By Del. Summers, Ellington, Householder, Sobonya, Atkinson, Dean, Hollen, Butler and Espinosa - **Relating generally to direct cremation or direct burial expenses for indigent persons** - Introduced 1/11/2018 - To Judiciary then Finance - To House Finance 1/15/2018 - Passed House 2/14/2018 - Effective July 1, 2018 - To Senate 2/15/2018 - To Finance - Amended - Passed Senate 3/2/2018 - Effective July 1, 2018 - House refused to concur and requested Senate to recede 3/5/2018 - Senate receded and passed 3/7/2018 - Effective July 1, 2018 - To Governor 3/15/18 - Approved by Governor 3/27/18 - Chapter 120, Acts, Regular Session, 2018
4025. By Del. Ellington, Summers, Householder, Rohrbach, Hollen, Sobonya, Atkinson, Butler and Dean - **Permitting reciprocity for licensure as a pharmacy technician** - Introduced 1/11/2018 - To Health and Human Resources then Government Organization - To House Government Organization 1/17/2018 - Passed House 2/9/2018 - To Senate 2/12/2018 - To Health and Human Resources - Passed Senate 3/6/2018 - To Governor 3/16/18 - Approved by Governor 3/20/18 - Chapter 182, Acts, Regular Session, 2018



4026. By Del. Ellington, Summers, Householder, Rohrbach, Sobonya, Atkinson, Hollen, Butler, Dean and Frich - **Exempting cashiers from licensure under the Larry W. Border Pharmacy Practice Act** - Introduced 1/11/2018 - To Health and Human Resources - Passed House 1/22/2018 - To Senate 1/23/2018 - To Health and Human Resources
- \*4027. By Del. Ellington, Summers, Householder, Rohrbach, Hollen and Dean - **Creating an education permit for allopathic physician resident** - Introduced 1/11/2018 - To Education then Health and Human Resources - To House Health and Human Resources 2/2/2018 - Passed House 2/14/2018 - To Senate 2/15/2018 - To Health and Human Resources - Passed Senate 3/6/2018 - To Governor 3/16/18 - Approved by Governor 3/22/18 - Chapter 183, Acts, Regular Session, 2018
- \*4035. By Del. Summers, Ellington, Householder, Rohrbach, Byrd, Capito, Hollen, Dean, Butler, Frich and Rowan - **Creating a legislative coalition to study and report to the Legislature on palliative care** - Introduced 1/12/2018 - To Health and Human Resources then Judiciary - To House Judiciary 1/17/2018 - Passed House 1/26/2018 - To Senate 1/29/2018 - To Health and Human Resources then Judiciary - To Health and Human Resources 1/29/2018 - To Judiciary 2/27/2018 - Amended - Passed Senate with amended title 3/7/2018 - House concurred in Senate amendment and passed 3/9/2018 - To Governor 3/16/18 - Approved by Governor 3/22/18 - Chapter 202, Acts, Regular Session, 2018
- \*4036. By Del. Cowles - **Increasing the maximum salaries of family case coordinators and secretary-clerks** - Introduced 1/12/2018 - To Judiciary then Finance - 2nd reference dispensed - Passed House 2/28/2018 - To Senate 3/1/2018 - To Finance - Passed Senate 3/9/2018 - To Governor 3/19/18 - Approved by Governor 3/20/18 - Chapter 55, Acts, Regular Session, 2018
- \*4042. By Del. Westfall, Atkinson, Wagner, Dean and Frich - **Redefining school zone to facilitate placement of school zone signs** - Introduced 1/12/2018 - To Education then Judiciary - To House Judiciary 2/7/2018 - Passed House 2/20/2018 - To Senate 2/21/2018 - To Judiciary - Amended - Passed Senate 3/7/2018 - House concurred in Senate amendment and passed 3/9/2018 - To Governor 3/16/18 - Approved by Governor 3/22/18 - Chapter 243, Acts, Regular Session, 2018
- \*4079. By Del. Sobonya and Frich - **Promulgating administrative rules by various executive or administrative agencies of the state** (original similar to SB190) - Introduced 1/15/2018 - To Agriculture and Natural Resources then Judiciary - To House Judiciary 1/24/2018 - Passed House 2/21/2018 - Effective from passage - To Senate 2/22/2018 - To Judiciary - Amended - Passed Senate with amended title 3/2/2018 - Effective from passage - House concurred in Senate amendment and passed 3/9/2018 - Effective from passage - To Governor 3/16/18 - Approved by Governor 3/20/18 - Chapter 147, Acts, Regular Session, 2018
- \*4135. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Updating the meaning of federal taxable income and certain other terms used in the West Virginia Corporation Net Income Tax Act** (original similar to SB265) - Introduced 1/16/2018 - To Finance - Passed House 1/26/2018 -

Effective from passage - To Senate 1/29/2018 - To Finance - Passed Senate 2/9/2018 - Effective from passage - To Governor 2/15/18 - Approved by Governor 2/21/18 - Chapter 236, Acts, Regular Session, 2018

- \*4138. By Del. Byrd, Fluharty, Lane, Miller, R., Phillips, Fleischaer, Moore, Lovejoy, Blair, Canestraro and Robinson - **Requiring certain public or private schools and daycare centers to install carbon monoxide detectors** - Introduced 1/16/2018 - To Judiciary - Passed House 2/2/2018 - To Senate 2/5/2018 - To Judiciary - Amended - Passed Senate 3/2/2018 - House concurred in Senate amendment and passed 3/2/2018 - To Governor 3/8/18 - Approved by Governor 3/20/18 - Chapter 215, Acts, Regular Session, 2018
- \*4142. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Providing certain employees of the Division of Corrections, Division of Juvenile Services, and West Virginia Regional Jail and Correctional Facility Authority a salary adjustment** (original similar to SB262) - Introduced 1/16/2018 - To Finance - Passed House 2/12/2018 - To Senate 2/13/2018 - To Finance - Amended - Passed Senate 3/2/2018 - House concurred in Senate amendment and passed 3/6/2018 - To Governor 3/10/18 - Approved by Governor 3/10/18 - Chapter 192, Acts, Regular Session, 2018
- \*4145. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Increasing the annual salaries of members of the West Virginia State Police, public school teachers and school service personnel** (original similar to SB267) - Introduced 1/16/2018 - To Finance - Passed House 2/28/2018 - Effective July 1, 2018 - To Senate 3/1/2018 - To Finance - Constitutional rule suspended - Amended - Passed Senate 3/3/2018 - Effective July 1, 2018 - Recalled from House 3/3/2018 - Senate reconsidered action - Amended - Passed Senate 3/3/2018 - House refused to concur and requested Senate to recede 3/3/2018 - Senate refused to recede and requested conference 3/3/2018 - To conference 3/5/2018 - Suspension of Joint Rule 3 - House adopted conference report and passed bill 3/6/2018 - Effective July 1, 2018 - Senate adopted conference report and passed bill 3/6/2018 - Effective July 1, 2018 - To Governor 3/6/18 - Approved by Governor 3/6/18 - Chapter 193, Acts, Regular Session, 2018
4146. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Updating meaning of federal adjusted gross income and certain other terms used in West Virginia Personal Income Tax Act** (original similar to SB266) - Introduced 1/16/2018 - To Finance - Passed House 1/26/2018 - Effective from passage - To Senate 1/29/2018 - To Finance - Passed Senate 2/9/2018 - Effective from passage - To Governor 2/15/18 - Approved by Governor 2/21/18 - Chapter 237, Acts, Regular Session, 2018
- \*4150. By Del. Howell, Miller, C., Hill, Storch, Dean, Lynch, Hamrick, Ward, Atkinson, Queen and Maynard - **Prohibiting telecommunications and IP-enabled voice services from displaying the name or telephone number of the recipient** - Introduced 1/16/2018 - To Judiciary - Amended - Passed House 1/25/2018 - To Senate 1/26/2018 - To Judiciary - Rereferred to Judiciary on 2nd reading 3/7/2018 - Amended - Passed Senate 3/9/2018 - House concurred in Senate amend with title amend, passed 3/10/2018 - Senate concurred in House title amendment 3/10/2018 - Passed Senate 3/10/2018 - To Governor 3/21/18 - Approved by Governor 3/27/18 - Chapter 45, Acts, Regular Session, 2018

4153. By Del. Rowe, Ellington, Summers, Maynard, Eldridge, Romine, R., White, Anderson, Miley and Hamilton - **Imposing a health care related provider tax on certain health care organizations** - Introduced 1/16/2018 - To Health and Human Resources then Finance - To House Finance 2/21/2018 - Passed House 2/28/2018 - To Senate 3/1/2018 - To Health and Human Resources
- \*4154. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Establishing the 2018 Regulatory Reform Act** (original similar to SB269) - Introduced 1/16/2018 - To Government Organization then Judiciary - To House Judiciary 2/5/2018 - Amended - Passed House 2/27/2018 - Title amended - To Senate 2/28/2018 - To Government Organization
- \*4156. By Del. Summers, Ellington, Espinosa, Householder and Frich - **Establishing the qualifications of full and part time nursing school faculty members** - Introduced 1/16/2018 - To Health and Human Resources then Education - To House Education 1/19/2018 - Passed House 2/7/2018 - Effective from passage - To Senate 2/8/2018 - To Health and Human Resources - Amended - Passed Senate with amended title 3/9/2018 - Effective from passage - House concurred in Senate amend with amend, passed bill 3/10/2018 - Title amended - Effective from passage - Senate concurred in House amendments and passed bill 3/10/2018 - Effective from passage - To Governor 3/21/18 - Approved by Governor 3/27/18 - Chapter 184, Acts, Regular Session, 2018
- \*4157. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Eliminating the refundable exemption for road construction contractors** (original similar to SB264) - Introduced 1/16/2018 - To Finance - Passed House 2/20/2018 - Effective from passage - To Senate 2/21/2018 - To Finance - Passed Senate 3/9/2018 - Effective from passage - To Governor 3/21/18 - Approved by Governor 3/21/18 - Chapter 238, Acts, Regular Session, 2018
- \*4162. By Del. Hanshaw, Ambler, Kessinger, Lynch, Pethtel and Mr. Speaker (Mr. Armstead) - **Granting authority to the State Conservation Committee to contract for flood response** - Introduced 1/17/2018 - To Government Organization then Judiciary - To House Judiciary 1/19/2018 - Passed House 2/5/2018 - To Senate 2/6/2018 - To Government Organization - Passed Senate 2/15/2018 - To Governor 2/21/18 - Approved by Governor 2/27/18 - Chapter 10, Acts, Regular Session, 2018
- \*4166. By Del. Westfall, Kessinger, Paynter, Foster, Hamrick, Butler, Statler, Summers and Hamilton - **Establishing a special revenue fund to be known as the "Capital Improvements Fund — Department of Agriculture Facilities"** - Introduced 1/17/2018 - To Agriculture and Natural Resources then Finance - To House Finance 1/31/2018 - Passed House 2/27/2018 - Effective from passage - To Senate 2/28/2018 - To Finance - Passed Senate 3/9/2018 - Effective from passage - To Governor 3/23/18 - Vetoed by Governor 3/28/18
- \*4169. By Del. Barrett, Shott, Overington, Moore, Kessinger, Lane, Queen, Upson, Lovejoy, Canestraro and Miller, R. - **Requiring certain establishments and facilities to post human trafficking assistance notices** (original similar to SB114) - Introduced 1/17/2018 - To Judiciary - Passed House 1/26/2018 - To Senate 1/29/2018 - To Judiciary - Amended - Passed Senate with amended title 3/2/2018 - House concurred in Senate amendment and passed 3/5/2018 - To

Governor 3/9/18 - Approved by Governor 3/27/18 - Chapter 216, Acts, Regular Session, 2018

- \*4174. By Del. Hanshaw and Shott - **Designating the placement of nonpartisan judicial offices on the primary election ballot** - Introduced 1/18/2018 - To Judiciary - Passed House 1/26/2018 - To Senate 1/29/2018 - To Judiciary
- \*4175. By Del. Sobonya, Summers, Criss, Rohrbach, Hollen, Westfall and Lovejoy - **Preventing requirement that an advanced practice registered nurse participate in a collaborative relationship to obtain payment** - Introduced 1/18/2018 - To Banking and Insurance then Health and Human Resources - To House Health and Human Resources 1/26/2018 - Passed House 2/7/2018 - To Senate 2/8/2018 - To Banking and Insurance - Passed Senate 3/2/2018 - To Governor 3/8/18 - Approved by Governor 3/27/18 - Chapter 129, Acts, Regular Session, 2018
4178. By Del. Summers, Longstreth, Ellington, Espinosa and Householder - **Permitting certain portions of certified nurse aide training to be provided through distance learning technologies** - Introduced 1/18/2018 - To Education then Health and Human Resources - To House Health and Human Resources 1/26/2018 - Passed House 2/7/2018 - To Senate 2/8/2018 - To Health and Human Resources - Passed Senate 3/6/2018 - To Governor 3/16/18 - Approved by Governor 3/27/18 - Chapter 203, Acts, Regular Session, 2018
- \*4180. By Del. Hamilton, Evans, A., Romine, R., Love, Eldridge, Jennings, Lynch, Hollen and Wagner - **Relating to wildlife resources** (original similar to SB345) - Introduced 1/18/2018 - To Agriculture and Natural Resources then Government Organization - To House Government Organization 2/7/2018 - Passed House 2/14/2018 - To Senate 2/15/2018 - To Government Organization - Passed Senate 3/3/2018 - To Governor 3/10/18 - Approved by Governor 3/27/18 - Chapter 172, Acts, Regular Session, 2018
4183. By Del. Espinosa, Romine, R., Upson, Higginbotham, Rohrbach, Kelly, Cooper, Westfall and Dean - **Relating generally to standardized testing requirements for nonpublic schools** - Introduced 1/18/2018 - To Education - Passed House 1/29/2018 - To Senate 1/30/2018 - To Education - Amended - Passed Senate with amended title 3/7/2018 - House concurred in Senate amendment and passed 3/8/2018 - To Governor 3/16/18 - Approved by Governor 3/22/18 - Chapter 73, Acts, Regular Session, 2018
- \*4186. By Del. Westfall, Householder, Upson, Miller, C., Frich, White, Lane, Kessinger, Moore, Criss and Nelson - **Relating generally to guaranteed asset protection waivers** - Introduced 1/18/2018 - To Banking and Insurance then Judiciary - To House Judiciary 2/2/2018 - Passed House 2/9/2018 - To Senate 2/12/2018 - To Judiciary - Amended - Passed Senate with amended title 3/3/2018 - House refused to concur and requested Senate to recede 3/5/2018 - Senate refused to recede and requested conference 3/6/2018 - To conference 3/6/2018 - House adopted conference report and passed bill 3/10/2018 - Senate adopted conference report and passed bill 3/10/2018 - To Governor 3/19/18 - Chapter 130, Acts, Regular Session, 2018
- \*4187. By Del. Foster, Graves, Butler, Summers, Zatezalo, Miller, R., Barrett, Isner, Hollen and Blair - **Business Liability Protection Act** (original similar to

SB484) - Introduced 1/18/2018 - To Small Business, Entrepreneurship and Economic Development then Judiciary - To House Judiciary 2/9/2018 - Amended - Passed House 2/27/2018 - To Senate 2/28/2018 - To Judiciary - Amended - Passed Senate with amended title 3/9/2018 - House concurred in Senate amendment and passed 3/10/2018 - To Governor 3/21/18 - Approved by Governor 3/21/18 - Chapter 4, Acts, Regular Session, 2018

- \*4197. By Del. Summers, Westfall, White, Criss, Rohrbach and Frich - **Requiring persons employed to dispatch emergency calls complete a course in cardiovascular care for telephonic resuscitation** (original similar to SB409) - Introduced 1/18/2018 - To Fire Departments and Emergency Medical Services then Health and Human Resources - To House Health and Human Resources 1/31/2018 - Passed House 2/14/2018 - To Senate 2/15/2018 - To Health and Human Resources - Amended - Passed Senate 3/6/2018
- \*4199. By Del. Ellington, Longstreth, Householder and Frich - **Permitting a nursing home to use trained individuals to administer medication** - Introduced 1/18/2018 - To Health and Human Resources then Judiciary - To House Judiciary 1/24/2018 - Passed House 2/6/2018 - To Senate 2/7/2018 - To Health and Human Resources - Amended - Passed Senate with amended title 3/2/2018 - House concurred in Senate amendment and passed 3/2/2018 - To Governor 3/8/18 - Vetoed by Governor 3/28/18
- \*4207. By Del. Shott and Hanshaw - **Authorizing an online application to receive a commission to act as a notary public, and eliminating the bond requirement** - Introduced 1/19/2018 - To Judiciary - Passed House 2/22/2018 - To Senate 2/23/2018 - To Judiciary - Amended - Passed Senate 3/2/2018 - House concurred in Senate amendment and passed 3/5/2018 - To Governor 3/10/18 - Approved by Governor 3/27/18 - Chapter 220, Acts, Regular Session, 2018
- \*4214. By Del. Eldridge, Maynard, Diserio, Miller, R., Campbell, Marcum, Dean, Phillips, Ambler, Paynter and Cooper - **Increasing penalties for unlawfully possessing or digging ginseng** - Introduced 1/19/2018 - To Agriculture and Natural Resources then Judiciary - To House Judiciary 2/7/2018 - Passed House 2/26/2018 - To Senate 2/27/2018 - To Judiciary - Amended - Passed Senate with amended title 3/8/2018 - House concurred in Senate amendment and passed 3/10/2018 - To Governor 3/21/18 - Approved by Governor 3/27/18 - Chapter 11, Acts, Regular Session, 2018
- \*4217. By Del. Ellington, Sobonya, Atkinson, Queen, Summers, White, Westfall, Dean, Criss, Rohrbach and Frich - **Permitting an attending physician to obtain a patient's autopsy report** - Introduced 1/19/2018 - To Health and Human Resources then Judiciary - To House Judiciary 1/24/2018 - Amended - Passed House 2/28/2018 - Title amended - To Senate 3/1/2018 - To Health and Human Resources - Amended on 3rd reading - Passed Senate 3/9/2018 - House concurred in Senate amendment and passed 3/10/2018 - To Governor 3/21/18 - Approved by Governor 3/21/18 - Chapter 29, Acts, Regular Session, 2018
- \*4218. By Del. Ellington, Summers, Householder, Rohrbach, Sobonya, Criss, Hollen and Frich - **Relating to medical professional liability** - Introduced 1/19/2018 - To Health and Human Resources then Judiciary - To House Judiciary 1/24/2018 - Passed House 2/27/2018 - To Senate 2/28/2018 - To Health and Human Resources then Judiciary - To Health and Human Resources 2/28/2018

4219. By Del. Espinosa, Statler, Upson, Cooper, Dean, Wilson and Higginbotham - **Permitting employees of educational services cooperatives to participate in the State Teachers Retirement System** - Introduced 1/19/2018 - To Pensions and Retirement then Finance - To House Finance 2/14/2018 - Passed House 2/23/2018 - To Senate 2/26/2018 - To Finance - Referred to Rules on 3rd reading 3/5/2018
- \*4230. By Del. Westfall, Frich, White and Upson - **Relating to credit for reinsurance** - Introduced 1/19/2018 - To Banking and Insurance then Judiciary - To House Judiciary 1/26/2018 - Passed House 2/6/2018 - Effective January 1, 2019 - To Senate 2/7/2018 - To Judiciary - Passed Senate 3/3/2018 - Effective January 1, 2019 - To Governor 3/10/18 - Approved by Governor 3/27/18 - Chapter 131, Acts, Regular Session, 2018
- \*4233. By Del. Storch, Hamrick, Ferro, Barrett and Ellington - **Relating generally to fraudulent transfers** - Introduced 1/22/2018 - To Judiciary - Passed House 2/1/2018 - To Senate 2/2/2018 - To Judiciary - Rereferred to Judiciary on 2nd reading 3/7/2018 - Amended - Passed Senate with amended title 3/9/2018 - House concurred in Senate amendment and passed 3/10/2018 - To Governor 3/21/18 - Approved by Governor 3/27/18 - Chapter 245, Acts, Regular Session, 2018
- \*4236. By Del. Nelson, Hanshaw and Shott - **Requiring agencies to provide an annual inventory of real property holdings to the Real Estate Division** (original similar to SB342) - Introduced 1/22/2018 - To Government Organization - Passed House 2/9/2018 - To Senate 2/12/2018 - To Government Organization - Passed Senate 3/3/2018 - To Governor 3/10/18 - Approved by Governor 3/27/18 - Chapter 110, Acts, Regular Session, 2018
- \*4238. By Del. Fleischauer, Williams, Pyles, Statler, Frich, Hamrick, Robinson, Brewer, Storch, Howell and Miley - **Authorizing counties and municipalities to establish a joint airport hazard comprehensive plan** - Introduced 1/22/2018 - To Political Subdivisions then Government Organization - To House Government Organization 2/8/2018 - Amended - Passed House 2/27/2018 - To Senate 2/28/2018 - To Government Organization - Passed Senate 3/5/2018 - To Governor 3/9/18 - Approved by Governor 3/22/18 - Chapter 139, Acts, Regular Session, 2018
- \*4242. By Del. Shott and Hanshaw - **Clarifying the jurisdictional amount for removal of a civil action from magistrate court to circuit court** - Introduced 1/22/2018 - To Judiciary - Amended - Passed House 2/1/2018 - To Senate 2/2/2018 - To Judiciary - Passed Senate 2/16/2018 - To Governor 2/23/18 - Approved by Governor 2/27/18 - Chapter 5, Acts, Regular Session, 2018
- \*4251. By Del. Shott, Ellington and Gearheart - **Permitting employees of baccalaureate institutions and universities outside of this state to be appointed to board of governors** - Introduced 1/22/2018 - To Education - Amended - Passed House 2/5/2018 - To Senate 2/6/2018 - To Education - Amended - Passed Senate with amended title 3/9/2018 - Senate reconsidered action - Effective from passage - House concurred in Senate amendment and passed 3/10/2018 - Effective from passage - To Governor 3/21/18 - Approved by Governor 3/22/18 - Chapter 114, Acts, Regular Session, 2018

- \*4268. By Del. Anderson, Kelly, Zatezalo, Westfall, Fast, Higginbotham, Ward, Hollen, Atkinson, Foster and Lane - **Co-tenancy Modernization and Majority Protection Act** - Introduced 1/24/2018 - To Energy then Judiciary - To House Judiciary 1/31/2018 - Amended - Passed House 2/15/2018 - To Senate 2/16/2018 - To Energy, Industry and Mining then Judiciary - To Energy, Industry and Mining 2/16/2018 - To Judiciary 2/21/2018 - Passed Senate 3/3/2018 - Title amended - House concurred in Senate title amendment 3/5/2018 - Passed House 3/5/2018 - To Governor 3/6/18 - Approved by Governor 3/9/18 - Chapter 149, Acts, Regular Session, 2018
- \*4270. By Del. Deem, Kelly, Zatezalo, Anderson, Romine, R., Hollen, Evans, A., White, Lane, Harshbarger and Shott - **Providing for the timely payment of moneys owed from oil and natural gas production** - Introduced 1/24/2018 - To Energy then Judiciary - To House Judiciary 1/26/2018 - Passed House 2/15/2018 - To Senate 2/16/2018 - To Energy, Industry and Mining then Judiciary - To Energy, Industry and Mining 2/16/2018 - To Judiciary 2/28/2018 - Amended - Passed Senate with amended title 3/9/2018 - House concurred in Senate amendment and passed 3/10/2018 - To Governor 3/21/18 - Approved by Governor 3/27/18 - Chapter 150, Acts, Regular Session, 2018
- \*4275. By Del. Shott, Hanshaw and Cowles - **Relating to the law-enforcement authority of the director and officers of the division of protective services** - Introduced 1/24/2018 - To Judiciary - Passed House 2/7/2018 - To Senate 2/8/2018 - To Judiciary - Passed Senate 3/7/2018 - To Governor 3/15/18 - Approved by Governor 3/27/18 - Chapter 217, Acts, Regular Session, 2018
- \*4276. By Del. Canestraro, Hanshaw, Shott, Isner, Miller, R., Robinson and Frich - **Allowing magistrates to grant work release privileges** - Introduced 1/24/2018 - To Judiciary - Passed House 2/9/2018 - To Senate 2/12/2018 - To Judiciary - Passed Senate 3/8/2018 - To Governor 3/16/18 - Approved by Governor 3/27/18 - Chapter 63, Acts, Regular Session, 2018
- \*4279. By Del. Rowan, Fast, Moye, Paynter, Pethtel, Rohrbach, Eldridge, Lynch, Maynard, Lovejoy and Fleischauer - **Relating to adult protective services system** - Introduced 1/24/2018 - To Senior Citizen Issues then Health and Human Resources - To House Health and Human Resources 2/2/2018 - Amended - Passed House 2/14/2018 - To Senate 2/15/2018 - To Health and Human Resources - Passed Senate 3/6/2018 - To Governor 3/16/18 - Approved by Governor 3/27/18 - Chapter 121, Acts, Regular Session, 2018
4285. By Del. Frich, Westfall, White and Evans, A. - **Relating to the West Virginia Safe Mortgage Licensing Act** - Introduced 1/24/2018 - To Banking and Insurance then Finance - To House Finance 2/5/2018 - Passed House 2/20/2018 - Title amended - To Senate 2/21/2018 - To Finance - Passed Senate 3/2/2018 - To Governor 3/8/18 - Approved by Governor 3/22/18 - Chapter 185, Acts, Regular Session, 2018
- \*4289. By Del. Walters, Pethtel, Anderson, Hamilton, Hollen and Evans, E. - **Relating to disability pensions of municipal employees** - Introduced 1/24/2018 - To Pensions and Retirement then Finance - To House Finance 2/14/2018 - Passed House 2/23/2018 - To Senate 2/26/2018 - To Finance - Passed Senate 3/3/2018

- To Governor 3/10/18 - Approved by Governor 3/27/18 - Chapter 159, Acts, Regular Session, 2018

- \*4304. By Del. Summers, Ellington, Hamrick, Criss, Rohrbach and Hollen - **Creating the Board of Nursing** - Introduced 1/25/2018 - To Health and Human Resources then Government Organization - To House Government Organization 2/2/2018 - Amended - Passed House 2/20/2018 - To Senate 2/21/2018 - To Health and Human Resources
- \*4306. By Del. Summers, Rohrbach, Barrett, Blair and Frich - **Permitting local boards of health to combine without approval from the Commissioner of the Bureau for Public Health** - Introduced 1/26/2018 - To Political Subdivisions then Health and Human Resources - To House Health and Human Resources 2/8/2018 - Passed House 2/14/2018 - To Senate 2/15/2018 - To Health and Human Resources
- \*4309. By Del. Kessinger, Westfall, White, Cowles and Bates - **Restricting the sale and trade of dextromethorphan** - Introduced 1/26/2018 - To Prevention and Treatment of Substance Abuse then Judiciary - To House Judiciary 2/9/2018 - Passed House 2/27/2018 - To Senate 2/28/2018 - To Judiciary - Rereferred to Judiciary on 2nd reading 3/7/2018
- \*4320. By Del. McGeehan and Folk - **Limiting the ability of an agent under a power of attorney to take self-benefiting actions** - Introduced 1/26/2018 - To Judiciary - Passed House 2/12/2018 - To Senate 2/13/2018 - To Judiciary - Rereferred to Judiciary on 2nd reading 3/7/2018 - Amended - Passed Senate 3/9/2018 - House concurred in Senate amend with title amend, passed 3/10/2018 - Senate concurred in House amendments and passed bill 3/10/2018 - To Governor 3/21/18 - Approved by Governor 3/27/18 - Chapter 176, Acts, Regular Session, 2018
4324. By Del. Howell, Statler, Hill, Martin, Butler, Shott, Moore, Criss, Paynter, Foster and Pack - **Relating to the employment of individuals by municipal paid fire departments under civil service** - Introduced 1/26/2018 - To Fire Departments and Emergency Medical Services then Judiciary - To House Judiciary 2/13/2018 - Passed House 2/20/2018 - To Senate 2/21/2018 - To Judiciary - Rereferred to Judiciary on 2nd reading 3/7/2018 - Amended - Passed Senate with amended title 3/9/2018 - House concurred in Senate amendment and passed 3/10/2018 - To Governor 3/21/18 - Approved by Governor 3/27/18 - Chapter 160, Acts, Regular Session, 2018
4332. By Del. Rohrbach, Fleischauer, Longstreth, Summers and Frich - **Relating to home peritoneal renal dialysis** - Introduced 1/26/2018 - To Health and Human Resources then Judiciary - 2nd reference dispensed - Passed House 2/8/2018 - To Senate 2/9/2018 - To Health and Human Resources - Amended - Passed Senate with amended title 3/2/2018 - House concurred in Senate amendment and passed 3/3/2018 - To Governor 3/8/18 - Approved by Governor 3/27/18 - Chapter 186, Acts, Regular Session, 2018
- \*4336. By Del. Ellington, Summers, Rohrbach, Householder, Atkinson, Criss, Hollen, Hill, Rowan, Dean and Cooper - **Updating the schedule of controlled substances** - Introduced 1/26/2018 - To Prevention and Treatment of Substance Abuse then Judiciary - To House Judiciary 2/2/2018 - Passed House 2/28/2018



- To Senate 3/1/2018 - To Judiciary - Passed Senate with amended title 3/8/2018  
- House concurred in Senate title amendment 3/9/2018 - Passed House 3/9/2018  
- To Governor 3/15/18 - Approved by Governor 3/27/18 - Chapter 47, Acts, Regular Session, 2018
- \*4338. By Del. Fast, Miller, R., Hanshaw, Shott, Eldridge, Robinson, Lovejoy, Lane, Williams, Isner and Foster - **Relating to the powers and authority of the Divisions of Administrative Services, and Corrections and Rehabilitation of the Department of Military Affairs and Public Safety** (original similar to SB369) - Introduced 1/29/2018 - To Judiciary then Finance - To House Finance 2/8/2018 - Passed House 2/28/2018 - Effective July 1, 2018 - To Senate 3/1/2018 - To Government Organization - Amended - Passed Senate with amended title 3/9/2018 - Effective July 1, 2018 - House concurred in Senate amend with amend, passed bill 3/10/2018 - Effective July 1, 2018 - Senate concurred in House amendments and passed bill 3/10/2018 - Effective July 1, 2018 - To Governor 3/21/18 - Approved by Governor 3/27/18 - Chapter 107, Acts, Regular Session, 2018
- \*4343. By Del. Frich, Westfall, White, Upson, Lovejoy, Robinson and Evans, A. - **Relating to the delivery of financial statements to bank shareholders** - Introduced 1/29/2018 - To Banking and Insurance then Judiciary - To House Judiciary 2/5/2018 - Passed House 2/16/2018 - To Senate 2/19/2018 - To Judiciary - Passed Senate 3/3/2018 - To Governor 3/10/18 - Approved by Governor 3/22/18 - Chapter 30, Acts, Regular Session, 2018
- \*4345. By Del. Moore, Pushkin, Upson, Hill, Paynter, Dean, White, Folk, Lane and McGeehan - **Relating to limitations on permits for growers, processors and dispensaries of medical cannabis** - Introduced 1/29/2018 - To Judiciary then Finance - 2nd reference dispensed - Passed House 2/28/2018 - To Senate 3/1/2018 - To Judiciary - Rereferred to Judiciary on 2nd reading 3/7/2018 - Amended - Passed Senate 3/10/2018 - Title amended
- \*4347. By Del. Moore, Shott, Hanshaw, Kessinger, Harshbarger, Summers, Sobonya, Fast, Queen, Byrd and Capito - **Relating to voluntary contributions to the West Virginia State Police Forensic Laboratory Fund** (original similar to HB4271) - Introduced 1/30/2018 - To Roads and Transportation then Finance - To House Finance 2/14/2018 - Passed House 2/23/2018 - To Senate 2/26/2018 - To Finance - Passed Senate 3/3/2018 - To Governor 3/10/18 - Approved by Governor 3/27/18 - Chapter 108, Acts, Regular Session, 2018
- \*4350. By Del. Howell, Hamrick, Hill, Martin, Criss, Paynter, Moore, Statler, Kessinger and Fast - **Eliminating the regulation of upholstery** - Introduced 1/30/2018 - To Government Organization - Passed House 2/8/2018 - To Senate 2/9/2018 - To Government Organization - Amended - Passed Senate 3/9/2018 - Title amended - House concurred in Senate amendment and passed 3/10/2018 - To Governor 3/21/18 - Approved by Governor 3/27/18 - Chapter 221, Acts, Regular Session, 2018
- \*4357. By Del. Shott, Hanshaw, Boggs, Capito, Foster, Moore, Queen, Barrett, Byrd, Harshbarger and Nelson - **West Virginia Small Wireless Facilities Deployment Act** - Introduced 1/30/2018 - To Judiciary then Finance - To House Finance 2/12/2018 - Passed House 2/28/2018 - Title amended - To Senate 3/1/2018 - To Government Organization

- \*4359. By Del. Westfall, Lovejoy, Byrd, Lane, Kessinger, Queen, Atkinson, Graves and Fleischauer - **Relating to the removal of animals left unattended in motor vehicles** - Introduced 1/30/2018 - To Judiciary then Finance - 2nd reference dispensed - Passed House 2/7/2018 - To Senate 2/8/2018 - To Judiciary
- \*4361. By Del. Iaquina, Williams, Cooper, Evans, A., Romine, R., Dean, Longstreth, Byrd, Robinson, Hornbuckle and Boggs - **Bestowing the West Augusta Award upon each West Virginian graduating from U. S. Military Academies with the highest grade point average** - Introduced 1/30/2018 - To Veterans' Affairs and Homeland Security then Education - 2nd reference dispensed - Passed House 2/15/2018 - To Senate 2/16/2018 - To Education
- \*4368. By Del. Westfall, Frich and Lane - **Relating to voluntary assignments of wages by state employees who have been overpaid** - Introduced 1/31/2018 - To Industry and Labor then Judiciary - To House Judiciary 2/8/2018 - Passed House 2/22/2018 - To Senate 2/23/2018 - To Judiciary - Amended - Passed Senate 3/6/2018 - Title amended - House concurred in Senate amendment and passed 3/7/2018 - To Governor 3/15/18 - Approved by Governor 3/22/18 - Chapter 136, Acts, Regular Session, 2018
4376. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Expiring funds to the balance of the Department of Health and Human Resources** (original similar to SB378) - Introduced 2/1/2018 - To Finance - Passed House 2/19/2018 - Effective from passage - To Senate 2/20/2018 - To Finance - Passed Senate 3/8/2018 - Effective from passage - To Governor 3/14/18 - Approved by Governor with deletions and reductions 3/15/18 - Chapter 21, Acts, Regular Session, 2018
4379. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Supplementing, amending, decreasing, and increasing items of the existing appropriations to the Department of Transportation** (original similar to SB390) - Introduced 2/1/2018 - To Finance - Passed House 2/20/2018 - Effective from passage - To Senate 2/21/2018 - To Finance - Passed Senate 3/8/2018 - Effective from passage - To Governor 3/14/18 - Approved by Governor 3/15/18 - Chapter 22, Acts, Regular Session, 2018
4380. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Making a supplementary appropriation to the Department of Agriculture** (original similar to SB391) - Introduced 2/1/2018 - To Finance - Passed House 2/12/2018 - Effective from passage - To Senate 2/13/2018 - To Finance - Passed Senate 2/20/2018 - Effective from passage - To Governor 3/1/18 - Approved by Governor 3/2/18 - Chapter 23, Acts, Regular Session, 2018
4381. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Making a supplementary appropriation to the Department of Education** (original similar to SB380) - Introduced 2/1/2018 - To Finance - Passed House 2/12/2018 - Effective from passage - To Senate 2/13/2018 - To Finance - Passed Senate 2/20/2018 - Effective from passage - To Governor 3/1/18 - Approved by Governor 3/2/18 - Chapter 24, Acts, Regular Session, 2018

4384. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Making a supplementary appropriation to the Department of Transportation** (original similar to SB381) - Introduced 2/1/2018 - To Finance - Passed House 2/12/2018 - Effective from passage - To Senate 2/13/2018 - To Finance - Passed Senate 2/20/2018 - Effective from passage - To Governor 3/1/18 - Approved by Governor 3/2/18 - Chapter 25, Acts, Regular Session, 2018
4385. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Making a supplementary appropriation to the Department of Health and Human Resources, Division of Human Services** (original similar to SB389) - Introduced 2/1/2018 - To Finance - Passed House 2/16/2018 - Effective from passage - To Senate 2/19/2018 - To Finance - Passed Senate 3/2/2018 - Effective from passage - To Governor 3/8/18 - Approved by Governor 3/9/18 - Chapter 26, Acts, Regular Session, 2018
4386. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Making a supplementary appropriation to the Department of Health and Human Resources, Division of Health – Community Mental Health Services** (original similar to SB387) - Introduced 2/1/2018 - To Finance - Passed House 2/12/2018 - Effective from passage - To Senate 2/13/2018 - To Finance - Passed Senate 2/20/2018 - Effective from passage - To Governor 3/1/18 - Approved by Governor 3/2/18 - Chapter 27, Acts, Regular Session, 2018
4389. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Expiring funds to the Enterprise Resource Planning System Fund** (original similar to SB383) - Introduced 2/1/2018 - To Finance - Passed House 2/19/2018 - Effective from passage - To Senate 2/20/2018 - To Finance - Amended - Passed Senate with amended title 3/9/2018 - Effective from passage - House concurred in Senate amendment and passed 3/10/2018 - Effective from passage - To Governor 3/14/18 - Approved by Governor 3/15/18 - Chapter 28, Acts, Regular Session, 2018
- \*4392. By Del. Ellington, Hanshaw, Householder, Shott and Summers - **Relating to Medicaid subrogation liens of the Department of Health and Human Resources** - Introduced 2/1/2018 - To Health and Human Resources then Judiciary - To House Judiciary 2/14/2018 - Passed House 2/28/2018 - To Senate 3/1/2018 - To Health and Human Resources - Amended - Passed Senate 3/9/2018 - House concurred in Senate amend with title amend, passed 3/10/2018 - Senate concurred in House title amendment 3/10/2018 - Passed Senate 3/10/2018 - To Governor 3/21/18 - Vetoed by Governor 3/28/18
- \*4394. By Del. Evans, A., Hartman, Hamilton and Romine, R. - **Relating to forest fires** (original similar to SB429) - Introduced 2/1/2018 - To Agriculture and Natural Resources then Judiciary - To House Judiciary 2/13/2018 - Amended - Passed House 2/27/2018 - To Senate 2/28/2018 - To Judiciary - Amended - Passed Senate with amended title 3/9/2018 - House concurred in Senate amendment and passed 3/10/2018 - To Governor 3/21/18 - Approved by Governor 3/22/18 - Chapter 173, Acts, Regular Session, 2018
- \*4400. By Del. Westfall, Hartman, Criss, White, Lane, Walters, Upson, Frich, Capito and Shott - **Relating to the West Virginia Physicians Mutual Insurance**

**Company** - Introduced 2/1/2018 - To Banking and Insurance then Judiciary - To House Judiciary 2/9/2018 - Passed House 2/19/2018 - To Senate 2/20/2018 - To Judiciary - Passed Senate 3/7/2018 - To Governor 3/16/18 - Approved by Governor 3/20/18 - Chapter 132, Acts, Regular Session, 2018

- \*4401. By Del. Ambler, Sobonya, Westfall, Frich, Cooper, Foster, Householder, Barrett and Phillips - **Relating to the registration of business** (original similar to SB497) - Introduced 2/1/2018 - To Industry and Labor then Finance - To House Finance 2/8/2018 - Passed House 2/20/2018 - Effective from passage - To Senate 2/21/2018 - To Government Organization - Referred to Finance 2/28/2018 - Amended - Passed Senate with amended title 3/8/2018 - Effective from passage - House concurred in Senate amend with amend, passed bill 3/9/2018 - Effective from passage - Senate concurred in House amendments and passed bill 3/9/2018 - Effective from passage - To Governor 3/21/18 - Approved by Governor 3/27/18 - Chapter 137, Acts, Regular Session, 2018
4402. By Del. Espinosa, Statler, Moyer, Hornbuckle, Kelly, Rodighiero, Blair, Householder, Higginbotham, Dean and Campbell - **Relating to the prevention of sexual abuse of children** - Introduced 2/2/2018 - To Education then Judiciary - To House Judiciary 2/8/2018 - Passed House 2/16/2018 - To Senate 2/19/2018 - To Judiciary - Amended - Passed Senate 3/3/2018 - House concurred in Senate amendment and passed 3/5/2018 - To Governor 3/9/18 - Approved by Governor 3/27/18 - Chapter 74, Acts, Regular Session, 2018
- \*4407. By Del. Espinosa, Statler, Kelly, Blair, Higginbotham, Atkinson and Mr. Speaker (Mr. Armstead) - **Relating to eligibility for alternative program teacher certificate** - Introduced 2/2/2018 - To Education - Passed House 2/13/2018 - To Senate 2/14/2018 - To Education - Rereferred to Education on 2nd reading 3/7/2018
4410. By Del. Moore, Westfall, Lane and White - **Removing the requirement that the State Auditor receive copies of the Limited Video Lottery bids** - Introduced 2/2/2018 - To Judiciary - Passed House 2/9/2018 - To Senate 2/12/2018 - To Judiciary - Amended - Passed Senate 3/3/2018 - House concurred in Senate amendment and passed 3/5/2018 - To Governor 3/9/18 - Approved by Governor 3/20/18 - Chapter 109, Acts, Regular Session, 2018
4422. By Del. Frich, Walters, Westfall, Upson, Householder, Statler, Ambler, Evans, A., Miller, C. and Anderson - **Permitting permanent endowment funds of cemeteries to invest their principal in certain government bonds, and corporate bonds** - Introduced 2/5/2018 - To Judiciary then Finance - To House Finance 2/8/2018 - Passed House 2/22/2018 - To Senate 2/23/2018 - To Finance - Passed Senate 3/3/2018 - To Governor 3/10/18 - Approved by Governor 3/27/18 - Chapter 32, Acts, Regular Session, 2018
- \*4424. By Del. Miley, Mr. Speaker (Mr. Armstead), Shott, Fleischauer, Lane, Rowe, Hanshaw, Boggs, Hamilton, Caputo and Campbell - **Providing that the Ethics Act applies to certain persons providing services without pay to state elected officials** - Introduced 2/5/2018 - To Judiciary - Amended - Passed House 2/22/2018 - To Senate 2/23/2018 - To Judiciary - Amended - Passed Senate with amended title 3/9/2018 - House concurred in Senate amendment and passed 3/10/2018 - To Governor 3/21/18 - Approved by Governor 3/27/18 - Chapter 88, Acts, Regular Session, 2018

- \*4428. By Del. Foster, Cowles, Upson, Householder, Moore and Butler - **Allowing training hours earned through public school education or apprenticeship to count towards an applicant's occupational certification** - Introduced 2/5/2018 - To Education - Amended - Passed House 2/20/2018 - Title amended - To Senate 2/21/2018 - To Education - Amended - Passed Senate with amended title 3/9/2018 - House concurred in Senate amend with amend, passed bill 3/10/2018 - Title amended - Senate refused to concur in House amendment 3/10/2018
- \*4431. By Del. Statler, Miley, Caputo, Fleischauer, Pethtel, Williams, Pyles, Summers, Frich, Ward and Hamrick - **Establishing the Mountaineer Trail Network Recreation Authority** - Introduced 2/5/2018 - To Government Organization then Judiciary - To House Judiciary 2/20/2018 - Amended - Passed House 2/28/2018 - Title amended - To Senate 3/1/2018 - To Judiciary - Amended - Passed Senate with amended title 3/9/2018 - House concurred in Senate amend with title amend, passed 3/10/2018 - Senate refused to concur in House amendment 3/10/2018
4433. By Del. Nelson, Boggs, Ambler, Anderson, Frich, Hamilton, Miller, C., Walters, Longstreth, Pethtel and Sponaugle - **Declaring certain claims against an agency of the state to be moral obligations of the state** - Introduced 2/5/2018 - To Finance - Passed House 2/15/2018 - Effective from passage - To Senate 2/16/2018 - To Finance - Passed Senate 3/3/2018 - Effective from passage - To Governor 3/10/18 - Approved by Governor 3/22/18 - Chapter 41, Acts, Regular Session, 2018
4434. By Del. Shott and Hanshaw - **Clarifying provisions relating to candidates unaffiliated with a political party as it relates to certificates of announcement** - Introduced 2/5/2018 - To Judiciary - Passed House 2/15/2018 - To Senate 2/16/2018 - To Judiciary - Amended - Passed Senate with amended title 3/6/2018 - House concurred in Senate amendment and passed 3/7/2018 - To Governor 3/15/18 - Approved by Governor 3/22/18 - Chapter 82, Acts, Regular Session, 2018
4436. By Del. Frich, Atkinson, Byrd, Cooper, Evans, A., Hamilton, Love, Maynard, Pushkin, Statler and Ward - **Clarifying when a minor between the ages of 16 and 18 may be employed by or elected as a member of a volunteer fire department** - Introduced 2/6/2018 - To Fire Departments and Emergency Medical Services then Judiciary - To House Judiciary 2/13/2018 - Passed House 2/20/2018 - To Senate 2/21/2018 - To Judiciary - Amended - Passed Senate 3/3/2018 - House concurred in Senate amendment and passed 3/5/2018 - To Governor 3/9/18 - Approved by Governor 3/20/18 - Chapter 138, Acts, Regular Session, 2018
- \*4444. By Del. Frich, Byrd, Cooper, Evans, A., Hamilton, Love, Maynard, Pushkin, Statler, Butler and Paynter - **Clarifying the authority of the State Fire Commission in adopting a State Building Code** - Introduced 2/6/2018 - To Fire Departments and Emergency Medical Services then Government Organization - To House Government Organization 2/13/2018 - Passed House 2/26/2018 - To Senate 2/27/2018 - To Government Organization - Passed Senate with amended title 3/3/2018 - House concurred in Senate title amendment

3/5/2018 - Passed House 3/5/2018 - To Governor 3/9/18 - Approved by Governor 3/20/18 - Chapter 111, Acts, Regular Session, 2018

- \*4447. By Del. Shott, Hanshaw, Moore, Miller, C., Harshbarger, Fast, Lane, Hollen, Capito, Summers and Byrd - **Providing for a uniform and efficient system of broadband conduit installation** - Introduced 2/7/2018 - To Roads and Transportation then Judiciary - To House Judiciary 2/14/2018 - Passed House 2/28/2018 - To Senate 3/1/2018 - To Government Organization - Amended - Passed Senate with amended title 3/9/2018 - House refused to concur and requested Senate to recede 3/10/2018 - Senate refused to recede and requested conference 3/10/2018 - To conference 3/10/2018 - House adopted conference report and passed bill 3/10/2018 - Senate adopted conference report and passed bill 3/10/2018 - To Governor 3/21/18 - Approved by Governor 3/27/18 - Chapter 226, Acts, Regular Session, 2018
- \*4451. By Del. Shott, Hanshaw, Howell, Fast, Mr. Speaker (Mr. Armstead), Lane, Moore, Zatezalo, Hollen, Harshbarger and Capito - **Creating the West Virginia Sentencing Commission** - Introduced 2/7/2018 - To Judiciary - Passed House 2/22/2018 - To Senate 2/23/2018 - To Judiciary
- \*4453. By Del. Shott, Fleischauer, Pethel, Isner, Lovejoy, Hornbuckle, Byrd, Canestraro, Lane, Moore and Summers - **Relating to judicial review of contested cases under the West Virginia Department of Health and Human Resources Board of Review** - Introduced 2/7/2018 - To Judiciary - Passed House 2/27/2018 - To Senate 2/28/2018 - To Judiciary - Passed Senate 3/8/2018 - To Governor 3/15/18 - Approved by Governor 3/27/18 - Chapter 122, Acts, Regular Session, 2018
- \*4455. By Del. Overington, Isner, Kessinger, Harshbarger, Queen, Fast, Foster, Canestraro, Paynter, Miller, R. and Martin - **Relating to animal abuse** - Introduced 2/7/2018 - To Judiciary - Passed House 2/28/2018 - To Senate 3/1/2018 - To Judiciary
4462. By Del. Byrd, Hollen, Folk, Criss, Robinson, Phillips, Dean, Kelly, Westfall, Canestraro and Summers - **Allowing off duty members and officers of the department of public safety to guard private property** - Introduced 2/7/2018 - To Judiciary - Passed House 2/16/2018 - To Senate 2/19/2018 - To Judiciary - Amended - Passed Senate with amended title 3/6/2018 - House concurred in Senate amendment and passed 3/8/2018 - To Governor 3/15/18 - Approved by Governor 3/22/18 - Chapter 218, Acts, Regular Session, 2018
4465. By Del. Summers (By Request) and Pushkin - **Authorizing the acupuncture board to issue certificates to perform auricular acudetox therapy** - Introduced 2/7/2018 - To Health and Human Resources then Government Organization - To House Government Organization 2/14/2018 - Passed House 2/26/2018 - To Senate 2/27/2018 - To Government Organization - Amended on 3rd reading - Passed Senate 3/10/2018
- \*4473. By Del. Sobonya, Romine, C., Westfall, Overington, Ambler, Butler, Miller, C., Rowan, Ward, Householder and Rohrbach - **Relating to use of state funds for advertising to promote a public official or government office** - Introduced 2/8/2018 - To Judiciary - Passed House 2/19/2018 - To Senate 2/20/2018 - To Judiciary - Amended - Passed Senate 3/3/2018 - Title amended - House

concurrred in Senate amendment and passed 3/7/2018 - To Governor 3/15/18 - Approved by Governor 3/27/18 - Chapter 89, Acts, Regular Session, 2018

- \*4478. By Del. Lovejoy, Rohrbach, Hanshaw, Hornbuckle, Williams, Byrd, Canestraro, Miller, R., Robinson, Rowe and Isner - **Authorizing public schools to distribute excess food to students** - Introduced 2/8/2018 - To Education then Finance - 2nd reference dispensed - Passed House 2/21/2018 - To Senate 2/22/2018 - To Education - Amended - Passed Senate 3/6/2018 - House concurrred in Senate amendment and passed 3/7/2018 - To Governor 3/15/18 - Approved by Governor 3/27/18 - Chapter 75, Acts, Regular Session, 2018
- \*4481. By Del. Howell, Summers, Bates, Rohrbach, Ellington, Shott, Hamrick, Statler, Hill and Frich - **Relating to mandatory inter-board reporting by licensees or registrants of the boards of medicine, osteopathic medicine, nursing** - Introduced 2/9/2018 - To Health and Human Resources then Government Organization - To House Government Organization 2/14/2018 - Passed House 2/26/2018 - To Senate 2/27/2018 - To Health and Human Resources
4486. By Del. White, Frich, Lane, Westfall, Queen, Dean, Martin, Eldridge, Phillips, Moore and Foster - **Relating to persons required to obtain a license to engage in the business of currency exchange** - Introduced 2/9/2018 - To Banking and Insurance then Judiciary - To House Judiciary 2/15/2018 - Passed House 2/27/2018 - To Senate 2/28/2018 - To Judiciary - Rereferred to Judiciary on 2nd reading 3/7/2018 - Passed Senate 3/9/2018 - To Governor 3/21/18 - Approved by Governor 3/22/18 - Chapter 187, Acts, Regular Session, 2018
4488. By Del. Hanshaw, Boggs and Shott - **Relating to the Hatfield-McCoy Recreation Authority** - Introduced 2/12/2018 - To Roads and Transportation then Judiciary - To House Judiciary 2/14/2018 - Passed House 2/20/2018 - To Senate 2/21/2018 - To Judiciary - Rereferred to Judiciary on 2nd reading 3/7/2018 - Amended - Passed Senate 3/9/2018 - House concurrred in Senate amendment and passed 3/10/2018 - Title amended - Senate concurrred in House amendments and passed bill 3/10/2018 - To Governor 3/21/18 - Approved by Governor 3/21/18 - Chapter 174, Acts, Regular Session, 2018
- \*4490. By Del. Harshbarger, Hollen, Paynter, Romine, R., Ward, Atkinson, Martin, Butler, Sypolt and Storch - **Relating to oil and gas permits not to be on flat well royalty leases** (original similar to SB360) - Introduced 2/12/2018 - To Energy then Judiciary - To House Judiciary 2/19/2018 - Passed House 2/28/2018 - To Senate 3/1/2018 - To Judiciary
- \*4502. By Del. Barrett, Kessinger, Moore, Sobonya, Miller, R., Lovejoy, Canestraro and Harshbarger - **Adding the crimes of murder and armed robbery to the list of offenses for which a prosecutor may apply for an order authorizing interception** - Introduced 2/12/2018 - To Judiciary - Passed House 2/23/2018 - To Senate 2/26/2018 - To Judiciary - Amended - Passed Senate with amended title 3/6/2018 - House concurrred in Senate amendment and passed 3/7/2018 - To Governor 3/15/18 - Approved by Governor 3/27/18 - Chapter 64, Acts, Regular Session, 2018
- \*4509. By Del. Pushkin, Sobonya, Robinson, Summers, Fleischauer, Kessinger, Longstreth and Frich - **Relating to the establishment of substance abuse treatment facilities** - Introduced 2/12/2018 - To Prevention and Treatment of

Substance Abuse then Health and Human Resources - To House Health and Human Resources 2/16/2018 - Passed House 2/27/2018 - To Senate 2/28/2018 - To Health and Human Resources - Amended - Passed Senate with amended title 3/6/2018 - House concurred in Senate amendment and passed 3/7/2018 - To Governor 3/16/18 - Approved by Governor 3/27/18 - Chapter 204, Acts, Regular Session, 2018

- \*4511. By Del. Shott, Hanshaw, Ellington, Howell, Frich, Zatezalo and Anderson - **Modifying bail requirements** - Introduced 2/12/2018 - To Judiciary - Passed House 2/22/2018 - To Senate 2/23/2018 - To Judiciary
- \*4522. By Del. Nelson - **Allowing certain tax information to be shared with the Director of Purchasing Division, Department of Administration, and State Auditor** - Introduced 2/13/2018 - To Finance - Passed House 2/20/2018 - To Senate 2/21/2018 - To Finance - Amended - Passed Senate 3/6/2018 - House concurred in Senate amend with title amend, passed 3/8/2018 - Senate concurred in House title amendment 3/9/2018 - Passed Senate 3/9/2018 - To Governor 3/21/18 - Approved by Governor 3/22/18 - Chapter 239, Acts, Regular Session, 2018
- \*4524. By Del. Ellington, Summers and Rohrbach - **Establishing guidelines for the substitution of certain biological pharmaceuticals** - Introduced 2/13/2018 - To Health and Human Resources then Judiciary - To House Judiciary 2/16/2018 - Passed House 2/28/2018 - To Senate 3/1/2018 - To Health and Human Resources - Amended - Passed Senate with amended title 3/9/2018 - House concurred in Senate amendment and passed 3/10/2018 - To Governor 3/21/18 - Approved by Governor 3/27/18 - Chapter 188, Acts, Regular Session, 2018
4529. By Del. Rohrbach - **Relating to oath by municipal official certifying list of delinquent business and occupation taxes** - Introduced 2/13/2018 - To Judiciary - Passed House 2/28/2018 - To Senate 3/1/2018 - To Judiciary - Passed Senate 3/8/2018 - To Governor 3/15/18 - Approved by Governor 3/27/18 - Chapter 161, Acts, Regular Session, 2018
4539. By Del. Pethtel, Anderson, Hamilton, Hollen and Evans, E. - **Providing an annual annuity adjustment of 1 percent for eligible deputy sheriff retirants and surviving spouses** - Introduced 2/13/2018 - To Pensions and Retirement then Finance - To House Finance 2/14/2018 - Passed House 2/26/2018 - To Senate 2/27/2018 - To Finance - Referred to Rules on 3rd reading 3/5/2018
- \*4542. By Del. Hanshaw - **Allowing public service districts to accept payment by credit card** - Introduced 2/13/2018 - To Political Subdivisions then Finance - To House Finance 2/14/2018 - Passed House 2/23/2018 - To Senate 2/26/2018 - To Government Organization
- \*4546. By Del. Sobonya, Frich, Romine, C., Miller, C., Rohrbach, Butler, Summers, Pack, Hanshaw and Lovejoy - **Relating to where an application for a marriage license may be made** - Introduced 2/13/2018 - To Judiciary - Passed House 2/26/2018 - To Senate 2/27/2018 - To Judiciary - Passed Senate 3/7/2018 - To Governor 3/15/18 - Approved by Governor 3/27/18 - Chapter 66, Acts, Regular Session, 2018



- \*4550. By Del. Barrett and Householder - **Providing the Board of Barbers and Cosmetologists the authority to establish an apprenticeship program for cosmetologists** - Introduced 2/13/2018 - To Government Organization - Passed House 2/26/2018 - To Senate 2/27/2018 - To Government Organization
- \*4558. By Del. Capito, Nelson and Frich - **Establishing the Entrepreneurship and Innovation Investment Fund in the West Virginia Development Office** (original similar to SB365) - Introduced 2/13/2018 - To Finance - Passed House 2/28/2018 - To Senate 3/1/2018 - To Finance - Passed Senate 3/9/2018 - To Governor 3/21/18 - Approved by Governor 3/21/18 - Chapter 67, Acts, Regular Session, 2018
- \*4571. By Del. Campbell, Ambler, Lynch, Miller, R., Canestraro, Thompson, Hicks, Cooper, Wagner, Brewer and Dean - **Relating to the final day of filing announcements of candidates for a political office** - Introduced 2/13/2018 - To Judiciary - Amended - Passed House 2/28/2018 - Title amended - To Senate 3/1/2018 - To Judiciary - Passed Senate with amended title 3/8/2018 - House concurred in Senate title amendment 3/10/2018 - Passed House 3/10/2018 - To Governor 3/21/18 - Approved by Governor 3/27/18 - Chapter 83, Acts, Regular Session, 2018
- \*4603. By Del. Lane, Pushkin, Byrd, Capito, Robinson and Rowe - **Providing immunity from civil liability to facilities and employees providing crisis stabilization** - Introduced 2/13/2018 - To Judiciary - Passed House 2/28/2018 - To Senate 3/1/2018 - To Judiciary - Amended - Passed Senate with amended title 3/9/2018 - House concurred in Senate amend with amend, passed bill 3/10/2018 - Senate concurred in House amendments and passed bill 3/10/2018 - To Governor 3/21/18 - Approved by Governor 3/27/18 - Chapter 6, Acts, Regular Session, 2018
- \*4607. By Del. Hamrick, Higginbotham, Howell and Graves - **Establishing certain criteria for the restricted operation of drones within State Parks, Forests, and Rail Trails** - Introduced 2/13/2018 - To Judiciary - Passed House 2/23/2018 - To Senate 2/26/2018 - To Judiciary - Amended - Passed Senate with amended title 3/10/2018 - House concurred in Senate amendment 3/10/2018 - Passed House 3/10/2018 - To Governor 3/21/18 - Approved by Governor 3/27/18 - Chapter 175, Acts, Regular Session, 2018
4617. By Del. Shott and Hanshaw - **Clarifying where a charge of DUI may be brought against an individual** - Introduced 2/13/2018 - To Judiciary - Passed House 2/22/2018 - To Senate 2/23/2018 - To Judiciary
- \*4618. By Del. Shott and Hanshaw - **Relating to the authority of the Division of Protective Services** - Introduced 2/13/2018 - To Judiciary - Passed House 2/22/2018 - To Senate 2/23/2018 - To Judiciary - Amended - Passed Senate with amended title 3/8/2018 - House concurred in Senate amendment and passed 3/9/2018 - To Governor 3/15/18 - Approved by Governor 3/27/18 - Chapter 112, Acts, Regular Session, 2018
- \*4619. By Del. Espinosa, Statler, Upson, Folk, Cooper, Rohrbach, Atkinson and Cowles (Originating in House Education) - **Relating to supporting implementation of comprehensive systems for teacher and leader induction and professional growth** - Introduced 2/13/2018 - To House Finance

2/13/2018 - Passed House 2/23/2018 - Effective July 1, 2018 - To Senate 2/26/2018 - To Finance - Passed Senate 3/2/2018 - Effective July 1, 2018 - To Governor 3/8/18 - Approved by Governor 3/22/18 - Chapter 76, Acts, Regular Session, 2018

4620. By Del. Nelson , Anderson, Miller, C., Cowles, Evans, A., Storch, Frich, Butler, Ellington and Ambler (Originating in House Finance) - **Expiring funds to the balance of the Department of Administration, Public Employees Insurance Agency** - Introduced 2/15/2018 - Passed House 2/16/2018 - Effective from passage - To Senate 2/19/2018 - To Finance
4621. By Del. Miller, C., Anderson, Frich, Hamilton, Storch, Walters, Westfall, Boggs, Longstreth, Sponaugle and Maynard (Originating in House Finance) - **Relating to removing reference to certain entities with respect to work** - Introduced 2/16/2018 - Passed House 2/21/2018 - To Senate 2/22/2018 - To Finance - Passed Senate 3/3/2018 - To Governor 3/10/18 - Approved by Governor 3/20/18 - Chapter 50, Acts, Regular Session, 2018
4622. By Del. Espinosa, Rohrbach, Upson, Kelly, Hicks, Statler, Higginbotham, Pyles, Evans, E., Hornbuckle and Rodighiero (Originating in House Education) - **Relating to authorizing legislative rules regarding higher education** - Introduced 2/15/2018 - Passed House 2/20/2018 - To Senate 2/21/2018 - To Education - Passed Senate 3/6/2018 - To Governor 3/15/18 - Approved by Governor 3/20/18 - Chapter 115, Acts, Regular Session, 2018
- \*4623. By Del. Ellington, Kessinger, Boggs, Sobonya, Hollen and Frich (Originating in House Prevention and Treatment of Substance Abuse) - **Relating to obtaining substance abuse treatment services** - Introduced 2/16/2018 - To House Health and Human Resources 2/16/2018 - Amended - Passed House 2/27/2018 - To Senate 2/28/2018 - To Health and Human Resources then Judiciary - To Health and Human Resources 2/28/2018
4624. By Del. Howell, Hamrick, Pack, Brewer, Jennings, Iaquina, Ferro, Hill, Diserio, Marcum and Maynard (Originating in House Government Organization) - **Relating to West Virginia coordinate systems** - Introduced 2/20/2018 - Passed House 2/23/2018 - To Senate 2/26/2018 - To Government Organization - Amended - Passed Senate with amended title 3/3/2018 - House concurred in Senate amendment and passed 3/5/2018 - To Governor 3/9/18 - Approved by Governor 3/27/18 - Chapter 48, Acts, Regular Session, 2018
4625. By Del. Nelson , Ambler, Butler, Espinosa, Frich, Householder, Miller, C., Storch, Westfall and Hanshaw (Originating in House Finance) - **Relating to allocating a portion of any general revenue surplus accruing after a fiscal year to the Public Employees Insurance Agency Financial Stability Fund** - Introduced 2/20/2018 - Passed House 2/22/2018 - To Senate 2/23/2018 - To Finance
4626. By Del. Anderson, Nelson , Boggs, Householder, Ellington, Gearheart, Frich, Ambler, Bates and Longstreth (Originating in House Finance) - **Relating to West Virginia innovative mine safety technology tax credit act** - Introduced 2/23/2018 - Passed House 2/28/2018 - To Senate 3/1/2018 - To Finance - Constitutional rule suspended - Passed Senate 3/10/2018 - To Governor 3/19/18 - Approved by Governor 3/20/18 - Chapter 240, Acts, Regular Session, 2018

4627. By Del. Moore (Originating in House Judiciary) - **Relating to providing a limitation on the eminent domain authority of a municipal park board** - Introduced 2/23/2018 - Passed House 2/28/2018 - To Senate 3/1/2018 - To Judiciary - Amended - Passed Senate 3/8/2018 - House concurred in Senate amendment and passed 3/10/2018 - To Governor 3/21/18 - Approved by Governor 3/22/18 - Chapter 162, Acts, Regular Session, 2018
4628. By Del. Nelson , Miller, C., Boggs, Westfall, Espinosa, Ambler, Frich, Hartman and Storch (Originating in House Finance) - **Relating to authorizing the redirection of amounts collected from certain surcharges and assessments on workers' compensation insurance policies for periods prior to January 1, 2019** - Introduced 2/23/2018 - Amended - Passed House 2/28/2018 - To Senate 3/1/2018 - To Finance - Passed Senate 3/9/2018 - To Governor 3/19/18 - Approved by Governor 3/22/18 - Chapter 247, Acts, Regular Session, 2018
4629. By Del. Hanshaw, Harshbarger, Byrd, Robinson, Miller, R., Pushkin, Sobonya, Hollen, Canestraro, Lane and Zatezalo (Originating in House Judiciary) - **Relating to broadband enhancement and expansion policies generally** - Introduced 2/26/2018 - Passed House 2/28/2018 - Effective from passage - To Senate 3/1/2018 - To Government Organization - Amended - Passed Senate with amended title 3/9/2018 - Effective from passage - House refused to concur and requested Senate to recede 3/10/2018 - Senate refused to recede and requested conference 3/10/2018 - To conference 3/10/2018 - House adopted conference report and passed bill 3/10/2018 - Effective from passage - Senate adopted conference report and passed bill 3/10/2018 - Effective from passage - To Governor 3/21/18 - Approved by Governor 3/27/18 - Chapter 31, Acts, Regular Session, 2018

## HOUSE CONCURRENT RESOLUTIONS COMMUNICATED TO SENATE

1. By Mr. Speaker (Mr. Armstead) - **Extending an invitation to His Excellency, the Governor, to deliver an address to the Legislature and raising a Joint Assembly therefor** - Introduced 1/10/2018 - Adopted by House 1/10/2018 - To Senate 1/10/2018 - Committee reference dispensed - Adopted by Senate 1/10/2018
2. By Del. Atkinson - **U. S. Marine Corps PFC James Ralph Heeter Memorial Bridge** - Introduced 1/11/2018 - To Rules - Adopted by House 2/26/2018 - To Senate 2/27/2018 - To Transportation and Infrastructure - Adopted by Senate 3/10/2018
3. By Del. Westfall and Ambler - **U. S. Army Cpl David Michael Hopkins and U.S. Army Cpl Romey Earl Hughart, Jr. Memorial Bridge** - Introduced 1/12/2018 - To Rules - Adopted by House 2/23/2018 - To Senate 2/26/2018 - To Transportation and Infrastructure - Adopted by Senate 3/6/2018
4. By Del. Ambler, Cooper, Wagner, Westfall, Maynard and Howell - **U. S. Army SPC4 Gary Wayne Morgan Memorial Bridge** - Introduced 1/12/2018 - To

Rules - Adopted by House 2/26/2018 - To Senate 2/27/2018 - To Transportation and Infrastructure - Adopted by Senate 3/6/2018

5. By Del. Ambler, Cooper, Wagner, Westfall, Maynard and Howell - **U. S. Army PFC Jessie Franklin Crow Memorial Bridge** - Introduced 1/12/2018 - To Rules - Adopted by House 2/23/2018 - To Senate 2/26/2018 - To Transportation and Infrastructure - Amended - Adopted by Senate 3/7/2018 - House concurred in Senate amendment and adopted 3/8/2018
8. By Del. Phillips, Maynard, Miller, R., Eldridge, Marcum and Miller, C. - **Funding for feasibility study of Coal-to-Chemicals Project** - Introduced 1/16/2018 - To Rules - Adopted by House 2/28/2018 - To Senate 3/1/2018 - To Energy, Industry and Mining - Adopted by Senate 3/7/2018
9. By Del. Atkinson, Harshbarger, Cooper and Queen - **U. S. Air Force Major Neil L. Ferrell Memorial Bridge** - Introduced 1/16/2018 - To Roads and Transportation then Rules - To House Rules 1/31/2018 - Adopted by House 2/26/2018 - To Senate 2/27/2018 - To Transportation and Infrastructure - Adopted by Senate 3/10/2018
- \*11. By Del. Nelson, Pushkin, Graves, Rowe, Lane, Byrd, Mr. Speaker (Mr. Armstead), Capito and Robinson - **Charleston Police Department Captain Jerry D. Hill Memorial Bridge** - Introduced 1/16/2018 - To Roads and Transportation then Rules - To House Rules 3/5/2018 - Adopted by House 3/7/2018 - To Senate 3/8/2018 - To Transportation and Infrastructure
- \*13. By Del. Phillips, Maynard, Miller, R., Eldridge and Marcum - **U. S. Army SGM Bill E. Jeffrey Memorial Road** - Introduced 1/16/2018 - To Roads and Transportation then Rules - To House Rules 2/16/2018 - Adopted by House 2/23/2018 - To Senate 2/26/2018 - To Transportation and Infrastructure - Adopted by Senate 3/10/2018
16. By Del. Rowan - **Frenchburg Bridge** - Introduced 1/18/2018 - To Roads and Transportation then Rules - To House Rules 2/27/2018 - Adopted by House 3/1/2018 - To Senate 3/2/2018 - To Transportation and Infrastructure - Adopted by Senate 3/6/2018
19. By Del. Rowan, Frich, Eldridge, Hicks, Ambler, Anderson, Atkinson, Barrett, Bates, Blair, Boggs, Brewer, Butler, Byrd, Canestraro, Capito, Caputo, Cowles, Criss, Dean, Gearheart, Graves, Hamilton, Harshbarger, Higginbotham, Hill, Hollen, Hornbuckle, Householder, Howell, Iauinta, Isner, Jennings, Kelly, Kessinger, Lane, Longstreth, Love, Lovejoy, Lynch, Marcum, Martin, Maynard, McGeehan, Miley, Miller, C., Miller, R., Moore, Moye, Mr. Speaker (Mr. Armstead), Nelson, Overington, Pack, Paynter, Pethel, Phillips, Pushkin, Pyles, Robinson, Rodighiero, Rohrbach, Romine, C., Romine, R., Rowe, Shott, Sobonya, Sponaule, Statler, Storch, Summers, Sypolt, Thompson, Upson, Wagner, Ward, Westfall, White, Williams, Wilson, Zatezalo, Cooper and Campbell - **World Moyamoya Awareness Day** - Introduced 1/19/2018 - To Rules - Adopted by House 2/16/2018 - To Senate 2/19/2018 - To Health and Human Resources - Adopted by Senate 3/8/2018

21. By Del. Miller, R., Rodighiero and Eldridge - **U. S. Marine Corps PFC Randall Carl Phelps Memorial Bridge** - Introduced 1/19/2018 - To Rules - Adopted by House 3/7/2018 - To Senate 3/8/2018 - To Transportation and Infrastructure
24. By Del. Kelly, Zatezalo, Wagner, Atkinson, Sobonya, Westfall, Summers, Sypolt, Deem, Criss and Lane - **Recognizing March 2, 2018 as National Speech and Debate Education Day** - Introduced 1/22/2018 - To Rules - Adopted by House 2/28/2018 - To Senate 3/1/2018 - To Government Organization
25. By Del. Hollen, Criss, Deem, Kelly, Anderson, Cooper, Phillips, McGeehan, Atkinson and Butler - **U. S. Army SPC David A. Hess Memorial Bridge** - Introduced 1/22/2018 - To Rules - Adopted by House 2/26/2018 - To Senate 2/27/2018 - To Transportation and Infrastructure - Adopted by Senate 3/10/2018
26. By Del. Evans, A. - **U. S. Army PFC Tracy Victor Rohrbaugh Memorial Bridge** - Introduced 1/22/2018 - To Rules - Adopted by House 2/16/2018 - To Senate 2/19/2018 - To Transportation and Infrastructure - Adopted by Senate 3/6/2018
27. By Del. Summers, Queen, Hamrick, Miley and Iaquina - **Making Grafton's Annual Memorial Day Parade the Official State Memorial Day Parade** - Introduced 1/23/2018 - To Rules - Adopted by House 2/16/2018 - To Senate 2/19/2018 - To Military - Adopted by Senate 3/6/2018
- \*30. By Del. Wagner, Westfall, Hamilton, Jennings, McGeehan and Queen - **U. S. Army PFC Victor Allen Mazitis, Jr. Memorial Bridge** - Introduced 1/24/2018 - To Rules - Adopted by House 2/23/2018 - To Senate 2/26/2018 - To Transportation and Infrastructure - Adopted by Senate 3/10/2018
33. By Del. Westfall, Wagner, Atkinson, Higginbotham, Rodighiero and Frich - **U. S. Army 2LT Clarence Drago Memorial Bridge** - Introduced 1/26/2018 - To Rules - Adopted by House 2/23/2018 - To Senate 2/26/2018 - To Transportation and Infrastructure - Adopted by Senate 3/6/2018
35. By Del. Martin, Butler, Hamrick, Hill, Jennings, Howell and Foster - **USMC LCpl George W. Henry, Jr. Memorial Bridge** - Introduced 1/30/2018 - To Rules - Adopted by House 2/26/2018 - To Senate 2/27/2018 - To Transportation and Infrastructure - Adopted by Senate 3/10/2018
39. By Del. Miley, Ambler, Anderson, Barrett, Bates, Brewer, Byrd, Campbell, Canestraro, Caputo, Cooper, Criss, Dean, Diserio, Eldridge, Ellington, Espinosa, Evans, A., Evans, E., Ferro, Hornbuckle, Iaquina, Isner, Kessinger, Lane, Longstreth, Love, Lovejoy, Lynch, Marcum, Martin, Maynard, Miller, R., Moye, Paynter, Pethel, Pushkin, Pyles, Queen, Robinson, Rodighiero, Rohrbach, Romine, R., Rowe, Sobonya, Sponagle, Statler, Storch, Summers, Thompson, Upson, Ward, Williams and Wilson - **Requesting the Joint Committee on Government and Finance to study sustainability of the state's higher education system** - Introduced 2/1/2018 - To Rules - Adopted by House 3/7/2018 - To Senate 3/8/2018 - To Education then Rules - To Education 3/8/2018

- \*40. By Del. Maynard, Dean, Eldridge, Moye and Rohrbach - **U. S. Air Force SMSgt Billie E. ‘Bunky’ Hodge Bridge** - Introduced 2/1/2018 - To Roads and Transportation then Rules - To House Rules 3/5/2018 - Adopted by House 3/7/2018 - To Senate 3/8/2018 - Committee reference dispensed - Adopted by Senate 3/8/2018
- \*41. By Del. Higginbotham, Espinosa, Kelly, Atkinson, Wilson, Statler, Rohrbach, Cooper, Westfall, Hamrick and Kessinger - **Relating to a study of a statewide virtual library** - Introduced 2/5/2018 - To Education - Adopted by House 2/23/2018 - To Senate 2/26/2018 - To Education
44. By Del. Eldridge, Rodighiero, Miller, R., Marcum, Phillips, Maynard and Love - **U. S. Army PFC Clayton Collins Memorial Bridge** - Introduced 2/5/2018 - To Rules - Adopted by House 3/7/2018 - To Senate 3/8/2018 - To Transportation and Infrastructure
- \*45. By Del. Lovejoy, Rohrbach, Sobonya, Romine, C., Hornbuckle, Miller, C., Hicks, Thompson, Byrd and Cowles - **U. S. Air Force Reserves 2nd Lieutenant Richard E. Tyson Memorial Bridge** - Introduced 2/5/2018 - To Roads and Transportation then Rules - To House Rules 2/16/2018 - Adopted by House 3/1/2018 - To Senate 3/2/2018 - To Transportation and Infrastructure - Adopted by Senate 3/10/2018
47. By Del. Miller, C., Butler, Maynard, Brewer, Lovejoy, Eldridge, Rohrbach and Romine, C. - **U. S. Army SPC 4 William L. Amos Memorial Bridge** - Introduced 2/6/2018 - To Rules - Adopted by House 2/23/2018 - To Senate 2/26/2018 - To Transportation and Infrastructure - Adopted by Senate 3/10/2018
- \*51. By Del. Miley, Queen, Hamrick and Iaquina - **Gill Brothers World War Veterans’ Memorial Bridge** - Introduced 2/7/2018 - To Roads and Transportation then Rules - To House Rules 2/27/2018 - Adopted by House 3/1/2018 - To Senate 3/2/2018 - To Transportation and Infrastructure
- \*53. By Del. Ward, Caputo, Longstreth and Summers - **Pastor Robert L. ‘Bob’ Barker Memorial Bridge** - Introduced 2/8/2018 - To Roads and Transportation then Rules - To House Rules 2/27/2018 - Adopted by House 3/7/2018 - To Senate 3/8/2018 - To Transportation and Infrastructure - Adopted by Senate 3/10/2018
- \*54. By Mr. Speaker (Mr. Armstead) - **U. S. Army SPC 4 Thurman ‘Duwayne’ Young Memorial Road** - Introduced 2/8/2018 - To Roads and Transportation then Rules - To House Rules 3/5/2018 - Adopted by House 3/7/2018 - To Senate 3/8/2018 - To Transportation and Infrastructure
56. By Del. Howell, Hill, Hamrick, Summers, Moore, Criss, Maynard, Householder, Butler, Espinosa and Atkinson - **Requesting the Joint Committee on Government and Finance study the Public Employees Insurance Agency and potential alternative methods to control healthcare costs** - Introduced 2/8/2018 - To Rules - Adopted by House 3/7/2018 - To Senate 3/8/2018 - To Rules
61. By Del. Eldridge, Maynard, Love, Miller, C., Romine, C., Phillips, Miller, R., Rodighiero, Thompson, Hicks and Hornbuckle - **U. S. Army PFC Cornelious**

- Wiley Memorial Bridge** - Introduced 2/9/2018 - To Rules - Adopted by House 2/26/2018 - To Senate 2/27/2018 - To Transportation and Infrastructure - Adopted by Senate 3/10/2018
62. By Del. Hartman, Lynch, Iaquina, Isner, Love, Pethtel, Sponaugle, Williams, Boggs, Gearheart and Hamilton - **Pocahontas County Veterans Memorial Bridge** - Introduced 2/9/2018 - To Rules - Adopted by House 3/1/2018 - To Senate 3/2/2018 - To Transportation and Infrastructure - Amended - Adopted by Senate 3/10/2018 - House concurred in Senate amendment and adopted 3/10/2018
64. By Del. Miller, C., Sobonya, Romine, C., Hornbuckle, Wilson, Lovejoy, Rohrbach, Butler, Higginbotham and Maynard - **USMC Cpl Hershel 'Woody' Williams Highway** - Introduced 2/12/2018 - To Rules - Adopted by House 2/23/2018 - To Senate 2/26/2018 - To Transportation and Infrastructure
65. By Del. Eldridge, Maynard, Miller, R., Rodighiero, Thompson, Hicks, Hornbuckle, Marcum, Phillips, Romine, C. and Miller, C. - **U. S. Army CPL George Browning Memorial Road** - Introduced 2/12/2018 - To Rules - Adopted by House 2/26/2018 - To Senate 2/27/2018 - To Transportation and Infrastructure - Adopted by Senate 3/10/2018
- \*67. By Del. Eldridge, Maynard, Romine, C., Miller, R., Rodighiero, Thompson, Hicks, Hornbuckle, Lovejoy, Love and Miller, C. - **U. S. Army CPL Wilson B. Lambert, Jr. Memorial Road** - Introduced 2/12/2018 - To Roads and Transportation then Rules - To House Rules 2/27/2018 - Adopted by House 3/7/2018 - To Senate 3/8/2018 - To Transportation and Infrastructure
68. By Del. Maynard, Eldridge, Miller, C., Hornbuckle, Romine, C., Paynter, Miller, R., Cooper, Phillips, Dean and Love - **U. S. Army SGT Douglas Thompson Memorial Road** - Introduced 2/12/2018 - To Rules - Adopted by House 2/26/2018 - To Senate 2/27/2018 - To Transportation and Infrastructure - Adopted by Senate 3/10/2018
- \*70. By Del. Miley, Iaquina, Queen and Hamrick - **U. S. Marine Sgt. Stephen E. Drummond Memorial Bridge** - Introduced 2/12/2018 - To Roads and Transportation then Rules - To House Rules 2/27/2018 - Adopted by House 3/1/2018 - To Senate 3/2/2018 - To Transportation and Infrastructure
71. By Del. Thompson, Hicks, Rodighiero, Miller, R., Eldridge, Marcum and Lovejoy - **U. S. Army CPL Lee Roy Young Memorial Bridge** - Introduced 2/20/2018 - To Rules - Adopted by House 3/7/2018 - To Senate 3/8/2018 - To Transportation and Infrastructure
75. By Del. Evans, A., Rowan, Romine, R., Hamilton and Howell - **PVT George Howell, Continental Army Memorial Highway** - Introduced 2/20/2018 - To Rules - Adopted by House 2/23/2018 - To Senate 2/26/2018 - To Transportation and Infrastructure - Amended - Adopted by Senate 3/10/2018 - House concurred in Senate amendment and adopted 3/10/2018
- \*76. By Del. Rowe, Robinson, Pushkin, Byrd, Lane and White - **U. S. Marine Corps LCpl Michael Linn Cooper Memorial Bridge** - Introduced 2/20/2018 - To

Rules - Adopted by House 3/7/2018 - To Senate 3/8/2018 - To Transportation and Infrastructure

77. By Del. Miller, R., Rodighiero, Eldridge and Maynard - **Deputy Sheriff Jesse R. Browning Memorial Road** - Introduced 2/20/2018 - To Rules - Adopted by House 2/28/2018 - To Senate 3/1/2018 - To Transportation and Infrastructure - Adopted by Senate 3/10/2018
78. By Del. Kelly, Anderson, Atkinson, Hollen, Deem, Criss, Harshbarger, Cooper, Longstreth, Iaquina and Hartman - **U. S. Marine Corps PFC Danny Marshall Memorial Bridge** - Introduced 2/20/2018 - To Rules - Adopted by House 2/23/2018 - To Senate 2/26/2018 - To Transportation and Infrastructure - Adopted by Senate 3/10/2018
- \*83. By Del. Cooper, Ambler, Harshbarger, Pack, Hollen, Foster, Maynard, Paynter and Wilson - **Vietnam Veterans Memorial Highway** - Introduced 2/20/2018 - To Roads and Transportation then Rules - To House Rules 2/27/2018 - Adopted by House 3/1/2018 - To Senate 3/2/2018 - To Transportation and Infrastructure
84. By Del. Statler, Maynard, Cooper, Jennings, Sypolt, Miller, R., Fast, Lovejoy, Love, Ambler and Adkins - **Requesting the Department of Health and Human Resources and the Bureau for Medical Services review and update Medicaid reimbursement rates for ground and air ambulance services** - Introduced 2/26/2018 - To Rules - Adopted by House 3/1/2018 - To Senate 3/2/2018 - To Health and Human Resources
- \*85. By Del. Howell, Capito, Criss, Espinosa, Evans, A., Fast, Gearheart, Hamrick, Hill, Martin, Moore, Pack, Rowan, Statler, Storch, Westfall and Overington - **Requesting the legislatures and departments of transportation of Maryland, Pennsylvania, and Virginia to endorse and pursue the construction of a new four-lane, limited access highway, extending Interstate Highway 99 from its present terminus at Bedford, Pennsylvania, to Covington, Virginia** - Introduced 2/26/2018 - To Roads and Transportation then Rules - To House Rules 3/5/2018 - Adopted by House 3/7/2018 - To Senate 3/8/2018 - To Transportation and Infrastructure - Adopted by Senate 3/10/2018
86. By Del. Gearheart and Shott - **Bluefield Police Lt. Aaron L. Crook Memorial Road** - Introduced 2/27/2018 - To Rules - Adopted by House 3/1/2018 - To Senate 3/2/2018 - To Transportation and Infrastructure
87. By Del. Gearheart, Ellington and Shott - **Constable Joseph H. Davidson Memorial Bridge** - Introduced 2/27/2018 - To Rules - Adopted by House 3/1/2018 - To Senate 3/3/2018 - To Transportation and Infrastructure - Adopted by Senate 3/6/2018
88. By Del. Storch - **U. S. Air Force Capt. Clarence Virgil Slack, Jr. Memorial Bridge** - Introduced 2/27/2018 - To Rules - Adopted by House 3/1/2018 - To Senate 3/2/2018 - To Transportation and Infrastructure - Adopted by Senate 3/10/2018
91. By Del. Romine, R., Evans, A., Hamilton, McGeehan, Jennings, Rowan, Pethel and Ferro - **U.S. Navy Capt Homer Leroy Smith Memorial Bridge** -



Introduced 2/27/2018 - To Rules - Adopted by House 3/1/2018 - To Senate 3/2/2018 - To Transportation and Infrastructure - Adopted by Senate 3/6/2018

93. By Del. Hamrick, Dean, Folk, Graves, Higginbotham, Howell, Martin, McGeehan, Pack, Queen, Rohrbach, Romine, C., Storch, Westfall and White - **Requesting the Joint Committee on Government and Finance study exempting state employees from the payment of state income tax** - Introduced 3/2/2018 - To Rules - Adopted by House 3/7/2018 - To Senate 3/8/2018 - To Finance then Rules - To Finance 3/8/2018
94. By Del. Miller, C., Foster, Overington, Jennings, Ambler, Butler, Cooper, Dean, Graves, Hamrick, Hanshaw, Harshbarger, Higginbotham, Howell, Kessinger, Maynard, Pack, Paynter, Queen, Rohrbach, Romine, R., Rowan and Storch - **Requesting the Joint Committee on Government and Finance to conduct a study comparing West Virginia's asbestos rules with those in other states** - Introduced 3/2/2018 - To Rules - Adopted by House 3/7/2018 - To Senate 3/8/2018 - To Rules
99. By Del. Westfall, Rowe, Lovejoy, Hartman, Iaquina, Criss, Bates, Evans, A., Shott, White, Frich and Robinson - **Requesting the Joint Committee on Government and Finance to study the feasibility and propriety of requiring liability insurance or other means of security on certain motorboats and personal watercraft in this state** - Introduced 3/2/2018 - To House Rules 3/2/2018 - Adopted by House 3/7/2018 - To Senate 3/8/2018 - To Rules
100. By Del. Statler and Frich - **Morgantown High School Veterans Bridge** - Introduced 3/5/2018 - To Rules - Adopted by House 3/8/2018 - To Senate 3/9/2018 - Committee reference dispensed - Adopted by Senate 3/9/2018
101. By Del. Howell, Blair, Cowles, Espinosa, Evans, A., Folk, Householder, Moore, Overington, Rowan, Upson and Wilson - **Requesting the Governor's Task Force on Public Employee Insurance Agency Stability to review means and methods of including medical facilities** - Introduced 3/5/2018 - To Rules - Adopted by House 3/7/2018 - To Senate 3/8/2018 - To Rules
102. By Del. Rowe, Robinson and White - **U. S. Army PFC Earl Russell Cobb, SPC4 Carl Bradford Goodson, and SSGT George T. Saunders, Jr., Memorial Bridge** - Introduced 3/5/2018 - To Rules - Adopted by House 3/7/2018 - To Senate 3/8/2018 - To Transportation and Infrastructure

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- 287. Creating and maintaining centralized state vehicle inventory system
- 296. Relating to sale or transfer of surplus property

303. Relating to debarment of vendors seeking to provide goods and services to state and its subdivisions
314. Modifying procedure certain public agencies use to contract for architectural and engineering services
321. Relating to powers and duties of Public Land Corporation
342. Requiring agencies provide annual inventory of real property holdings to Real Estate Division
355. Dissolving IS&C Division under Office of Technology
418. Relating to WV Monument and Memorial Protection Act of 2018
505. Requiring contact information of state official or employee mobile phone furnished by employer be listed on directory or website
513. Increasing amount retirant may earn
522. Relating generally to Administrative Procedures Act

**GOVERNOR — BILLS REQUESTED BY**

152. Budget Bill
261. Transferring certain powers and programs of WV Affordable Housing Trust Fund to WV Housing Development Fund
262. Providing certain Division of Corrections, Division of Juvenile Services and WV Regional Jail Authority pay equity salary adjustment
263. Eliminating film tax credits
264. Eliminating refundable exemption for road construction contractors
265. Updating meaning of certain terms in WV Corporation Net Income Tax Act
266. Updating meaning of certain terms used in WV Personal Income Tax Act
267. Increasing salaries of certain state employees
268. Eliminating requirement that certain agencies purchase commodities produced on institutional farms
269. Establishing 2018 Regulatory Reform Act
270. Authorizing DNR implement silvicultural management for state park lands
271. Creating centralized Shared Services Section of Department of Administration
272. Relating generally to drug control
273. Reducing use of certain prescription drugs
283. Relating generally to procurement by state agencies
284. Increasing access to career education and workforce training
378. Expiring, supplementing, amending, increasing and adding items within various DHHR accounts
379. Supplemental appropriation from State Excess Lottery Revenue Fund to DHHR
380. Supplemental appropriation of federal funds out of Treasury to certain DOE programs
381. Supplemental appropriation of federal funds from Treasury to DOT, Division of Public Transit

382. Supplemental appropriation of Lottery Net Profits to Bureau of Senior Services, Lottery Senior Citizens Fund
383. Expiring funds from Treasurer's Office to WV Enterprise Resource Planning Board
384. Decreasing and increasing appropriations from State Fund, General Revenue to DHHR
385. Decreasing and adding appropriations out of Treasury to DHHR and MAPS
386. Decreasing and increasing appropriations from Treasury to Higher Education Policy Commission
387. Supplemental appropriation of federal funds from Treasury to DHHR, Division of Health
388. Decreasing, increasing and adding appropriations out of Treasury to DHHR and Department of Administration
389. Supplemental appropriation of federal funds from Treasury to DHHR, Division of Human Services
390. Supplemental appropriation from State Road Fund to DOT, Division of Highways
391. Supplemental appropriation of federal funds out of Treasury to Department of Agriculture

## **HEALTH**

1. Relating to partial filling of prescriptions
2. Reducing use of opiates
4. Establishing Mental Health and Military Service Member Court program
11. Relating generally to traumatic brain injury
13. Raising age to purchase tobacco and related products to 21
15. Including nurses employed by nursing homes in WV Nurse Overtime and Patient Safety Act
46. Permitting pharmacists to inform customers of lower-cost alternative drugs
61. Prohibiting smoking in motor vehicle when minor 16 years old or less is present
65. Accessing controlled substance monitoring information
80. Powers and duties of local boards of health
91. Relating to care of aborted fetuses
113. Improper use or representation of service animals
129. Limiting time prescriptions may be issued for certain controlled substances
149. Establishing safeguards for treatment of acute pain and opioid medications
251. Relating to administration of Naloxone or other approved opioid antagonist by first responders
257. Creating WV Counseling Protection Act
312. Exempting certain employers from discriminating against tobacco users
317. Transferring milk rules and regulations from DHHR to Department of Agriculture
318. Requiring influenza immunizations for health care workers

329. Relating to prescribing opioids
332. Granting DHHR rule-making authority to regulate local health departments
333. Granting DHHR rule-making authority to regulate local health departments
337. Permitting parents of newborns to decline administration of specific required medication at birth
359. Authorizing Supreme Court establish curricula for mental hygiene commissioners and certain magistrates
363. Removing requirement of finding of professional negligence concerning involuntary hospitalizations
371. Relating to proceedings for voluntary custody for examination
392. Reconfiguring membership of Emergency Medical Services Advisory Council
406. Clarifying that ground emergency medical transportation is eligible for Medicare and Medicaid reimbursement
408. Licensing of nursing homes and assisted living residences
436. Creating Nondiscrimination in Involuntary Denial of Treatment Act
450. Collecting and analyzing statistical information pertaining to terminating pregnancies under Medicaid Program
456. Physical Therapy Licensure Compact Act
463. Establishing group to examine benefits and need of transferring milk rules and regulations from DHHR to Agriculture
469. Converting Addiction Treatment Pilot Program to permanent program
472. Providing funds to DHHR for local boards of health employee pay raises
487. Relating to WV Medical Cannabis Act
502. Creating Patient Safety Evidence-Based Prescribing Act
510. Designating hospitals for stroke treatment
514. Enacting Recognition of Emergency Medical Services Personnel Licensure Interstate Compact
517. Relating generally to drug overdoses and controlled substances monitoring
527. Creating WV Black Lung Program
534. Increasing penalty for tobacco-related offenses on public school property
543. Relating to confidentiality of medical records
560. Prohibiting pharmacy benefit managers from using certain contract provisions
575. Approving additional beds for intermediate care facilities
578. Relating to Youth Mental Health Protection Act
591. Increasing reimbursement rate for certain Medicaid services
602. Providing immunity from civil liability to facilities and employees providing crisis stabilization
603. Relating to proceedings for involuntary custody for examination
604. Relating to temporary permits to perform social work functions within community health centers
611. Relating to licensing of mental health facilities
613. Relating to Youth Mental Health Protection Act

- 615. Relating to licensing and registering opioid treatment programs
- 620. Creating opioid crisis recovery fine program

**HUMAN RIGHTS**

- 93. Establishing WV Freedom of Conscience Protection Act
- 99. Prohibiting discrimination based on age or sexual orientation in certain circumstances
- 405. Creating Life at Conception Act of 2018
- 471. Relating to unlawful discriminatory practices in categories covered by Human Rights Act and Fair Housing Act
- 595. Creating Protect Our Right to Unite Act

**HUMAN SERVICES**

- 5. Relating to Medicaid fraud and abuse
- 55. Providing continued eligibility for developmental disability services to dependents of military personnel
- 362. Relating to definitions of “child abuse” and “neglect”
- 407. Licensing and approval of child care programs
- 417. Amending definition of “medical services” to exclude abortion
- 431. Requiring DHHR implement work requirements for SNAP applicants
- 439. Exempting motor vehicles engaged in nonemergency transportation of Medicaid members from PSC requirements
- 459. Enacting Refugee Absorptive Capacity Act
- 478. Relating to mandatory insurance coverage for treatment of mitochondrial disease and other similar conditions
- 492. Eliminating certain special requirements for DHHR provisionally licensed social workers
- 591. Increasing reimbursement rate for certain Medicaid services
- 602. Providing immunity from civil liability to facilities and employees providing crisis stabilization
- 623. Relating to Medicaid subrogation liens of DHHR

**INSURANCE**

- 42. Restoring one-percent surcharge on fire and casualty insurance policies to fund volunteer fire departments
- 59. Creating fund to relieve municipalities and counties of certain fire-related cleanup and demolition
- 84. Prohibiting abortion coverage in certain qualified health care plans
- 92. Limiting health insurance coverage for elective abortions to supplemental policies
- 242. Requiring health insurance providers provide coverage for certain Lyme disease treatment
- 297. Eliminating taxation on annuity considerations collected by life insurer

299. Relating to mandatory insurance coverage for medical foods for amino acid-based formulas
308. Relating to use of aftermarket crash parts by motor vehicle repair shop
339. Relating to WV Retirement Health Benefit Trust Fund within PEIA
340. Relating to employer-employee cost-sharing ratio of premiums for PEIA active members
401. Requiring specified coverage in health benefit plans for treatment of substance abuse disorders
442. Establishing universal forms and deadlines when submitting prior authorization electronically
453. Fixing PEIA premium cost sharing at 85 percent for employer and 15 percent for employee
473. Requiring insurance coverage for the prescription drug Varenicline
478. Relating to mandatory insurance coverage for treatment of mitochondrial disease and other similar conditions
493. Relating to guaranty associations
495. Designating specific insurance coverages exempt from rate filing requirements
526. Providing salary increases for state employees over three-year period
571. Fixing PEIA aggregate premium cost sharing

#### **JUVENILES**

47. Requiring Defense Department advocacy groups be notified in abuse or neglect of military person's child
61. Prohibiting smoking in motor vehicle when minor 16 years old or less is present
291. Transferring child welfare enforcement responsibilities to WV State Police
352. Creating emergency text number system for children
362. Relating to definitions of "child abuse" and "neglect"

#### **LABOR**

7. Relating to claims under Wage Payment and Collection Act
458. Prohibiting political subdivisions from enacting regulations or legal requirements relating to employer-employee relationship
474. Requiring that certain documents filed pursuant to WV Jobs Act which include records of wages be considered confidential
481. Requiring persons building residential structures inform county board of education of structures and estimated number of occupants
497. Removing requirement that Division of Labor charge annual device registration fee
504. Excluding seasonal amusement park workers from definition of "employee"
558. Relating to certification requirements for crane operators

#### **LEGAL GAMING**

75. Relating to sale or transfer of video lottery locations
106. Legalizing certain sport pool betting



- 274. Relating generally to horse and dog racing lottery
- 324. Removing restrictions where certain traditional lottery games may be played
- 350. Eliminating obsolete requirement that Lottery Commission file racetrack video lottery game rules with Secretary of State
- 357. Relating generally to limited video lottery
- 403. Licensing advance deposit wagering
- 415. Permitting wagering on certain professional or collegiate sports events authorized as WV Lottery sports wagering activities
- 630. Relating to changes in distribution of certain racetrack video lottery net terminal income and excess lottery fund

#### **LEGISLATURE**

- 63. Limiting number of days legislators may be paid in extended and extraordinary sessions in certain cases
- 76. Relating to legislative members' retirement benefits
- 95. Providing procedure for WV to select delegates to Article V convention
- 104. Drug testing of legislators
- 151. Creating Appropriation Supremacy Act of 2018
- 292. Relating to Commission on Special Investigations
- 584. Finding certain claims against state to be moral obligations of state

#### **LEGISLATURE — RULEMAKING**

- 153. Department of Administration rule relating to state-owned vehicles
- 154. Authorizing Department of Administration to promulgate legislative rules
- 155. DEP rule relating to standards of performance for new stationary sources
- 156. DEP rule relating to control of air pollution from combustion of solid waste
- 157. DEP rule relating to control of air pollution from municipal solid waste
- 158. DEP rule relating to control of air pollution from hazardous waste treatment, storage and disposal facilities
- 159. DEP rule relating to emission standards for hazardous air pollutants
- 160. DEP rule relating to ambient air quality standards
- 161. DEP rule relating to surface mining reclamation
- 162. DEP rule relating to voluntary remediation and redevelopment
- 163. Authorizing DEP promulgate legislative rules
- 164. DEP rule relating to underground storage tanks
- 165. Authorizing DHHR promulgate legislative rules
- 166. DHHR rule relating to food establishments
- 167. DHHR rule relating to public water systems
- 168. DHHR rule relating to emergency medical services
- 169. DHHR rule relating to WV clearance for access
- 170. DHHR rule relating to development of methodologies to examine needs for substance use and disorder treatment facilities
- 171. DHHR rule relating to collection and exchange of data related to overdoses

172. Health Care Authority rule relating to financial disclosure
173. DHHR rule relating to child care centers licensing
174. DHHR rule relating to family child care facility licensing
175. DHHR rule relating to family child care home registration requirements
176. DHHR rule relating to child placing agencies
177. DHHR rule relating to informal and relative family child care home registration
178. DHHR rule relating to out-of-school-time child care center licensing
179. DHHR rule relating to drug screening of applicants for cash assistance
180. State Fire Commission rule relating to electrician licensing
181. Authorizing MAPS promulgate legislative rules
182. Governor's Committee on Crime, Delinquency and Correction rule relating to law-enforcement training and certification
183. Governor's Committee on Crime, Delinquency and Correction rule relating to protocol for law enforcement to domestic violence
184. Authorizing DOT promulgate legislative rules
185. Board of Accountancy rule relating to board rules and rules of professional conduct
186. Agriculture rule relating to animal disease control
187. Agriculture rule relating to auctioneers
188. Agriculture rule relating to noxious weeds
189. Agriculture rule relating to inspection of meat and poultry
190. Agriculture rule relating to WV apiary law
191. Agriculture rule relating to inspection of nontraditional, domesticated animals
192. Agriculture rule relating to charges for inspection services
193. Athletic Commission rule relating to administrative rules of WV State Athletic Commission
194. Athletic Commission rule relating to regulation of mixed martial arts
195. Board of Licensed Dietitians rule relating to licensure and renewal requirements
196. Board of Hearing Aid Dealers rule relating to governing WV Board of Hearing Aid Dealers
197. Board of Medicine rule relating to licensure, disciplinary and complaint procedures, continuing education, physician assistants
198. Board of Medicine rule relating to continuing education for physicians and podiatric physicians
199. Board of Optometry rule relating to rules of WV Board of Optometry
200. Board of Osteopathic Medicine rule relating to osteopathic physician assistants
201. Board of Pharmacy rule relating to licensure and practice of pharmacy
202. Board of Pharmacy rule relating to pharmacist recovery networks
203. Board of Pharmacy rule relating to immunizations administered by pharmacists and pharmacy interns

204. Board of Pharmacy rule relating to centralized prescriptions processing
205. Board of Pharmacy rule relating to Uniform Controlled Substances Act
206. Board of Pharmacy rule relating to registration of pharmacy technicians
207. Board of Pharmacy rule relating to controlled substances monitoring program
208. Board of Examiners of Psychologists rule relating to fees
209. Board of Examiners of Psychologists relating to rules for licensure as psychologist and/or school psychologist
210. Board of Examiners of Psychologists rule relating to code of conduct
211. Real Estate Appraiser Licensing and Certification Board rule relating to requirements for licensure and certification
212. Real Estate Commission rule relating to licensing real estate brokers, associate brokers and sales persons and conduct of brokerage business
213. Real Estate Commission rule relating to schedule of fees
214. Real Estate Commission rule relating to requirements for real estate courses, course providers and instructors
215. Secretary of State rule relating to procedures for canvassing elections
216. Secretary of State rule relating to procedures for handling ballots and counting write-in votes for optical scan ballots
217. Secretary of State rule relating to vote by mail pilot project phase 2
218. Board of Veterinary Medicine rule relating to organization, operation and licensing of veterinarians
219. Board of Veterinary Medicine rule relating to certified animal euthanasia technicians
220. Board of Veterinary Medicine rule relating to schedule of fees
221. Division of Labor rule relating to Zipline and Canopy Tour Responsibility Act
222. Division of Labor rule relating to bedding and upholstered furniture
223. Division of Labor rule relating to Amusement Rides and Amusement Attractions Safety Act
224. Division of Labor rule relating to Elevator Safety Act
225. Division of Labor rule relating to employer wage bonds
226. Division of Labor rule relating to registration of service persons and agencies
227. Division of Labor rule relating to registration of weighing and measuring devices used by businesses in commercial transactions
228. Office of Miners' Health, Safety and Training rule relating to operating diesel equipment in underground mines
229. DNR rule relating to hunting, fishing, and other outfitters and guides
230. Authorizing Department of Commerce promulgate legislative rules
231. DNR rule relating to general hunting
232. DNR rule relating to special migratory game bird hunting
233. DNR rule relating to miscellaneous permits and licenses
234. DNR rule relating to wildlife disease management

235. Lottery Commission rule relating to state lottery rules
236. Racing Commission rule relating to thoroughbred racing
237. Authorizing Department of Revenue promulgate legislative rules
238. Tax Department rule relating to payment of taxes by electronic funds transfer
239. Tax Department rule relating to property tax transfer
240. Tax Department rule relating to municipal sales and service and use tax administration

#### **LOCAL AND SPECIAL LAWS**

500. Authorizing City of White Sulphur Springs to expend principal and interest from special interest-bearing fund

#### **MAGISTRATES**

482. Allowing magistrates carry firearms in county courthouse or on premises of court of law

#### **MILITARY AND VETERANS**

47. Requiring Defense Department advocacy groups be notified in abuse or neglect of military person's child
55. Providing continued eligibility for developmental disability services to dependents of military personnel
66. Relating to in-state tuition rates for members of National Guard, military and reserve units
68. Creating Returning Veterans and Displaced Miners Jobs Act
71. Defining "veteran" as it pertains to veteran-owned business
123. Funding veterans' programs and volunteer fire departments
258. Exempting honorably discharged veterans from fees for license to carry deadly weapons
608. Creating misdemeanor offense of impersonating military

#### **MOTOR VEHICLES**

21. Requiring DMV create special registration plates for full-size special purpose off-road vehicles
34. Removing requirement that reconstructed vehicle be inspected prior to titling in certain cases
43. Authorizing DOH or local authorities establish minimum speed limits in certain areas
45. Providing special license plates for realtors
90. Repealing mandatory motor vehicle state inspections
116. Providing court costs collected under Second Chance Driver's License Program are not subject to 5 percent offset
140. Requiring photo identification on voter registration cards
241. Relating to used motor vehicle warranties

256. Requiring motor vehicles, trailers or semitrailers having hydraulically operated bed have warning device to alert driver
260. Requiring state-owned or -leased vehicles be registered
280. Allowing airports' emergency management and operations vehicles to use red flashing warning lights
294. Relating generally to suspension and revocation of driver's licenses for DUI
336. Providing certain DMV applicants ability to contribute to WV Department of Veterans Assistance
364. Allowing parent or legal guardian of homeschooled child provide signed statement for obtaining permit or license to operate motor vehicle
373. Providing special license plate to support adoption
420. Transferring Safety and Treatment Program from DHHR to DMV
563. Allowing persons operate small-engine mopeds without driver's license or while license is suspended or revoked
568. Deferring further proceedings for certain first offenses upon completion of Motor Vehicle Alcohol Test and Lock Program within 12 months
589. Relating to issuance of personalized plates for antique motor vehicles
590. Providing special license plate for curing childhood cancer

#### **MUNICIPALITIES**

10. Relating generally to PSC jurisdiction
59. Creating fund to relieve municipalities and counties of certain fire-related cleanup and demolition
98. Creating incentives to consolidate local governments
108. Creating Volunteer Firefighter Appreciation Act of 2018
137. Removing limitation on amount collected by county via hotel occupancy tax that may be used for medical care and emergency services
377. Removing firefighters from certain procedures for investigation and hearing of misconduct allegations
432. Relating to municipal home rule
479. Establishing local government monitoring by Auditor
521. Requiring chief executive of municipal law-enforcement agency be certified law-enforcement officer
529. Creating Citizen and State Accountability Act
531. Eliminating required waiting period for municipal court notifications to DMV
566. Relating to disability pensions of municipal employees
592. Adding examination of advanced care technician for firefighter paramedic
598. Relating to civil actions against county commissions and municipalities for injuries
612. Relating to sale of municipal property
617. Allowing municipal fire chiefs appoint deputy fire chief

#### **NATURAL RESOURCES**

14. Permitting guided bear hunting

24. Requiring DNR study use of nonemployee workforce to perform improvements
30. Relating generally to hunting with dogs
67. Exempting DNR police officers' pensions from state income tax
69. Exempting certain persons from hunting, fishing and trapping licenses and permit fees
81. Determining assessed value of shares of natural resources property
87. Allowing purchase of Class XS resident senior hunting, fishing and trapping licenses at age 65
112. Clarifying that natural resources police officers' subsistence allowance is pensionable
122. Limiting liability of Parks and Recreation section of DNR
143. Permitting DNR identification tag be used to identify trap
150. Relating to wind power projects
285. Establishing regional recreation authorities and areas
323. Creating Office of Outdoor Recreation
345. Authorizing DNR establish procedures and fee schedule for limited permit hunts
346. Permitting full-time nonresident students purchase lifetime resident hunting, trapping and fishing licenses
347. Relating to operation of motorboats
348. Allowing for disposal of service weapons of special DNR police officers
414. Requiring purchasers of roundwood collect and maintain certain information
416. Making fishing for catfish with bare hands lawful
421. Relating to crossbow hunting
424. Allowing developmentally disabled person purchase base hunting license free of charge
429. Relating to forest fires
438. Relating to debt service on bonds secured by State Excess Lottery Revenue Fund
451. Relating generally to hunting and fishing
452. Exempting hunting license information from public disclosure
455. Providing proceeds from oil and gas wells due to unknown persons be kept in special fund
498. Creating two-year pilot program allowing all-terrain or recreational vehicles in Cabwaylingo State Forest
508. Establishing State Trail Authority
536. Allowing foster and adoptive children obtain lifetime hunting, fishing and trapping license within two years of placement
544. Establishing WV DNR Police Officer's Retirement System
583. Bringing WV in compliance with federal pipeline safety regulations
594. Directing DNR to file rule relating to WV wildlife management areas
626. Relating generally to coal mining
629. Expanding conditions of permanent disability required for Class Q permit

**PROFESSIONS AND OCCUPATIONS**

1. Relating to partial filling of prescriptions
15. Including nurses employed by nursing homes in WV Nurse Overtime and Patient Safety Act
68. Creating Returning Veterans and Displaced Miners Jobs Act
103. Establishing tax credits for certain physicians who locate in WV to practice
121. Licensing practice of athletic training
257. Creating WV Counseling Protection Act
305. Requiring DHHR provide long-term care and substance abuse treatment facilities
312. Exempting certain employers from discriminating against tobacco users
313. Waiving occupational fees and licensing requirements for certain low-income individuals, military families, and young workers
434. Specifying documents not subject to discovery in certain proceedings
449. Using criminal conviction records to disqualify person from license or authorization to practice occupation
490. Relating to Revised Uniform Athlete Agents Act of 2015
499. Requiring one year of certain approved postgraduate clinical training for persons with foreign medical degrees
506. Deregulating persons who perform work on heating, ventilating, and cooling systems
521. Requiring chief executive of municipal law-enforcement agency be certified law-enforcement officer
597. Prohibiting individuals convicted of domestic violence misdemeanor from conducting private investigation business
604. Relating to temporary permits to perform social work functions within community health centers

**PUBLIC SAFETY**

36. Relating generally to DNA testing
53. Correcting code reference in regard to certain persons exempted from prohibitions against carrying concealed deadly weapons
74. Creating WV Volunteer Fire and Rescue Act of 2018
108. Creating Volunteer Firefighter Appreciation Act of 2018
123. Funding veterans' programs and volunteer fire departments
129. Limiting time prescriptions may be issued for certain controlled substances
134. Authorizing Division of Homeland Security and Emergency Management to engage individuals for emergency response and recovery
280. Allowing airports' emergency management and operations vehicles to use red flashing warning lights
291. Transferring child welfare enforcement responsibilities to WV State Police
293. Adding grievance and appellate procedures and judicial review for participants in DHHR safety and treatment program
294. Relating generally to suspension and revocation of driver's licenses for DUI

- 320. Permitting law-enforcement or humane officer remove animal from motor vehicle under certain circumstances
- 369. Relating to powers and authority of newly created divisions of Administrative Services and Corrections and Rehabilitation within MAPS
- 404. Relating to sex offender registry information
- 419. Establishing classification and base salaries of certain civilian employees of WV State Police Forensic Laboratory
- 541. Increasing salaries of WV State Police over three-year period
- 546. Improving coordination of law-enforcement agencies in finding missing persons and identifying remains

#### **PUBLIC SERVICE COMMISSION**

- 10. Relating generally to PSC jurisdiction
- 23. Relating generally to towing services and PSC jurisdiction
- 57. Relating to third-party litigation financing
- 396. Creating West Virginia Net Neutrality Act
- 402. Creating exemption from certain contract and common carrier laws for motor vehicles
- 409. Requiring training course in telephonic cardiopulmonary resuscitation for county emergency call dispatchers
- 457. Relating to jurisdiction of PSC over motor carriers
- 515. Clarifying PSC jurisdiction over water and sewer utilities
- 553. Requiring federal fingerprint background checks for transportation network company drivers and taxi drivers
- 600. Relating to powers and duties of PSC
- 631. Relating generally to one-call system

#### **REAL AND PERSONAL PROPERTY**

- 64. Requiring minimum standards of universal design for disabled persons in certain newly constructed buildings
- 148. Permitting surface owners purchase mineral interests when they become subject to tax lien
- 455. Providing proceeds from oil and gas wells due to unknown persons be kept in special fund
- 580. Updating language for WV geodetic datum to match federal coordinate systems

#### **RECORDS AND PAPERS**

- 543. Relating to confidentiality of medical records

#### **RETIREMENT**

- 58. Providing cost-of-living adjustment to certain state retirees
- 76. Relating to legislative members' retirement benefits
- 78. Continuing personal income tax adjustment for certain retirees



254. Expanding finance board's discretion to include subsidies from Retirement Health Benefit Trust Fund in its financial plans for certain employees
331. Relating to retirement and pension benefits of certain members of PERS and Teachers Retirement system
339. Relating to WV Retirement Health Benefit Trust Fund within PEIA
425. Removing sunset dates which members of policemen's or firemen's pension fund elect to participate in deferred retirement option plan
501. Relating to accrued benefit of retirees in Deputy Sheriff Retirement System
551. Relating to failure of employers to make contributions on behalf of employees to retirement plan administered by CPRB
632. Allowing retired judicial officers recalled to service to avoid limit on temporary payments under certain circumstances

### **ROADS AND TRANSPORTATION**

31. Providing special obligation notes to finance completion of I-73 and I-74 in WV
38. Allowing county commissions to set standards for certain county road projects
96. Establishing 80-miles per hour speed limit on certain roads
135. Relating to safety of tow trucks, wreckers and tilt-bed vehicles
255. Prohibiting transportation network company drivers from soliciting rides or occupying designated cab stands
306. Allowing grocery stores to sell certain amount of WV-made wine without license
307. Declaring fundraising on state highway or roadway by volunteer fire department is not obstruction or nuisance
309. Relating to outdoor advertising regulated by DOH
344. Requiring DOH implement program to recycle surplus metal supplies, materials and equipment
437. Relating to penalties for leaving motor vehicle unattended
444. Repealing antiquated code sections regarding safety glass and lighting in motor vehicles
445. Allowing DOH acquire real or personal property for utility accommodation
466. Bringing statutory interest rate paid in condemnation cases into conformity with current statutory rates
509. Authorizing Commissioner of Culture and History designate road as "Historic Route"
520. Increasing weight limits for vehicles on certain highways
539. Increasing limit for settling claims against DOH
577. Allowing commercial rental car providers to rent vehicles online
616. Establishing maximum gross weight for certain wood-bearing trucks
622. Imposing additional court costs on violations of seat belt usage

### **SALARIES**

56. Increasing state employees' pay over 2-year period

- 335. Protecting employees' wages or salaries from being withheld or diverted for political activities
- 349. Providing teachers with a three percent pay raise
- 472. Providing funds to DHHR for local boards of health employee pay raises
- 519. Increasing salaries of justices of WV Supreme Court of Appeals
- 540. Increasing salaries of magistrates, supreme court justices, circuit court judges, and family court judges
- 541. Increasing salaries of WV State Police over three-year period
- 635. Relating to 2019 salary adjustment for employees of DHHR

**SENIOR CITIZENS**

- 97. Creating fixed-income tax credit for low income seniors

**STATE PERSONNEL**

- 56. Increasing state employees' pay over 2-year period
- 277. Allowing public employees to cash out their retirement plans in lieu of pension payments
- 435. Removing elected or appointed officers
- 453. Fixing PEIA premium cost sharing at 85 percent for employer and 15 percent for employee
- 464. Changing statutory payment date for incremental salary increases due state employees
- 478. Relating to mandatory insurance coverage for treatment of mitochondrial disease and other similar conditions
- 486. Stabilizing PEIA benefits
- 505. Requiring contact information of state official or employee mobile phone furnished by employer be listed on directory or website
- 526. Providing salary increases for state employees over three-year period
- 551. Relating to failure of employers to make contributions on behalf of employees to retirement plan administered by CPRB

**TAXATION**

- 12. Creating 5-year tax credits for businesses on post-coal mine sites
- 22. Adjusting tax on electric-generating capacity of wind turbines
- 67. Exempting DNR police officers' pensions from state income tax
- 72. Allowing adjustment of gross income for calculating personal income tax liability of certain retirees
- 78. Continuing personal income tax adjustment for certain retirees
- 85. Allowing local governments to offset personal property tax rates with local sales tax
- 89. Creating educational expense tax credits
- 97. Creating fixed-income tax credit for low income seniors
- 100. Taxing digital goods, products and services

103. Establishing tax credits for certain physicians who locate in WV to practice
105. Establishing tax credit for certain college graduates who remain in state
108. Creating Volunteer Firefighter Appreciation Act of 2018
119. Establishing WV business growth in low-income communities tax credit
120. Restoring exception for florists from general sourcing rules for sales and use taxes
125. 2018 Tax Reform Act
126. Creating earned income tax credit for low income workers
131. Exempting certain services and personal property sold for repair, remodeling and maintenance of aircraft
137. Removing limitation on amount collected by county via hotel occupancy tax that may be used for medical care and emergency services
138. Exempting heating oil for residential use from motor fuel excise tax
139. Changing qualifier for low income for homestead tax credit
141. Expanding county assessment and collection of head tax on breeding cows
147. Exempting farm winery from certain taxes
264. Eliminating refundable exemption for road construction contractors
265. Updating meaning of certain terms in WV Corporation Net Income Tax Act
275. Relating to tax on purchases of intoxicating liquors
289. Entitling natural resource producers to economic opportunity tax credit
298. Authorizing county assessors make separate entries in landbooks when real property is partly used for exempt and partly for nonexempt purposes
300. Creating five-year tax credits for businesses locating on post-coal mine sites
311. Specifying consumers sales and service tax exemption for purchase of certain services and tangible personal property related to aircraft
316. Creating refundable personal income tax credit to encourage persons receiving public assistance to get married
338. Changing date for employers to file annual reconciliation and withholding statements
343. Limiting expenses in preparing list for notice to redeem
399. Creating Taxation with Representation Act
413. Levying 0.5 percent severance tax on deep sand gas and future cracker plants
427. Modifying form of notice for certain tax delinquencies
428. Relating to tax credit for making home more accessible for elderly or disabled
441. Relating to health care provider taxes
461. Extending time to file petition for motor fuel excise tax refund
477. Relating to five-year sunset on tax credits and incentives
486. Stabilizing PEIA benefits
489. Creating WV Volunteer First Responder Act of 2018
523. Relating to tax treatment of pollution control facilities and wind power projects
537. Implementing Business PROMISE+ Scholarship

- 538. Providing classroom teachers credit against personal income tax for nonreimbursed supplies
- 570. Limiting amount property reappraisal can increase
- 571. Fixing PEIA aggregate premium cost sharing
- 581. Allowing Tax Commissioner share certain tax information with certain state entities
- 596. Establishing WV Community Investment Tax Credit Program
- 601. Relating to personal income tax
- 609. Relating generally to valuation of natural resources property
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1 -	By Senators Weld, Trump, Cline, Woelfel, Baldwin, Maroney and Takubo: Relating to partial filling of prescriptions	7					7
2 -	By Senators Trump, Takubo, Rucker, Weld, Palumbo, Plymale, Prezioso, Unger, Woelfel, Cline, Baldwin and Maroney: Reducing use of opiates	7					8
3 -	By Senators Trump and Cline: Relating to venue for certain claims against state	8					8
4 -	By Senators Weld, Cline and Woelfel: Establishing Mental Health and Military Service Member Court program	8					9
5 -	By Senators Trump, Cline, Woelfel and Takubo: Relating to Medicaid fraud and abuse	9					10
6 -	By Senators Rucker and Karnes: Establishing education savings accounts for WV students	10					10, 177
*7 -	By Senators Trump, Cline and Takubo: Relating to claims under Wage Payment and Collection Act	10	238		324		10, 285, 313, 325, 1811
8 -	By Senators Gaunch and Trump: Permitting county boards of education to base certain workforce decisions on individual's qualifications	11					11, 177
9 -	By Senator Trump: Directing certain school funding to assist county boards with exceptional students with special needs	11					11
*10 -	By Senators Sypolt, Clements, Rucker, Smith, Maroney, Cline and Gaunch: Relating generally to PSC jurisdiction	11	289	416-445, 2847-2876	473, 2876	2847, 3294	12, 328, 355, 385, 416-445, 473, 2847-2876, 3317, 3324
11 -	By Senators Stollings, Ojeda, Prezioso, Plymale and Takubo: Relating generally to traumatic brain injury	12					12

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
12 -	By Senators Stollings, Ojeda and Beach: Creating 5-year tax credits for businesses on post-coal mine sites	12					13
13 -	By Senators Stollings, Prezioso, Woelfel, Baldwin and Beach: Raising age to purchase tobacco and related products to 21	13					13
14 -	By Senators Maynard, Cline, Maroney and Beach: Permitting guided bear hunting	13					13
15 -	By Senators Ojeda, Baldwin and Beach: Including nurses employed by nursing homes in WV Nurse Overtime and Patient Safety Act	13					13
16 -	By Senator Ojeda: Increasing penalties for shoplifting	13					14
17 -	By Senators Ojeda and Beach: Permitting certain ABCC appointees or employees to carry firearms	14					14
18 -	By Senators Ojeda and Beach: Relating generally to hiring of DOC and RJCFA correctional officers	14					14
19 -	By Senator Maynard: Requiring teachers to post online calendar of class activities	14					14
20 -	By Senators Maynard and Cline: Requiring election of State BOE members	14					14
21 -	By Senator Maynard: Requiring DMV create special registration plates for full-size special purpose off-road vehicles	15					15
22 -	By Senator Maynard: Adjusting tax on electric-generating capacity of wind turbines	15					15
23 -	By Senator Maynard: Relating generally to towing services and PSC jurisdiction	15					15

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
24 -	By Senator Maynard: Requiring DNR study use of nonemployee workforce to perform improvements	15					16
25 -	By Senator Maynard: Prohibiting doctors and lawyers from filing fraudulent disability claims	16					16
26 -	By Senator Maynard: Authorizing WV Disaster Recovery Board to restore access to property affected by natural or manmade disaster	16					16
27 -	By Senators Maynard and Rucker: Relating generally to School Building Authority's disbursement of funds	16					17
28 -	By Senator Maynard: Relating to hiring of school personnel	17					17
29 -	By Senator Maynard: Requiring school counselors to advise graduating students on availability of student aid	17					17
*30 -	By Senator Maynard: Relating generally to hunting with dogs	17	221, 977		1143		17, 222, 1052, 1096-1097, 1144
31 -	By Senators Maynard and Plymale: Providing special obligation notes to finance completion of I-73 and I-74 in WV	17					18
32 -	By Senator Maynard: Creating grant fund to encourage film and entertainment production in WV	18					18
33 -	By Senators Maynard and Beach: Creating WV Motorsports Committee	18					18
34 -	By Senator Maynard: Removing requirement that reconstructed vehicle be inspected prior to titling in certain cases	18					18
35 -	By Senator Woelfel: Requiring presuit mediation for certain civil actions	18					19

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*36 -	By Senators Woelfel and Plymale: Relating generally to DNA testing	19	290, 664		857	2147	19, 290, 736, 757, 788, 858, 3311, 3324
*37 -	By Senators Woelfel, Trump and Ojeda: Equalizing penalty for entering without breaking regardless of time of day	19	179		259	1542	20, 216, 234, 260, 2621, 3322
38 -	By Senators Maynard and Cline: Allowing county commissions to set standards for certain county road projects	20					20
**39 -	By Senators Woelfel, Baldwin, Plymale and Beach: Creating Sexual Assault Victims' Bill of Rights	20	179		260		20, 217, 234, 260
40 -	By Senators Romano, Ojeda, Baldwin and Woelfel: Requiring certain election expenditure disclosures	20					21
41 -	By Senator Woelfel: Increasing time school counselors spend on direct counseling	21					21
42 -	By Senators Romano, Ojeda, Maroney and Beach: Restoring one-percent surcharge on fire and casualty insurance policies to fund volunteer fire departments	21					21
43 -	By Senators Cline and Beach: Authorizing DOH or local authorities establish minimum speed limits in certain areas	21					22
44 -	By Senator Cline: Increasing criminal penalties for certain crimes against law-enforcement officers	22					22
45 -	By Senator Cline: Providing special license plates for realtors	22					22
*46 -	By Senators Cline and Takubo: Permitting pharmacists to inform customers of lower-cost alternative drugs	22	291	2980-2981	378, 2982	1673, 3294	22, 328, 255, 378, 456, 1673-1675, 1811-1812, 2561, 2979-2982, 3317, 3323



Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
47 -	By Senators Romano and Ojeda: Requiring Defense Department advocacy groups be notified in abuse or neglect of military person's child	22	240, 674	914	961	1812	22, 240, 886, 914, 961, 3306, 3322
48 -	By Senator Cline: Specifying forms of grandparent visitation	23					23
49 -	By Senators Boso, Woelfel, Cline and Maroney: Relating to funding sources for fire departments	23					23
50 -	By Senator Boso: Reporting by Supreme Court Administrator	23					23
*51 -	By Senators Gaunch and Cline: Relating to domestic relations	24	239	2983	325, 2984	2147, 3294	24, 285, 313, 325, 2147-2149, 2455, 2629, 2982-2984, 3317, 3323
52 -	By Senators Gaunch and Cline: Setting maximum licensed school psychologist-pupil ratio at 1,500 pupils for each psychologist	24					24
*53 -	By Senator Palumbo: Correcting code reference in regard to certain persons exempted from prohibitions against carrying concealed deadly weapons	24	149		211-212		25, 176, 201, 212
54 -	By Senators Palumbo, Trump, Stollings, Prezioso, Baldwin and Woelfel: Creating Independent Redistricting Commission	25					26
55 -	By Senators Romano, Ojeda and Beach: Providing continued eligibility for developmental disability services to dependents of military personnel	26					26
56 -	By Senators Romano, Ojeda, Stollings and Maroney: Increasing state employees' pay over 2-year period	26					26
*57 -	By Senator Romano: Relating to third-party litigation financing	26	640		752		27, 642, 701, 735, 752

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
58 -	By Senators Romano, Ojeda, Stollings and Woelfel: Providing cost-of-living adjustment to certain state retirees	27					27
59 -	By Senators Romano, Ojeda and Beach: Creating fund to relieve municipalities and counties of certain fire-related cleanup and demolition	27					27
60 -	By Senators Rucker, Maynard and Karnes: Providing compensation to victims of abusive lawsuits	28					28
61 -	By Senators Takubo, Stollings, Prezioso, Woelfel and Baldwin: Prohibiting smoking in motor vehicle when minor 16 years old or less is present	28	764				28, 764
62 -	By Senator Prezioso: Adjusting requirements for hiring school attendance directors	28	150	761	213, 761	761	28, 176, 201, 213, 762, 977, 1054
63 -	By Senators Prezioso, Ojeda, Woelfel and Baldwin: Limiting number of days legislators may be paid in extended and extraordinary sessions in certain cases	28					28
64 -	By Senators Prezioso and Boso: Requiring minimum standards of universal design for disabled persons in certain newly constructed buildings	29					29
65 -	By Senators Weld, Cline and Takubo: Accessing controlled substance monitoring information	29					29
66 -	By Senators Weld, Prezioso, Cline and Plymale: Relating to in-state tuition rates for members of National Guard, military and reserve units	29	240				29, 241
67 -	By Senators Weld and Cline: Exempting DNR police officers' pensions from state income tax	29	167, 222		309		30, 167, 263, 284, 309
68 -	By Senators Ojeda and Stollings: Creating Returning Veterans and Displaced Miners Jobs Act	30					30

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
69 -	By Senators Weld, Boso and Cline: Exempting certain persons from hunting, fishing and trapping licenses and permit fees	30					30
70 -	By Senators Weld, Boso, Prezioso, Cline and Takubo: Creating felony offense of aggravated animal cruelty	30					30
*71 -	By Senators Weld, Prezioso and Cline: Defining "veteran" as it pertains to veteran-owned business	31	241, 291		378	1118	31, 241, 328, 355, 379, 456, 1584, 1774
72 -	By Senators Weld and Cline: Allowing adjustment of gross income for calculating personal income tax liability of certain retirees	31					31
*73 -	By Senators Weld and Cline: Modifying crime of fleeing from scene of accident	31	130		196	1742	31, 164, 175, 196, 2621, 3324
74 -	By Senators Trump, Cline, Woelfel and Baldwin: Creating WV Volunteer Fire and Rescue Act of 2018	31					31
*75 -	By Senators Ferns and Maroney: Relating to sale or transfer of video lottery locations	32	181		261		32, 217, 234, 261
76 -	By Senator Ferns: Relating to legislative members' retirement benefits	32					32
77 -	By Senators Ferns and Cline: Providing rebuttable presumptions for certain injuries and diseases for workers' compensation coverage for police and firefighters	32					32
78 -	By Senators Ferns and Cline: Continuing personal income tax adjustment for certain retirees	32	394, 585		689		33, 395, 633, 658, 690
79 -	By Senators Ferns, Stollings and Cline: Relating to access to adoption records	33					33
80 -	By Senator Ferns: Powers and duties of local boards of health	33					34

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*82 -	By Senators Ferns and Cline: Including rebuttable presumptions in certain cases for firefighters with regard to workers' compensation	34	1102	1214, 1269	1269	2877	34, 1103, 1157, 1214, 1270, 3317, 3324
83 -	By Senator Karnes: Relating to higher education student success	34					35
84 -	By Senators Karnes, Boso, Rucker and Maynard: Prohibiting abortion coverage in certain qualified health care plans	35					35
85 -	By Senator Karnes: Allowing local governments to offset personal property tax rates with local sales tax	35					35
86 -	By Senators Karnes, Trump, Cline and Takubo: Permitting sale of home-based, micro-processed foods at farmers markets	35					36
*87 -	By Senators Karnes and Cline: Allowing purchase of Class XS resident senior hunting, fishing and trapping licenses at age 65	36	585, 765		961		36, 585, 886, 915, 962
88 -	By Senator Karnes: Providing resident farm vendor's bidding preference	36					36
89 -	By Senators Karnes and Takubo: Creating educational expense tax credits	36					36
90 -	By Senator Karnes: Repealing mandatory motor vehicle state inspections	36					37
91 -	By Senator Karnes: Relating to care of aborted fetuses	37					37
92 -	By Senators Karnes, Boso, Rucker and Maynard: Limiting health insurance coverage for elective abortions to supplemental policies	37					37

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
93 -	By Senators Karnes, Rucker and Maynard: Establishing WV Freedom of Conscience Protection Act	37					37
*94 -	By Senator Karnes: Prohibiting counties from regulating fireworks	38	458				38, 581, 607-608
95 -	By Senators Karnes, Rucker and Maynard: Providing procedure for WV to select delegates to Article V convention	38					38
96 -	By Senator Karnes: Establishing 80-miles per hour speed limit on certain roads	38					38, 177
97 -	By Senator Karnes: Creating fixed-income tax credit for low income seniors	39					39
*98 -	By Senators Palumbo, Gaunch, Drennan, Takubo and Beach: Creating incentives to consolidate local governments	39	150		213		39, 177, 201, 213
99 -	By Senators Beach, Palumbo and Ojeda: Prohibiting discrimination based on age or sexual orientation in certain circumstances	39					40
100 -	By Senator Romano: Taxing digital goods, products and services	40					40
101 -	By Senators Trump, Takubo and Woelfel: Creating one-day special license for charitable events to sell nonintoxicating beer	40					40
*102 -	By Senator Trump: Creating WV Uniform Fiduciary Access to Digital Assets Act	40	395	1812-1838	600, 1838	1812	41, 555, 574, 600, 634, 1838, 3306, 3324
103 -	By Senator Takubo: Establishing tax credits for certain physicians who locate in WV to practice	41	292				41, 292
104 -	By Senators Baldwin, Ojeda, Prezioso and Plymale: Drug testing of legislators	42					42

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
105 -	By Senators Baldwin and Ojeda: Establishing tax credit for certain college graduates who remain in state	42					42
106 -	By Senators Baldwin and Maroney: Legalizing certain sport pool betting	42					43
107 -	By Senator Ferns: Establishing Mental Health, Veteran and Service Members Court	43					43
108 -	By Senators Ojeda and Beach: Creating Volunteer Firefighter Appreciation Act of 2018	43					44
109 -	By Senator Trump: Limiting funds deducted from Unclaimed Property Fund during fiscal year	44					44
*110 -	By Senator Trump: Requiring certain licensees notify law enforcement or EMS of life-threatening emergency on premises	44	151	1743-1745	214, 1745	1742	45, 177, 201, 214, 1746, 2622, 3322
111 -	By Senators Trump, Rucker, Maynard and Karnes: Enacting Forming Open and Robust University Minds Act	45					45
112 -	By Senators Trump and Boso: Clarifying that natural resources police officers' subsistence allowance is pensionable	45	978		1144		45, 978, 1053, 1097, 1144
113 -	By Senators Trump and Boso: Improper use or representation of service animals	45					45
114 -	By Senators Trump, Boso, Prezioso, Plymale and Woelfel: Posting of National Human Trafficking Resource Center hotline number	45					46
115 -	By Senator Trump: Requiring Agriculture Commissioner sell all department-owned farms by certain date	46					46

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*116 -	By Senator Trump: Providing court costs collected under Second Chance Driver's License Program are not subject to 5 percent offset	46	182, 222		309-310		46, 183, 263, 284, 310
117 -	By Senators Palumbo, Ojeda, Stollings and Prezioso: Requiring vacancies in certain elected offices be filled by person of same political party as previous officeholder	46					46
118 -	By Senators Ferns and Boso: Revising law regulating election financing	47					50
*119 -	By Senators Ferns and Boso: Establishing WV business growth in low-income communities tax credit	50	705				51, 706
120 -	By Senators Plymale and Baldwin: Restoring exception for florists from general sourcing rules for sales and use taxes	51					51
121 -	By Senators Plymale and Stollings: Licensing practice of athletic training	51					52
122 -	By Senator Plymale: Limiting liability of Parks and Recreation section of DNR	52					52
123 -	By Senators Baldwin and Ojeda: Funding veterans' programs and volunteer fire departments	52					53
124 -	By Senators Karnes, Rucker, Maynard and Takubo: Providing authorization and oversight of public charter schools	53					55
125 -	By Senator Karnes: 2018 Tax Reform Act	55					56
126 -	By Senator Karnes: Creating earned income tax credit for low income workers	56					56
127 -	By Senator Trump: Relating to personal representatives of estates	56					57

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
128 -	By Senators Karnes, Rucker and Maynard: Establishing education expenses tax credit	57					57
129 -	By Senators Baldwin, Ojeda, Beach and Woelfel: Limiting time prescriptions may be issued for certain controlled substances	57					57
*130 -	By Senators Trump, Rucker, Maynard, Karnes and Takubo: Creating Tim Tebow Act	58	106				58, 107
131 -	By Senators Boso, Swope, Beach, Gaunch, Maynard, Plymale, Rucker and Cline: Exempting certain services and personal property sold for repair, remodeling and maintenance of aircraft	58					58
132 -	By Senators Stollings, Ojeda, Prezioso, Takubo and Woelfel: Supplemental appropriation from surplus balance to DHHR Division of Tobacco Education Program	58					59
*133 -	By Senators Gaunch, Blair, Swope, Baldwin, Jeffries, Boso and Ojeda: Exempting renewal of certain contracts entered into during declared state of emergency	59	152	1839-1840	214, 1840	1838	59, 177, 201, 215, 1841, 3306, 3322
*134 -	By Senators Gaunch, Blair, Swope, Baldwin, Jeffries, Ojeda, Cline and Maroney: Authorizing Division of Homeland Security and Emergency Management to engage individuals for emergency response and recovery	59	153, 183	1542	262, 1543	1542, 1746	59, 154, 217, 234-235, 262, 1543, 1612-1613, 2622, 3322
135 -	By Senator Beach: Relating to safety of tow trucks, wreckers and tilt-bed vehicles	59					59
136 -	By Senators Trump and Rucker: Providing addition of mini-distillery does not change nature of agricultural property for building code and property tax classification purposes	59					60



Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
137 -	By Senator Sypolt: Removing limitation on amount collected by county via hotel occupancy tax that may be used for medical care and emergency services	60					60
138 -	By Senator Sypolt: Exempting heating oil for residential use from motor fuel excise tax	60					60
139 -	By Senator Sypolt: Changing qualifier for low income for homestead tax credit	60					60
140 -	By Senators Sypolt and Cline: Requiring photo identification on voter registration cards	60					61
**141 -	By Senator Sypolt: Expanding county assessment and collection of head tax on breeding cows	61	292, 458	2877	630, 2878	2877	61, 293, 581, 608, 630, 2877-2878, 3317
142 -	By Senator Sypolt: Reducing number of strikes defendant has in criminal proceedings from six to four	61					61
143 -	By Senator Sypolt: Permitting DNR identification tag be used to identify trap	61	223	1676	310, 1676	1675	61, 263, 284, 310, 1676, 2622, 3322
144 -	By Senator Sypolt: Providing for nonpartisan election of county surveyors	61					62
145 -	By Senator Sypolt: Relating to inspection of meat and poultry	62					62
*146 -	By Senator Trump: Correcting technical error within Solid Waste Management Act	62	167		233	1544	62, 202, 216, 234, 2622, 3322
147 -	By Senator Sypolt: Exempting farm winery from certain taxes	62					62
*148 -	By Senator Sypolt: Permitting surface owners purchase mineral interests when they become subject to tax lien	62	1036				63, 1037
149 -	By Senators Trump, Takubo and Woelfel: Establishing safeguards for treatment of acute pain and opioid medications	63					63, 3331

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
150 -	By Senators Smith and Cline: Relating to wind power projects	63	154				63, 154
151 -	By Senator Trump: Creating Appropriation Supremacy Act of 2018	63	586				64, 586
*152 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Budget Bill	76	1741, 1880	1881- 2094, 2630- 2845	2251, 2846	2630	76, 1741, 2094, 2251, 2630-2845, 3307, 3326-3329
153 -	By Senator Maynard: Department of Administration rule relating to state-owned vehicles	77	131				77
*154 -	By Senator Maynard: Authorizing Department of Administration to promulgate legislative rules	77	131		197	888	77, 164, 175, 197, 1055, 1299
155 -	By Senator Maynard: DEP rule relating to standards of performance for new stationary sources	77	154, 223				77, 155
156 -	By Senator Maynard: DEP rule relating to control of air pollution from combustion of solid waste	77	154, 223				78, 155
157 -	By Senator Maynard: DEP rule relating to control of air pollution from municipal solid waste	78	154, 223				78, 155
158 -	By Senator Maynard: DEP rule relating to control of air pollution from hazardous waste treatment, storage and disposal facilities	78	154, 223				78, 155
159 -	By Senator Maynard: DEP rule relating to emission standards for hazardous air pollutants	78	154, 223				78, 155
160 -	By Senator Maynard: DEP rule relating to ambient air quality standards	78	154, 223				79, 155
161 -	By Senator Maynard: DEP rule relating to surface mining reclamation	79	183, 223				79, 184
162 -	By Senator Maynard: DEP rule relating to voluntary remediation and redevelopment	79	155, 223				79, 155

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*163 -	By Senator Maynard: Authorizing DEP promulgate legislative rules	79	155, 223	348-349	349	919	79, 155, 201, 263, 284, 311, 325, 348-350, 1055, 1299
164 -	By Senator Maynard: DEP rule relating to underground storage tanks	79	155, 223				80, 155
*165 -	By Senator Maynard: Authorizing DHHR promulgate legislative rules	80	155, 266	920-925	350, 925	919-920	80, 156, 313, 326, 351, 926, 1159, 1299
166 -	By Senator Maynard: DHHR rule relating to food establishments	80	155, 266				80, 156
167 -	By Senator Maynard: DHHR rule relating to public water systems	80	156, 266				80, 156
168 -	By Senator Maynard: DHHR rule relating to emergency medical services	80	155, 266				80, 156
169 -	By Senator Maynard: DHHR rule relating to WV clearance for access	80	156, 266				81, 156
170 -	By Senator Maynard: DHHR rule relating to development of methodologies to examine needs for substance use and disorder treatment facilities	81	155, 266				81, 156
171 -	By Senator Maynard: DHHR rule relating to collection and exchange of data related to overdoses	81	156, 266				81, 156
172 -	By Senator Maynard: Health Care Authority rule relating to financial disclosure	81	184, 266				81, 184
173 -	By Senator Maynard: DHHR rule relating to child care centers licensing	81	185, 266				82, 185
174 -	By Senator Maynard: DHHR rule relating to family child care facility licensing	82	185, 266				82, 185
175 -	By Senator Maynard: DHHR rule relating to family child care home registration requirements	82	185, 266				82, 185
176 -	By Senator Maynard: DHHR rule relating to child placing agencies	82					82

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
177 -	By Senator Maynard: DHHR rule relating to informal and relative family child care home registration	82	185, 266				82, 185
178 -	By Senator Maynard: DHHR rule relating to out-of-school-time child care center licensing	83	185, 266				83, 185
179 -	By Senator Maynard: DHHR rule relating to drug screening of applicants for cash assistance	83	185, 266				83, 185
180 -	By Senator Maynard: State Fire Commission rule relating to electrician licensing	83					83
*181 -	By Senator Maynard: Authorizing MAPS promulgate legislative rules	83	396	1468-1469	600, 1470	1468	83, 555, 574, 600-601, 634, 1470, 2622, 3322
182 -	By Senator Maynard: Governor's Committee on Crime, Delinquency and Correction rule relating to law-enforcement training and certification	83	396				84
183 -	By Senator Maynard: Governor's Committee on Crime, Delinquency and Correction rule relating to protocol for law enforcement to domestic violence	84	396				84
*184 -	By Senator Maynard: Authorizing DOT promulgate legislative rules	84	293	888	379, 889	888	84, 328, 355, 379, 456, 889, 1055, 1299
185 -	By Senator Maynard: Board of Accountancy rule relating to board rules and rules of professional conduct	84					84
186 -	By Senator Maynard: Agriculture rule relating to animal disease control	84					84
187 -	By Senator Maynard: Agriculture rule relating to auctioneers	84					85
188 -	By Senator Maynard: Agriculture rule relating to noxious weeds	85					85
189 -	By Senator Maynard: Agriculture rule relating to inspection of meat and poultry	85					85

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
190 -	By Senator Maynard: Agriculture rule relating to WV apiary law	85					85
191 -	By Senator Maynard: Agriculture rule relating to inspection of nontraditional, domesticated animals	85					85
192 -	By Senator Maynard: Agriculture rule relating to charges for inspection services	85					86
193 -	By Senator Maynard: Athletic Commission rule relating to administrative rules of WV State Athletic Commission	86					86
194 -	By Senator Maynard: Athletic Commission rule relating to regulation of mixed martial arts	86					86
195 -	By Senator Maynard: Board of Licensed Dietitians rule relating to licensure and renewal requirements	86					86
196 -	By Senator Maynard: Board of Hearing Aid Dealers rule relating to governing WV Board of Hearing Aid Dealers	86					86
197 -	By Senator Maynard: Board of Medicine rule relating to licensure, disciplinary and complaint procedures, continuing education, physician assistants	86					87
198 -	By Senator Maynard: Board of Medicine rule relating to continuing education for physicians and podiatric physicians	87					87
199 -	By Senator Maynard: Board of Optometry rule relating to rules of WV Board of Optometry	87					87
200 -	By Senator Maynard: Board of Osteopathic Medicine rule relating to osteopathic physician assistants	87					87
201 -	By Senator Maynard: Board of Pharmacy rule relating to licensure and practice of pharmacy	87					87

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
202 -	By Senator Maynard: Board of Pharmacy rule relating to pharmacist recovery networks	87					87
203 -	By Senator Maynard: Board of Pharmacy rule relating to immunizations administered by pharmacists and pharmacy interns	88					88
204 -	By Senator Maynard: Board of Pharmacy rule relating to centralized prescriptions processing	88					88
205 -	By Senator Maynard: Board of Pharmacy rule relating to Uniform Controlled Substances Act	88					88
206 -	By Senator Maynard: Board of Pharmacy rule relating to registration of pharmacy technicians	88					88
207 -	By Senator Maynard: Board of Pharmacy rule relating to controlled substances monitoring program	88					88
208 -	By Senator Maynard: Board of Examiners of Psychologists rule relating to fees	88					89
209 -	By Senator Maynard: Board of Examiners of Psychologists relating to rules for licensure as psychologist and/or school psychologist	89					89
210 -	By Senator Maynard: Board of Examiners of Psychologists rule relating to code of conduct	89					89
211 -	By Senator Maynard: Real Estate Appraiser Licensing and Certification Board rule relating to requirements for licensure and certification	89					89
212 -	By Senator Maynard: Real Estate Commission rule relating to licensing real estate brokers, associate brokers and sales persons and conduct of brokerage business	89					89

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
213 -	By Senator Maynard: Real Estate Commission rule relating to schedule of fees	90					90
214 -	By Senator Maynard: Real Estate Commission rule relating to requirements for real estate courses, course providers and instructors	90					90
215 -	By Senator Maynard: Secretary of State rule relating to procedures for canvassing elections	90					90
216 -	By Senator Maynard: Secretary of State rule relating to procedures for handling ballots and counting write-in votes for optical scan ballots	90					90
217 -	By Senator Maynard: Secretary of State rule relating to vote by mail pilot project phase 2	90					90
218 -	By Senator Maynard: Board of Veterinary Medicine rule relating to organization, operation and licensing of veterinarians	91					91
219 -	By Senator Maynard: Board of Veterinary Medicine rule relating to certified animal euthanasia technicians	91					91
220 -	By Senator Maynard: Board of Veterinary Medicine rule relating to schedule of fees	91					91
221 -	By Senator Maynard: Division of Labor rule relating to Zipline and Canopy Tour Responsibility Act	91	459				91
222 -	By Senator Maynard: Division of Labor rule relating to bedding and upholstered furniture	91	459				91
223 -	By Senator Maynard: Division of Labor rule relating to Amusement Rides and Amusement Attractions Safety Act	92	459				92
224 -	By Senator Maynard: Division of Labor rule relating to Elevator Safety Act	92	459				92

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
225 -	By Senator Maynard: Division of Labor rule relating to employer wage bonds	92	459				92
226 -	By Senator Maynard: Division of Labor rule relating to registration of service persons and agencies	92	459				92
227 -	By Senator Maynard: Division of Labor rule relating to registration of weighing and measuring devices used by businesses in commercial transactions	92	459				92
228 -	By Senator Maynard: Office of Miners' Health, Safety and Training rule relating to operating diesel equipment in underground mines	93	186, 459				93, 186
229 -	By Senator Maynard: DNR rule relating to hunting, fishing, and other outfitters and guides	93	132, 459				93, 132
*230 -	By Senator Maynard: Authorizing Department of Commerce promulgate legislative rules	93	132, 459	2878- 2883	630, 2883	2878	93, 132, 581, 608, 631, 2878-2884, 3317, 3323
231 -	By Senator Maynard: DNR rule relating to general hunting	93	132, 459				93, 132
232 -	By Senator Maynard: DNR rule relating to special migratory game bird hunting	93	132, 459				94, 132
233 -	By Senator Maynard: DNR rule relating to miscellaneous permits and licenses	94	132, 459				94, 132
234 -	By Senator Maynard: DNR rule relating to wildlife disease management	94	224				94, 225
235 -	By Senator Maynard: Lottery Commission rule relating to state lottery rules	94	186, 293				94, 187
236 -	By Senator Maynard: Racing Commission rule relating to thoroughbred racing	94	186, 293				94, 187
*237 -	By Senator Maynard: Authorizing Department of Revenue promulgate legislative rules	95	187, 293	356, 1176- 1181	380, 1181	1176	95, 187, 328, 356, 380, 456, 1181-1182, 1584, 1774



Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
238 -	By Senator Maynard: Tax Department rule relating to payment of taxes by electronic funds transfer	95	186, 293				95, 187
239 -	By Senator Maynard: Tax Department rule relating to property tax transfer	95	186, 293				95, 187
240 -	By Senator Maynard: Tax Department rule relating to municipal sales and service and use tax administration	95	186, 293				95, 187
241 -	By Senators Trump and Blair: Relating to used motor vehicle warranties	95					96
242 -	By Senators Trump, Blair, Maroney and Rucker: Requiring health insurance providers provide coverage for certain Lyme disease treatment	96	294	356-357, 381	381	2562	96, 103, 328, 358, 381, 456, 3311, 3322
243 -	By Senators Trump, Unger, Blair and Rucker: Increasing number of Berkeley County magistrates	96					96
*244 -	By Senators Azinger and Rucker: Specifying conditions for unlawful possession of firearm at school-sponsored activities	96	361	601-602, 2884-2886	602, 2886	2884, 3294	97, 362, 455, 481, 569, 601-602, 634, 2884-2886, 3317, 3324
245 -	By Senator Azinger: Prohibiting use of communication facility in commission of felony	97					97
246 -	By Senators Azinger and Cline: Increasing penalty for burglary under certain circumstances	97					97
247 -	By Senators Azinger and Cline: Relating to crime of attempted murder	97					97
248 -	By Senators Azinger, Rucker and Cline: Raising age to 16 for children who are victims of certain sexual offenses	97					98
249 -	By Senators Azinger and Cline: Relating to felony possession of stolen firearm with altered serial number	98					98

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
250 -	By Senators Azinger and Cline: Relating to crime of aggravated malicious wounding	98					98
251 -	By Senators Azinger and Cline: Relating to administration of Naloxone or other approved opioid antagonist by first responders	98					98
252 -	By Senators Azinger and Cline: Requiring schools provide elective course on certain religious texts	98					99
253 -	By Senators Plymale, Unger and Boso: Relating generally to associate of science degrees which target workforce needs	99					99
254 -	By Senators Trump and Blair: Expanding finance board's discretion to include subsidies from Retirement Health Benefit Trust Fund in its financial plans for certain employees	99					99
255 -	By Senator Beach: Prohibiting transportation network company drivers from soliciting rides or occupying designated cab stands	107					107
256 -	By Senator Cline: Requiring motor vehicles, trailers or semitrailers having hydraulically operated bed have warning device to alert driver	107					108
257 -	By Senator Azinger: Creating WV Counseling Protection Act	108					108, 217
**258 -	By Senators Azinger and Cline: Exempting honorably discharged veterans from fees for license to carry deadly weapons	108	268, 332		474		108, 268, 388, 445, 473-474
259 -	By Senators Jeffries, Stollings, Gaunch, Romano and Swope: Clarifying process to assess lowest qualified bidder in government construction contracts	108					109
260 -	By Senators Beach and Romano: Requiring state-owned or -leased vehicles be registered	109					109

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*261 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Transferring certain powers and programs of WV Affordable Housing Trust Fund to WV Housing Development Fund	109	1122	1331, 2562-2588	1332, 2588-2589	2562, 3295	110, 1123, 1245, 1287, 1331-1332, 2562-2589, 3317, 3323
262 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Providing certain Division of Corrections, Division of Juvenile Services and WV Regional Jail Authority pay equity salary adjustment	110					110
263 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Eliminating film tax credits	110	157		215	315	110, 177, 215, 331, 347
264 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Eliminating refundable exemption for road construction contractors	110					111
265 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Updating meaning of certain terms in WV Corporation Net Income Tax Act	111					111
266 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Updating meaning of certain terms used in WV Personal Income Tax Act	111					111
*267 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Increasing salaries of certain state employees	111	187, 295, 1001	1001-1025	475, 1026	802, 1027	112, 188, 328, 358, 385, 445-454, 474-476, 802-826, 904-905, 1001-1026, 1055, 1102
*268 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Eliminating requirement that certain agencies purchase commodities produced on institutional farms	112	296, 332		476		112, 296, 388, 454, 476

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*269 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Establishing 2018 Regulatory Reform Act	112	1123				113, 1125
270 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Authorizing DNR implement silvicultural management for state park lands	116					117, 347, 472, 956
*271 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Creating centralized Shared Services Section of Department of Administration	117	241, 585	2887	690, 2887	2886	117, 243, 633, 658, 690, 2886-2887, 3317, 3323
**272 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Relating generally to drug control	117	362, 612	1841-1844	729, 1844	1841	118, 363, 661, 700, 729, 1845, 3306, 3324
**273 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Reducing use of certain prescription drugs	118	461, 706	865-866, 869, 906, 907, 2589-2594	907, 2595	2589	118, 462, 759, 796, 865-869, 906-908, 2589-2595, 3317, 3324
274 -	By Senator Karnes: Relating generally to horse and dog racing lottery	118					120
*275 -	By Senators Clements, Azinger, Beach, Jeffries, Maroney, Prezioso, Romano, Unger, Takubo, Stollings and Cline: Relating to tax on purchases of intoxicating liquors	120	1056	2595-2597	1200, 2597	2595, 3295	120, 1100, 1151, 1201, 2595-2597, 3317, 3324
276 -	By Senators Karnes, Azinger and Rucker: Limiting DEP employees from entering private lands for environmental purposes only	120					121
*277 -	By Senators Karnes, Drennan, Rucker, Boso and Cline: Allowing public employees to cash out their retirement plans in lieu of pension payments	121	895				121, 896
278 -	By Senator Maynard: Providing for disposition of vacated school buildings or other state-owned buildings	121					121

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
279 -	By Senator Ojeda: Requiring correctional officers be paid overtime	121					121
280 -	By Senators Gaunch, Boso, Maynard, Blair and Cline: Allowing airports' emergency management and operations vehicles to use red flashing warning lights	121	243		325-326		121, 285, 313, 326
281 -	By Senators Gaunch, Maynard, Baldwin, Boso, Clements, Jeffries, Maroney, Palumbo, Smith, Sypolt, Takubo, Weld and Cline: Relating to state's spending units	122					122
282 -	By Senators Gaunch, Baldwin, Blair, Jeffries, Swope, Boso and Cline: Exempting State Conservation Committee from Purchasing Division requirements for contracts related to flood recovery	122	1159		1332, 3141	2149, 3295	122, 1245, 1287, 1333, 2149-2151, 2455-2456, 3039, 3140-3142, 3318, 3324
*283 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Relating generally to procurement by state agencies	122	363, 583	2887-2901	691, 2901	2887, 3183	123, 365, 633, 658, 691, 2887-2901, 3318, 3324
**284 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Increasing access to career education and workforce training	123	243, 268		351		124, 244, 313, 326, 352
*285 -	By Senators Karnes and Boso: Establishing regional recreation authorities and areas	124	270	327, 353	352-353		124, 271, 313, 326-327, 354
286 -	By Senators Gaunch, Baldwin, Blair, Jeffries, Swope and Cline: Granting State Conservation Committee authority to contract for flood response and related stream restoration work	124					125
287 -	By Senators Gaunch, Maynard, Baldwin, Boso, Clements, Jeffries, Maroney, Smith, Sypolt, Takubo, Weld, Cline, Rucker and Stollings: Creating and maintaining centralized state vehicle inventory system	133					134

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*288 -	By Senators Gaunch, Maynard, Boso, Clements, Jeffries, Maroney, Palumbo, Smith, Takubo, Weld and Cline: Regulating cremation, embalming and directing of funeral service	134	665, 3188	3058-3115, 3188-3190	788, 3190	3057	134, 359, 736, 757, 788-789, 3058-3117, 3191
289 -	By Senators Smith and Cline: Entitling natural resource producers to economic opportunity tax credit	134					135
*290 -	By Senators Smith, Azinger, Boso, Clements and Cline: Relating to DEP standards of water quality and effluent limitations	135	205, 613		753	2597	135, 205, 661, 700, 729, 753, 3311, 3324
291 -	By Senator Smith: Transferring child welfare enforcement responsibilities to WV State Police	135					135
*292 -	By Senators Woelfel and Trump: Relating to Commission on Special Investigations	135	180	235	263		136, 217, 235, 263
*293 -	By Senators Rucker, Azinger, Clements, Gaunch, Maynard and Cline: Adding grievance and appellate procedures and judicial review for participants in DHHR safety and treatment program	136	765				137, 766
294 -	By Senators Trump, Cline and Boso: Relating generally to suspension and revocation of driver's licenses for DUI	137					140
295 -	By Senator Boso: Relating to Local Powers Act	140	244, 1248		1333		141, 245, 1248, 1287, 1333
296 -	By Senators Blair, Boley, Boso, Drennan, Facemire, Ferns, Gaunch, Maroney, Palumbo, Plymale, Prezioso and Stollings (originating in Senate Finance): Relating to sale or transfer of surplus property	145	145		198		164, 175, 198
297 -	By Senators Blair, Boley, Boso, Drennan, Facemire, Ferns, Gaunch, Maroney, Palumbo, Plymale, Prezioso and Stollings (originating in Senate Finance): Eliminating taxation on annuity considerations collected by life insurer	146	146		198		164, 175, 199

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
298 -	By Senators Blair, Boley, Boso, Drennan, Facemire, Ferns, Gaunch, Maroney, Palumbo, Plymale, Prezioso and Stollings (originating in Senate Finance): Authorizing county assessors make separate entries in landbooks when real property is partly used for exempt and partly for nonexempt purposes	146	146	2152	199, 2152	2151	164, 176, 199, 2153, 3314, 3323
299 -	By Senators Boley, Boso, Drennan, Facemire, Ferns, Gaunch, Maroney, Palumbo, Plymale, Prezioso, Stollings and Blair (originating in Senate Finance): Relating to mandatory insurance coverage for medical foods for amino acid-based formulas	147	147	2153- 2171	199, 2171	2153	164, 176, 200, 2172, 3314, 3324
300 -	By Senators Stollings, Blair, Boley, Boso, Drennan, Facemire, Ferns, Gaunch, Maroney, Palumbo, Plymale and Prezioso (originating in Senate Finance): Creating five-year tax credits for businesses locating on post-coal mine sites	147	147	202	216		164, 176, 202, 216
301 -	By Senators Blair, Boley, Boso, Drennan, Facemire, Ferns, Gaunch, Maroney, Palumbo, Plymale, Prezioso and Stollings (originating in Senate Finance): Removing limitation on amount collected by county via hotel occupancy tax used for medical or emergency services	148	148		200		164, 176, 200
302 -	By Senators Rucker, Azinger, Baldwin, Blair, Boley, Clements, Cline, Drennan, Ferns, Gaunch, Karnes, Maroney, Maynard, Ojeda, Romano, Smith, Trump, Woelfel and Plymale: Relating to size requirements for flags county commissions must purchase and display	157					157
303 -	By Senators Carmichael (Mr. President), Prezioso, Gaunch, Plymale and Boso: Relating to debarment of vendors seeking to provide goods and services to state and its subdivisions	157					158

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
304 -	By Senators Carmichael (Mr. President), Takubo and Blair: Relating to authorization and establishment of charter schools	158					159, 1299
305 -	By Senators Smith, Jeffries, Weld, Plymale, Baldwin, Cline and Boso: Requiring DHHR provide long-term care and substance abuse treatment facilities	159					159
306 -	By Senators Karnes, Azinger, Clements, Mann, Maroney, Maynard, Rucker, Swope, Stollings, Blair, Cline and Boso: Allowing grocery stores to sell certain amount of WV-made wine without license	159					159
**307 -	By Senators Trump, Blair, Plymale and Boso: Declaring fundraising on state highway or roadway by volunteer fire department is not obstruction or nuisance	160	245, 978	1746	1144, 1747	1746	160, 246, 1053, 1097, 1145, 1747, 2622, 3322
308 -	By Senators Smith, Jeffries, Sypolt and Cline: Relating to use of aftermarket crash parts by motor vehicle repair shop	160					160
309 -	By Senator Karnes: Relating to outdoor advertising regulated by DOH	160					160
310 -	By Senators Gaunch, Drennan, Karnes and Rucker: Transferring Division of Forestry to Department of Agriculture	168					168
311 -	By Senators Romano, Facemire, Gaunch, Boso, Plymale and Takubo: Specifying consumers sales and service tax exemption for purchase of certain services and tangible personal property related to aircraft	168	225		311		168, 263, 284-285, 312
312 -	By Senators Ferns and Takubo: Exempting certain employers from discriminating against tobacco users	168					169



Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*313 -	By Senators Gaunch, Azinger, Boso, Karnes, Maynard, Ojeda, Palumbo, Romano, Rucker, Baldwin, Cline, Stollings, Prezioso and Plymale: Waiving occupational fees and licensing requirements for certain low-income individuals, military families, and young workers	169	1057	3005-3006	1201, 3007	3005, 3295	169, 1058, 1100, 1151, 1201, 3005-3007, 3318, 3332
314 -	By Senators Romano, Baldwin, Clements, Facemire, Karnes, Ojeda, Swope, Trump, Woelfel, Stollings and Cline: Modifying procedure certain public agencies use to contract for architectural and engineering services	169					169
315 -	By Senators Jeffries, Baldwin, Beach, Ojeda, Prezioso, Romano, Smith, Facemire, Stollings, Cline, Boso and Plymale: Increasing penalty for impersonating law-enforcement officer or official	169					169
*316 -	By Senators Jeffries, Baldwin, Beach, Ojeda, Prezioso, Romano, Smith, Facemire and Stollings: Creating refundable personal income tax credit to encourage persons receiving public assistance to get married	170	1058				170, 1059
317 -	By Senators Sypolt, Blair, Boso, Gaunch, Maroney, Rucker, Smith, Facemire and Cline: Transferring milk rules and regulations from DHHR to Department of Agriculture	170					170
318 -	By Senators Jeffries, Beach, Prezioso, Romano, Smith, Facemire and Takubo: Requiring influenza immunizations for health care workers	170					171
**319 -	By Senators Rucker, Azinger, Drennan, Gaunch, Karnes, Smith, Sypolt, Trump, Unger, Cline, Boso, Plymale, Clements, Maroney and Takubo: Allowing individuals who completed home schooling be eligible for PROMISE scholarship without equivalent diploma	171	667, 829	1845-1846	988, 1846	1845	171, 668, 916, 964, 988, 1847, 3306, 3322

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
320 -	By Senators Ferns, Facemire, Baldwin, Cline, Prezioso and Takubo: Permitting law-enforcement or humane officer remove animal from motor vehicle under certain circumstances	171					171
*321 -	By Senators Blair and Boso: Relating to powers and duties of Public Land Corporation	171	668		789		171, 736, 757, 790
322 -	By Senator Weld: Relating to employees of Department of Agriculture	188	271, 365		569	2597-2598	188, 271, 455, 481, 569-570, 3311, 3334
323 -	By Senators Beach and Ojeda: Creating Office of Outdoor Recreation	188					188
324 -	By Senator Blair: Removing restrictions where certain traditional lottery games may be played	188	332		477		189, 388, 454, 476-477
325 -	By Senators Beach and Ojeda: Creating County Home Rule Pilot Program	189					189
326 -	By Senators Weld, Takubo, Cline and Trump: Protecting certain individuals from civil liability for damages when removing domesticated animal from locked or unattended vehicle	189					189
*327 -	By Senators Weld, Boso, Gaunch, Cline and Drennan: Providing extortion of anything of value, including sexual contact, subjects person to criminal penalty	189	296		382	1747	190, 328, 358, 382, 456, 2622, 3322
328 -	By Senators Weld, Boso, Cline, Ferns and Blair: Requiring participation in drug court program before conditional discharge for first offense of possession of controlled substance	190					190
329 -	By Senators Weld, Cline, Drennan and Ferns: Relating to prescribing opioids	190					190

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
330 -	By Senators Sypolt, Azinger, Karnes, Mann, Maynard and Rucker: Relating to exemptions from mandated immunizations	190					190
**331 -	By Senators Karnes, Boso, Cline, Drennan, Gaunch, Mann, Rucker, Swope, Sypolt and Blair: Relating to retirement and pension benefits of certain members of PERS and Teachers Retirement system	191	272, 1079		1270		191, 272, 1157, 1214, 1270
332 -	By Senators Stollings, Ojeda, Palumbo, Takubo and Plymale: Granting DHHR rule-making authority to regulate local health departments	191					191
333 -	By Senators Weld, Takubo and Cline: Granting DHHR rule-making authority to regulate local health departments	191					192
334 -	By Senators Stollings and Jeffries: Supplemental appropriation from Excess Lottery Fund to DHHR Central Office	205					206
*335 -	By Senators Karnes, Weld, Boso, Blair, Rucker, Cline and Ferns: Protecting employees' wages or salaries from being withheld or diverted for political activities	206	586		691		207, 633, 658, 692
*336 -	By Senators Ferns, Weld, Boso, Baldwin, Blair and Cline: Providing certain DMV applicants ability to contribute to WV Department of Veterans Assistance	207	246, 318		412	2902	207, 246, 359, 386, 412, 3318, 3323
337 -	By Senators Karnes and Rucker: Permitting parents of newborns to decline administration of specific required medication at birth	207					208
338 -	By Senators Blair and Boso: Changing date for employers to file annual reconciliation and withholding statements	208	273	1544-1549	354, 1549	1544	208, 313, 327-328, 354, 1549, 2622, 3322
339 -	By Senators Gaunch and Blair: Relating to WV Retirement Health Benefit Trust Fund within PEIA	225	642, 741	2902-2909	962, 2909	2902	226, 643, 800, 870, 908, 962, 2902-2910, 3318, 3323

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
340 -	Relating to employer-employee cost-sharing ratio of premiums for PEIA active members	226					226, 236
**341 -	By Senators Ferns and Rucker: Relating generally to WV Appellate Reorganization Act of 2018	226	463, 707		858		227, 465, 759, 797, 858-859
342 -	By Senators Blair and Boso: Requiring agencies provide annual inventory of real property holdings to Real Estate Division	227					227
343 -	By Senator Sypolt: Limiting expenses in preparing list for notice to redeem	227	365	1677	570, 1677	1676	228, 455, 481, 570, 1677, 2622, 3335
*344 -	By Senators Sypolt and Baldwin: Requiring DOH implement program to recycle surplus metal supplies, materials and equipment	228	1037				228, 1038
345 -	By Senator Maynard: Authorizing DNR establish procedures and fee schedule for limited permit hunts	228	333		477		228, 388, 454, 477-478
346 -	By Senators Maynard and Cline: Permitting full-time nonresident students purchase lifetime resident hunting, trapping and fishing licenses	228	333, 585	1748	692, 1748	1747	228, 334, 633, 659, 693, 1748, 2622, 3322
**347 -	By Senator Maynard: Relating to operation of motorboats	228	365, 710	797, 2172	859, 2173	2172	229, 366, 759, 797, 859, 2173, 3314, 3323
*348 -	By Senator Maynard: Allowing for disposal of service weapons of special DNR police officers	229	334, 711	1471-1474	859, 1474	1470	229, 334, 759, 797, 860, 1474, 2622, 3322
349 -	By Senators Maynard, Takubo, Cline and Plymale: Providing teachers with a three percent pay raise	229					229
350 -	By Senators Ferns, Trump, Maynard, Jeffries, Baldwin and Plymale: Eliminating obsolete requirement that Lottery Commission file racetrack video lottery game rules with Secretary of State	229	334	1678-1680	478, 1681	1678	229, 388, 454, 478, 1681, 2622, 3322

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
351 -	By Senators Trump, Weld, Azinger, Clements, Cline, Jeffries, Karnes, Maynard, Ojeda, Romano, Rucker, Smith, Swope and Woelfel (originating in Senate Judiciary): Permitting ballot commissioners serve while candidates for certain offices	233	233		312	1748	264, 285, 312, 2623, 3322
352 -	By Senators Cline, Romano, Baldwin and Weld: Creating emergency text number system for children	246					246
353 -	By Senators Trump, Weld and Takubo: Relating generally to certain permits and floor plans of nonintoxicating beer licensees	246					247
354 -	By Senators Trump, Weld, Takubo, Ferns, Cline and Boso: Creating one-day special license for charitable events to purchase and sell beer and craft beer	247					247
**355 -	By Senators Gaunch and Blair: Dissolving IS&C Division under Office of Technology	247	397, 713	3118-3120	860, 3120	3118	248, 399, 759, 797, 860, 3121
356 -	By Senator Trump: Making technical corrections to code when referencing chapter 49 of code	248					249
357 -	By Senator Blair: Relating generally to limited video lottery	249	333		479		249, 388, 454, 478-479
*358 -	By Senator Trump: Imposing fee for processing criminal bonds	249	741		908		249, 800, 870, 909
*359 -	By Senators Trump, Unger and Weld: Authorizing Supreme Court establish curricula for mental hygiene commissioners and certain magistrates	249	830, 979		1145	2173	249, 831, 1053, 1097, 1146, 3311, 3322
*360 -	By Senator Clements: Clarifying oil and gas permits not be on flat well royalty leases	250	614, 1125	1334	1334	1549	250, 614, 1245, 1287-1288, 1333-1335, 1617, 2621
*361 -	By Senator Trump: Relating to treatment supervision under Drug Offender Accountability and Treatment Act	250	460		631		250, 581, 608, 632

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
362 -	By Senators Trump, Baldwin and Cline: Relating to definitions of "child abuse" and "neglect"	250					250
363 -	By Senator Trump: Removing requirement of finding of professional negligence concerning involuntary hospitalizations	250					250
364 -	By Senators Mann, Karnes, Rucker, Gaunch, Azinger, Swope, Takubo and Cline: Allowing parent or legal guardian of homeschooled child provide signed statement for obtaining permit or license to operate motor vehicle	251	366		571	1549-1550	251, 455, 481, 570-571, 2623, 3323
365 -	By Senators Weld, Ferns, Unger, Plymale, Baldwin, Cline and Boso: Relating to Young Entrepreneur Reinvestment Act	251	643	1848	753, 1848	1847	251, 701, 735, 754, 1848, 3306, 3323
366 -	By Senators Rucker and Azinger: Prohibiting State Board of Education from accepting federal education plans without approval of Legislature	251					251
367 -	By Senator Trump: Allowing retired judicial officers recalled to service avoid normal cap on temporary employment payments	251					252
*368 -	By Senators Jeffries, Beach and Rucker: Protecting consumers against business using automatic purchase renewals without consent	252	615		730		252, 661, 700, 730
369 -	By Senators Clements and Boso: Relating to powers and authority of newly created divisions of Administrative Services and Corrections and Rehabilitation within MAPS	252					253, 359, 702
*370 -	By Senator Cline: Exempting nonpaid volunteers at ski areas from workers' compensation benefits	275	588, 714		861		276, 588, 759, 798, 861
371 -	By Senator Trump: Relating to proceedings for voluntary custody for examination	276	465		632		276, 581, 608, 633

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
372 -	By Senator Trump: Authorizing higher education institutions to eliminate faculty tenure	276					276
373 -	By Senators Rucker, Arvon, Azinger, Cline, Drennan, Karnes, Smith, Takubo and Baldwin: Providing special license plate to support adoption	276					276, 314
374 -	By Senators Trump and Weld: Creating private fair and festival license	276					277
*375 -	By Senators Sypolt, Rucker, Takubo, Baldwin and Boso: Relating to farmers markets	277	643	754, 2910	754, 2911	2910	277, 701, 735, 755, 2910-2911, 3318, 3324
376 -	By Senators Rucker, Azinger, Karnes, Maroney, Maynard, Romano, Trump, Boso and Cline: Amending residency requirements for people entitled to vote	277					277
377 -	By Senators Boso and Cline: Removing firefighters from certain procedures for investigation and hearing of misconduct allegations	278					278
378 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Expiring, supplementing, amending, increasing and adding items within various DHHR accounts	278					278
379 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Supplemental appropriation from State Excess Lottery Revenue Fund to DHHR	278	589		693	926	279, 634, 659, 693, 1055, 1299
380 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Supplemental appropriation of federal funds out of Treasury to certain DOE programs	279					279
381 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Supplemental appropriation of federal funds from Treasury to DOT, Division of Public Transit	279					279

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
382 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Supplemental appropriation of Lottery Net Profits to Bureau of Senior Services, Lottery Senior Citizens Fund	279	589		694	927	280, 634, 659, 694, 1055, 1299
383 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Expiring funds from Treasurer's Office to WV Enterprise Resource Planning Board	280					280
384 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Decreasing and increasing appropriations from State Fund, General Revenue to DHHR	280	297	413, 415	414	927	280, 328, 358, 386-387, 412-415, 1055, 1299
385 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Decreasing and adding appropriations out of Treasury to DHHR and MAPS	280	297		383	2598	281, 329, 358, 382-383, 388-389, 456, 3307, 3322
*386 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Decreasing and increasing appropriations from Treasury to Higher Education Policy Commission	281	335		479	927	281, 388, 455, 479-480, 1055, 1299
387 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Supplemental appropriation of federal funds from Treasury to DHHR, Division of Health	281					281
388 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Decreasing, increasing and adding appropriations out of Treasury to DHHR and Department of Administration	282	287		384	927	282, 329, 359, 384-385, 389-390, 456, 1055, 1299
389 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Supplemental appropriation of federal funds from Treasury to DHHR, Division of Human Services	282					282



Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
390 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Supplemental appropriation from State Road Fund to DOT, Division of Highways	282					282
391 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Supplemental appropriation of federal funds out of Treasury to Department of Agriculture	283					283
*392 -	By Senators Boso, Facemire, Jeffries and Prezioso: Reconfiguring membership of Emergency Medical Services Advisory Council	283		3228-3231	730, 3231	2598, 3295	283, 661, 700, 731, 2598-2599, 3007, 3184, 3232, 3318, 3336
393 -	By Senators Blair, Boley, Boso, Drennan, Facemire, Ferns, Gaunch, Palumbo, Plymale, Prezioso, Stollings, Sypolt and Takubo (originating in Senate Finance): Relating to compensation and composition of WV Racing Commission	283	283	603	603		313, 328, 355, 385, 415-416, 480, 571, 603-604, 634
394 -	By Senators Ojeda, Baldwin, Beach, Clements, Facemire, Jeffries, Palumbo, Plymale, Prezioso, Romano, Rucker, Stollings, Swope and Woelfel: Changing requisite period necessary to take advantage of criminal offense reduction	298					298
*395 -	By Senators Trump and Boso: Providing for judicial review of appealed decisions of Air Quality Review Board, Environmental Quality Board and Surface Mine Board	298	587	1749-1752	695, 1752	1748	298, 634, 659, 695, 1752, 2623, 3323
396 -	By Senators Ojeda, Baldwin, Beach, Facemire, Jeffries, Prezioso, Romano, Stollings, Unger, Woelfel and Plymale: Creating West Virginia Net Neutrality Act	298					299, 314
*397 -	By Senators Sypolt, Facemire, Romano and Cline: Creating crime of impersonating blind or disabled person	299	665	757	790	1753	299, 736, 757, 790, 2623, 3324

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
398 -	By Senators Gaunch, Cline and Plymale: Relating to requirements for making consumer loans	299	742		963, 987		299, 800, 870, 909, 962-963, 986-987
399 -	By Senators Sypolt, Romano, Rucker and Drennan: Creating Taxation with Representation Act	299					300
400 -	By Senators Maynard, Boso, Gaunch and Cline: Prohibiting state licensing boards from hiring lobbyists	300	367	572	572		300, 455, 481, 571-572
*401 -	By Senators Weld, Ferns, Romano, Baldwin and Drennan: Requiring specified coverage in health benefit plans for treatment of substance abuse disorders	300	669, 1189	2911-2932	1335, 2933	2911	300, 669, 702, 1189, 1288, 1335, 2911-2933, 3318, 3324
**402 -	By Senators Gaunch and Boso: Creating exemption from certain contract and common carrier laws for motor vehicles	300	766, 1160		1336		301, 767, 1245, 1288, 1335-1336
*403 -	By Senators Rucker, Blair, Cline, Ferns, Jeffries, Romano, Swope, Trump and Woelfel: Licensing advance deposit wagering	301	1190		1336		301, 1191, 1247, 1288, 1336
*404 -	By Senators Weld and Cline: Relating to sex offender registry information	301	590	1849	695, 1849	1848	302, 634, 659, 696, 1849, 3306, 3324
405 -	By Senators Rucker, Arvon, Azinger, Cline, Gaunch, Karnes, Maynard and Smith: Creating Life at Conception Act of 2018	302					302
406 -	By Senators Ferns, Takubo, Boso, Cline and Baldwin: Clarifying that ground emergency medical transportation is eligible for Medicare and Medicaid reimbursement	302	589, 831	3008	989, 3009	3008	302, 589, 916, 964, 989, 3009, 3318, 3324
407 -	By Senators Takubo, Maroney, Stollings and Plymale: Licensing and approval of child care programs	319	617, 670	791	790	2933	319, 618, 736, 758, 791, 3318, 3324
*408 -	By Senators Takubo, Maroney, Stollings and Plymale: Licensing of nursing homes and assisted living residences	319	618, 670	792, 3192	791, 3192	3191	319, 619, 736, 758, 793, 3193, 3318, 3324

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
409 -	By Senators Takubo, Maroney and Stollings: Requiring training course in telephonic cardiopulmonary resuscitation for county emergency call dispatchers	319					319
410 -	By Senators Smith, Azinger, Clements and Sypolt: Appointing industry advocate within DEP	320					320
411 -	By Senators Takubo and Maroney: Removing Commissioner of Bureau for Public Health from State Board of Sanitarians	320	618, 670		793	2599	320, 618, 736, 758, 793, 3318, 3323
*412 -	By Senator Trump: Relating to authority of county litter control officers	320	619, 930		1092	1849	320, 619, 1000, 1051, 1093, 3306, 3324
413 -	By Senators Sypolt and Smith: Levying 0.5 percent severance tax on deep sand gas and future cracker plants	320					321
414 -	By Senators Maynard, Boso, Cline, Plymale and Sypolt: Requiring purchasers of roundwood collect and maintain certain information	321					321
*415 -	By Senators Ferns, Blair, Maroney, Trump, Weld, Woelfel, Stollings and Takubo: Permitting wagering on certain professional or collegiate sports events authorized as WV Lottery sports wagering activities	321	645, 767	964-965, 1550-1581	990, 1582	1550	322, 647, 886, 915, 965, 989-991, 1582, 1617, 2979
*416 -	By Senators Maynard and Cline: Making fishing for catfish with bare hands lawful	336	742				336, 743
417 -	By Senators Rucker, Arvon, Azinger, Blair, Boley, Boso, Clements, Cline, Drennan, Ferns, Gaunch, Karnes, Maroney, Maynard, Smith, Swope, Sypolt, Takubo, Trump, Unger, Weld and Plymale: Amending definition of "medical services" to exclude abortion	336					336
*418 -	By Senators Maynard, Azinger, Karnes, Rucker, Smith, Sypolt, Cline and Boso: Relating to WV Monument and Memorial Protection Act of 2018	336	768				337, 768

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*419 -	By Senators Boley, Rucker, Cline and Boso: Establishing classification and base salaries of certain civilian employees of WV State Police Forensic Laboratory	337	1126, 1300		1337		337, 1126, 1300, 1337
*420 -	By Senators Rucker, Karnes, Smith, Sypolt, Trump, Cline and Boso: Transferring Safety and Treatment Program from DHHR to DMV	337	1059	1152, 1202	1202		337, 1100, 1151-1152, 1201-1203
*421 -	By Senators Maynard and Cline: Relating to crossbow hunting	337	1161		1337		338, 1245, 1288, 1338
422 -	By Senator Blair: Regulating liquor sales	338					338
*423 -	By Senators Maynard and Cline: Relating to hunting, trapping, or fishing on another person's lands	338	832				338, 832
*424 -	By Senators Maynard, Cline and Boso: Allowing developmentally disabled person purchase base hunting license free of charge	338	769				339, 770
425 -	By Senators Ferns, Cline and Plymale: Removing sunset dates which members of policemen's or firemen's pension fund elect to participate in deferred retirement option plan	339	399		604	2933	339, 555, 574, 604, 634, 3318, 3324
*426 -	By Senators Trump, Weld and Boso: Modernizing certain alcohol laws	339	1103		1270		339, 1157, 1214, 1271
427 -	By Senators Gaunch and Facemire: Modifying form of notice for certain tax delinquencies	339	619	1850	731, 1851	1849	340, 661, 700, 731, 1851, 3306, 3323
428 -	By Senators Gaunch, Facemire, Cline, Boso and Romano: Relating to tax credit for making home more accessible for elderly or disabled	340					340
429 -	By Senators Maynard, Boso, Cline, Plymale, Sypolt and Facemire: Relating to forest fires	340					340

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
430 -	By Senators Facemire and Blair (originating in Senate Finance): Encouraging collaborative agreements between community and technical colleges and federally registered apprenticeship programs	348	348				388, 455, 480, 572, 604-605
431 -	By Senators Takubo, Trump, Karnes, Rucker, Azinger, Maroney, Cline, Ferns and Boso: Requiring DHHH implement work requirements for SNAP applicants	370					370
*432 -	By Senators Gaunch, Weld and Boso: Relating to municipal home rule	370	1191	1338	1338		371, 1191, 1319, 1338-1340
*433 -	By Senators Trump, Gaunch, Palumbo, Prezioso and Boso: Rewriting code sections regarding pyramid promotional schemes	371	616		732		371, 662, 700, 732
*434 -	By Senators Trump and Boso: Specifying documents not subject to discovery in certain proceedings	371	1080	3010-3015	1271, 3015	3009	372, 1157, 1214, 1272, 3015, 3319, 3337
435 -	By Senator Ojeda: Removing elected or appointed officers	372					372
436 -	By Senators Karnes, Azinger and Boso: Creating Nondiscrimination in Involuntary Denial of Treatment Act	372					372
437 -	By Senators Blair and Boso: Relating to penalties for leaving motor vehicle unattended	372					372
*438 -	By Senators Maynard, Prezioso, Beach, Plymale and Jeffries: Relating to debt service on bonds secured by State Excess Lottery Revenue Fund	372	1310	2934	1312, 2935	2933	373, 1311-1312, 2933-2935, 3319, 3323
*439 -	By Senators Plymale, Boso and Jeffries: Exempting motor vehicles engaged in nonemergency transportation of Medicaid members from PSC requirements	373	767				373, 767
*440 -	By Senators Gaunch, Cline, Plymale, Boso and Jeffries: Establishing Library Facilities Improvement Fund	373	620		732		373, 662, 700, 732

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
441 -	By Senators Takubo, Maroney, Stollings, Woelfel and Plymale: Relating to health care provider taxes	373	465, 612	1851-1852	733, 1852	1851	373, 466, 662, 701, 733, 1852, 3306, 3324
*442 -	By Senators Takubo, Maroney, Stollings, Woelfel and Plymale: Establishing universal forms and deadlines when submitting prior authorization electronically	374	1060, 1248	2935-2936	1340, 2936	2935	374, 1061, 1288, 1340, 2935-2936, 3319, 3338
*443 -	By Senators Arvon, Azinger, Cline, Gaunch, Maynard, Rucker and Smith: Terminating parental rights when certain conditions are met	374	1061, 1127	1214-1215, 1272, 2937-2938	1272, 2938	2936	374, 1062, 1215, 1272, 2936-2939, 3319, 3324
444 -	By Senator Trump: Repealing antiquated code sections regarding safety glass and lighting in motor vehicles	374	770		963	1582	374, 886, 916, 964, 2623, 3323
*445 -	By Senators Boso, Swope, Gaunch, Jeffries, Rucker, Maroney, Plymale, Maynard and Beach (originating in Senate Transportation and Infrastructure): Allowing DOH acquire real or personal property for utility accommodation	377	377, 1161	1341-1349, 1350, 2939-2947	1350, 2947	2939	1245, 1288, 1341-1352, 2939-2947, 3319, 3324
*446 -	By Senators Rucker, Sypolt, Unger, Trump and Boso: Creating Agritourism Responsibility Act	400	644	2948-2953	755, 2953, 2982	2947, 3296	400, 701, 735, 756, 2947-2953, 3319, 3324
447 -	By Senator Sypolt: Updating powers of certain administrators of estates with regard to easements	400					401
*448 -	By Senators Gaunch and Boso: Relating generally to professional associations	401	1162		1352		401, 1245, 1289, 1353
*449 -	By Senators Gaunch, Boso, Drennan, Maynard, Rucker, Smith, Weld, Woelfel and Cline: Using criminal conviction records to disqualify person from license or authorization to practice occupation	401	1062				401, 1063

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*450 -	By Senators Karnes, Azinger, Boso, Clements, Cline, Drennan, Ferns, Gaunch, Mann, Maroney, Maynard, Romano, Rucker, Smith, Swope and Trump: Collecting and analyzing statistical information pertaining to terminating pregnancies under Medicaid Program	401	671, 831	966	991		402, 671, 916, 966, 991
*451 -	By Senators Maynard, Clements, Ferns, Gaunch, Maroney, Rucker, Smith, Swope, Weld and Cline: Relating generally to hunting and fishing	402	590, 833	1734-1736	991, 1736	1734, 1853	402, 591, 916, 966, 992, 1737, 3307, 3324
452 -	By Senator Maynard: Exempting hunting license information from public disclosure	402	1163		1353		402, 1163, 1245, 1289, 1353
453 -	By Senators Cline, Arvon, Drennan, Mann, Maynard, Takubo and Maroney: Fixing PEIA premium cost sharing at 85 percent for employer and 15 percent for employee	402					402
454 -	By Senators Azinger, Arvon, Karnes, Maynard, Rucker, Cline and Boso: Classifying owner-operators and independent contractors under workers compensation	403					403
455 -	By Senators Smith and Syplot: Providing proceeds from oil and gas wells due to unknown persons be kept in special fund	403					403
*456 -	By Senators Gaunch, Takubo, Ferns, Boso and Maroney: Physical Therapy Licensure Compact Act	403	1063	1853-1854	1203, 1854	1853	404, 1100, 1152, 1203, 1855, 3314, 3324
457 -	By Senator Beach: Relating to jurisdiction of PSC over motor carriers	404					404
*458 -	By Senators Swope, Rucker, Trump, Cline and Boso: Prohibiting political subdivisions from enacting regulations or legal requirements relating to employer-employee relationship	404	711		861		404, 759, 798-799, 862

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
459 -	By Senators Rucker, Azinger, Karnes and Smith: Enacting Refugee Absorptive Capacity Act	404					405
460 -	By Senators Rucker, Arvon, Azinger, Karnes, Maroney, Maynard and Cline: Requiring retailers ensure products that make content accessible on Internet contain digital blocking capability	405					405
*461 -	By Senators Ferns and Cline: Extending time to file petition for motor fuel excise tax refund	405	715	2174	862, 2175	2173	405, 759, 799, 862, 2175, 3314, 3323
462 -	By Senators Karnes and Gaunch (originating in Senate Pensions): Establishing contribution holiday for public pension plans funded at 130 percent or more	410	410		605		555-556, 574-575, 605, 634
463 -	By Senators Sypolt, Rucker, Clements, Cline, Mann, Maynard, Smith, Baldwin, Beach, Ojeda and Woelfel (originating in Senate Agriculture and Rural Development): Establishing group to examine benefits and need of transferring milk rules and regulations from DHHR to Agriculture	411	411	2599-2603	605, 2603	2599, 3296	575, 605-606, 634, 2599-2604, 3319, 3324
464 -	By Senators Gaunch, Boso and Cline: Changing statutory payment date for incremental salary increases due state employees	466	620		734	1583	466, 662, 701, 734, 2623, 3323
**465 -	By Senators Trump, Boso, Ferns, Baldwin and Cline: Relating to mandated reporting of child abuse and neglect	466	770, 1106		1273	2175	466, 771, 1157, 1215, 1273, 3311, 3324
466 -	By Senators Trump and Boso: Bringing statutory interest rate paid in condemnation cases into conformity with current statutory rates	467					467
*467 -	By Senator Trump: Relating generally to Public Defender Services	467	771, 979		1146		467, 772, 1053, 1097, 1146-1147
468 -	By Senators Gaunch and Boso: Changing date and recipients for submission of Auditor's annual report	467	620	3121	734, 3121	3121	468, 662, 701, 735, 3122, 3319, 3324



Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*469 -	By Senators Weld, Boso, Unger, Ferns, Maroney, Clements and Cline: Converting Addiction Treatment Pilot Program to permanent program	468	672	2954	793, 2954	2953	468, 736, 758, 794, 2953-2955, 3319, 3324
470 -	By Senators Ojeda, Baldwin, Beach, Jeffries, Palumbo, Stollings and Woelfel: Justice Through Grace in Communities Act	468					468
471 -	By Senators Palumbo, Baldwin, Beach, Clements, Jeffries, Maroney, Ojeda, Plymale, Stollings, Takubo and Weld: Relating to unlawful discriminatory practices in categories covered by Human Rights Act and Fair Housing Act	468					468, 582
**472 -	By Senators Blair, Unger and Cline: Providing funds to DHHR for local boards of health employee pay raises	469	673, 743, 1164		1353		469, 673, 743, 1245, 1289, 1354
*473 -	By Senators Takubo, Ojeda, Stollings, Baldwin and Cline: Requiring insurance coverage for the prescription drug Varenicline	469	672		794		469, 736, 758, 794
**474 -	By Senators Swope, Azinger, Blair, Boso, Clements, Drennan, Ferns, Gaunch, Karnes, Maynard, Rucker, Smith, Sypolt, Trump, Weld, Maroney and Cline: Requiring that certain documents filed pursuant to WV Jobs Act which include records of wages be considered confidential	469	647, 933		1093		470, 648, 1000, 1051, 1093-1094
*475 -	By Senators Woelfel, Baldwin and Beach: Industrial Hemp Development Act	470	834	992- 993	992	2175	470, 916, 966, 993, 3314, 3324
476 -	By Senators Sypolt, Boso, Maroney and Clements: Permitting surface owners to seek damages resulting from oil and gas operations	470					471
*477 -	By Senators Smith, Boso, Clements, Jeffries, Swope, Sypolt and Cline: Relating to five-year sunset on tax credits and incentives	471	674, 896		1051		471, 674, 973, 1000, 1051

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
478 -	By Senators Stollings, Palumbo, Jeffries and Plymale: Relating to mandatory insurance coverage for treatment of mitochondrial disease and other similar conditions	559					559
479 -	By Senator Gaunch: Establishing local government monitoring by Auditor	559	674, 831		993	2175	560, 674, 916, 976, 993-994, 3311, 3324
480 -	By Senators Beach, Romano, Jeffries, Baldwin, Stollings, Ojeda, Unger, Facemire, Woelfel, Plymale, Palumbo, Prezioso and Clements: Creating WV Sports Hall of Fame Commission	560					560
481 -	By Senator Beach: Requiring persons building residential structures inform county board of education of structures and estimated number of occupants	560					561
482 -	By Senators Beach and Cline: Allowing magistrates carry firearms in county courthouse or on premises of court of law	561					561
483 -	By Senators Weld, Cline, Ferns and Baldwin: Expiring funds to Department of Veterans Assistance from Insurance Commissioner	561					561
484 -	By Senators Sypolt, Karnes and Ferns: Creating Business Liability Protection Act	561					562
485 -	By Senator Blair: Terminating Workers Compensation Debt Reduction Fund assessment on self-insured employers	562	1164		1354		562, 1245, 1289, 1354
486 -	By Senators Ojeda, Baldwin, Beach, Facemire, Jeffries, Plymale, Prezioso, Romano, Stollings and Unger: Stabilizing PEIA benefits	562					562, 1251, 1268
487 -	By Senators Ojeda, Romano, Baldwin, Beach, Facemire, Jeffries, Palumbo, Prezioso, Stollings and Unger: Relating to WV Medical Cannabis Act	562					564

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
488 -	By Senators Stollings, Takubo, Unger, Jeffries, Beach and Prezioso: Supplemental appropriation of funds from Excess Lottery Fund to DHHR, CARDIAC program	592					592
489 -	By Senators Boso, Stollings, Takubo, Unger, Rucker, Weld, Baldwin, Sypolt, Jeffries, Cline and Maroney: Creating WV Volunteer First Responder Act of 2018	592					593
*490 -	By Senators Gaunch and Boso: Relating to Revised Uniform Athlete Agents Act of 2015	593	834, 979	1153	1204		593, 836, 1053, 1097, 1153, 1204
*491 -	By Senators Boso and Cline: Establishing fee for expungement of certain criminal convictions	593	979		1147		594, 1053, 1097-1098, 1148
492 -	By Senators Trump, Boso, Gaunch, Maroney, Rucker, Takubo and Cline: Eliminating certain special requirements for DHHR provisionally licensed social workers	594	617				594, 662
*493 -	By Senator Azinger: Relating to guaranty associations	594	980		1148	1855	594, 1053, 1098, 1148, 3312, 3324
494 -	By Senators Azinger and Ferns: Considering members of State Teachers Retirement System absent while serving as officer with statewide professional association	594	836	967-972, 994	994		595, 916, 967-972, 995
*495 -	By Senator Azinger: Designating specific insurance coverages exempt from rate filing requirements	595	743	2955-2961	910, 2961	2955, 3296	595, 800, 870, 910, 2955-2961, 3319, 3324
496 -	By Senator Boley: Relating to care and management of feral cats	621					621
497 -	By Senator Maynard: Removing requirement that Division of Labor charge annual device registration fee	621					621
498 -	By Senators Maynard, Stollings and Plymale: Creating two-year pilot program allowing all-terrain or recreational vehicles in Cabwaylingo State Forest	622	744	2962-2963	911, 2963	2962, 3183	622, 744, 751, 801, 870, 911, 2961-2964, 3319, 3324

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*499 -	By Senators Maroney, Clements, Prezioso, Stollings, Takubo, Plymale, Cline and Jeffries: Requiring one year of certain approved postgraduate clinical training for persons with foreign medical degrees	622	1064	1855-1856	1204, 1856	1855	622, 1065, 1100, 1153, 1205, 1856, 3312, 3324
*500 -	By Senators Baldwin, Mann, Gaunch, Jeffries, Woelfel and Plymale: Authorizing City of White Sulphur Springs to expend principal and interest from special interest-bearing fund	622	934, 1065		1205	2176	622, 935, 1100, 1153, 1205, 3312, 3326
*501 -	By Senators Drennan, Cline, Jeffries, Karnes, Maroney, Maynard, Rucker, Smith, Swope, Weld, Woelfel, Boso and Plymale: Relating to accrued benefit of retirees in Deputy Sheriff Retirement System	623	895, 979	2964-2965	1148, 2965	2964	623, 896, 1053, 1098, 1149, 2964-2966, 3319, 3324
502 -	By Senators Drennan, Cline, Maynard and Rucker: Creating Patient Safety Evidence-Based Prescribing Act	623					623
503 -	By Senators Blair and Unger: Shifting funding from Landfill Closure Assistance Fund to local solid waste authorities	623					623
*504 -	By Senators Maynard and Plymale: Excluding seasonal amusement park workers from definition of "employee"	623	935, 1127		1355		624, 936, 1245, 1289, 1354-1355
505 -	By Senator Maynard: Requiring contact information of state official or employee mobile phone furnished by employer be listed on directory or website	624					624
*506 -	By Senators Swope, Smith, Boso and Cline: Deregulating persons who perform work on heating, ventilating, and cooling systems	624	1128	1215, 2605	1273, 2605	2604	624, 1129, 1137, 1215, 1274, 2604-2605, 3319, 3324
*507 -	By Senators Ferns, Boso, Swope and Plymale: Establishing Katherine Johnson Academy as magnet school programs at WV colleges and universities	624	1081, 1107	1216-1227, 1275	1274		625, 1082, 1154, 1215-1227, 1274-1276

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*508 -	By Senators Maynard and Cline: Establishing State Trail Authority	649	1165		1355		649, 1166, 1245, 1289, 1355
509 -	By Senators Maynard and Cline: Authorizing Commissioner of Culture and History designate road as "Historic Route"	649					649
*510 -	By Senators Maynard, Takubo, Stollings, Cline, Boso and Plymale: Designating hospitals for stroke treatment	649	773, 1312	1313-1317, 1356, 1857	1356, 1857	1856	650, 886, 916, 1313-1317, 1356, 1857, 3312, 3324
511 -	By Senators Azinger, Gaunch, Rucker, Swope, Trump, Blair, Boso and Ferns: Creating Parents' Bill of Rights	650					650
*512 -	By Senators Trump, Takubo, Romano, Boso, Plymale and Cline: Authorizing certain WV courthouse security officers carry concealed weapons	677	836		995		678, 917, 972, 996
513 -	By Senators Trump, Stollings, Plymale and Cline: Increasing amount retirant may earn	678					678
*514 -	By Senators Sypolt, Stollings and Boso: Enacting Recognition of Emergency Medical Services Personnel Licensure Interstate Compact	678	1066, 1166	1228, 1277	1276		678, 1068, 1228, 1279
*515 -	By Senators Gaunch, Stollings, Boso and Cline: Clarifying PSC jurisdiction over water and sewer utilities	678	1107		1279		679, 1108, 1157, 1228, 1279
516 -	By Senators Sypolt, Romano and Cline: Requiring DEP work with Tax Commission, PSC and county assessors to develop system for verifying production information submitted by oil and gas producer	679					679
517 -	By Senators Maynard, Sypolt and Cline: Relating generally to drug overdoses and controlled substances monitoring	679					680

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
518 -	By Senators Takubo, Jeffries, Maroney, Maynard, Romano, Stollings, Cline, Boso and Plymale: Extending WV Invests Grant programs to public and private institutions	718					718
519 -	By Senator Woelfel: Increasing salaries of justices of WV Supreme Court of Appeals	718					718
520 -	By Senator Cline: Increasing weight limits for vehicles on certain highways	718					719
*521 -	By Senators Trump, Gaunch, Maynard, Stollings and Boso: Requiring chief executive of municipal law-enforcement agency be certified law-enforcement officer	719	981	2966-2967	1206, 2967	2966	719, 1053, 1098, 1154, 1206, 2968, 3320, 3324
*522 -	By Senator Maynard: Relating generally to Administrative Procedures Act	719	931		1094	1857	719, 1000, 1052, 1094, 3312, 3323
523 -	By Senator Smith (originating in Senate Energy, Industry and Mining): Relating to tax treatment of pollution control facilities and wind power projects	726	726, 936		1095		727, 1000, 1052, 1095
524 -	By Senators Gaunch, Maynard, Facemire, Boso, Baldwin, Maroney, Sypolt, Clements, Takubo, Jeffries, Smith, Palumbo, Weld and Woelfel (originating in Senate Government Organization): Relating to disposition of complaint proceedings	727	727		862		759, 799, 863
525 -	By Senators Gaunch, Maynard, Facemire, Boso, Baldwin, Maroney, Sypolt, Clements, Takubo, Jeffries, Smith, Palumbo, Weld and Woelfel (originating in Senate Government Organization): Relating to certification for emergency medical training - mining	727	727	2606-2607, 3193	863, 2607, 3194	2606, 3193	759, 799, 863, 2606-2607, 3194, 3320, 3323
526 -	By Senators Ojeda, Beach, Facemire, Jeffries, Plymale, Prezioso, Romano, Stollings and Unger: Providing salary increases for state employees over three-year period	745					745

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
527 -	By Senators Ojeda, Beach, Facemire, Jeffries, Plymale, Prezioso, Romano, Smith, Stollings, Takubo and Baldwin: Creating WV Black Lung Program	745					746
*528 -	By Senator Trump: Providing additional circuit judge for nineteenth judicial circuit	746	1068, 1108		1207	2968	746, 1069, 1154, 1207, 3320, 3324
529 -	By Senators Rucker, Azinger, Drennan, Maynard, Smith, Sypolt and Cline: Creating Citizen and State Accountability Act	746					747
530 -	By Senators Maynard and Cline: Requiring Secretary of State provide database for registered corporations and sole proprietorship	747	1159		1357		747, 1245, 1289, 1357
531 -	By Senators Gaunch and Cline: Eliminating required waiting period for municipal court notifications to DMV	747	1192		1357		747, 1192, 1290, 1357
532 -	By Senators Rucker, Azinger, Cline, Karnes, Swope, Ferns and Sypolt: Administering ACT or SAT tests to students	747	931				747, 933
533 -	By Senators Trump and Cline: Equalizing criminal penalties for intimidating and retaliating against public officers and employees	747					747
*534 -	By Senators Palumbo, Takubo, Stollings, Woelfel, Cline and Jeffries: Increasing penalty for tobacco-related offenses on public school property	773	1166		1358		773, 1246, 1290, 1358
*535 -	By Senators Trump, Unger, Stollings, Woelfel, Plymale and Cline: Dedicating increased court fees in criminal cases to fund training programs for law-enforcement officers	773	982		1149		774, 1053, 1098, 1150
*536 -	By Senators Jeffries, Unger, Takubo and Beach: Allowing foster and adoptive children obtain lifetime hunting, fishing and trapping license within two years of placement	774	1038				774, 1039

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
537 -	By Senators Plymale, Unger, Stollings, Woelfel and Jeffries: Implementing Business PROMISE+ Scholarship	774					774
538 -	By Senators Baldwin, Arvon, Beach, Cline, Drennan, Facemire, Jeffries, Mann, Ojeda, Plymale, Prezioso, Romano, Stollings, Woelfel, Unger and Takubo: Providing classroom teachers credit against personal income tax for nonreimbursed supplies	774					775
539 -	By Senators Trump, Stollings and Woelfel: Increasing limit for settling claims against DOH	775	1069		1207	1753	775, 1100, 1154, 1208, 2623, 3323
540 -	By Senators Trump and Stollings: Increasing salaries of magistrates, supreme court justices, circuit court judges, and family court judges	775					775
541 -	By Senators Prezioso, Baldwin, Beach, Facemire, Jeffries, Ojeda, Palumbo, Plymale, Romano, Stollings, Unger, Woelfel and Cline: Increasing salaries of WV State Police over three-year period	775					775
542 -	By Senators Baldwin, Mann, Stollings and Jeffries: Creating four-year middle high school pilot program as part of Upper Kanawha Valley Resiliency and Revitalization Program	775	1083				776, 1083
*543 -	By Senators Trump and Cline: Relating to confidentiality of medical records	776	936		1095	2176	776, 1000, 1052, 1096, 3312, 3324
544 -	By Senators Mann, Boso, Cline and Jeffries: Establishing WV DNR Police Officer's Retirement System	776					777
545 -	By Senators Boso, Swope, Gauch, Jeffries, Plymale and Beach (originating in Senate Transportation and Infrastructure): Relating to driving privileges and requirements for persons under 18	787	787, 1070	1229, 3036-3038	1280, 3038	1858	787, 887, 1100, 1154, 1228-1229, 1280, 1858-1866, 2456, 2629, 3036-3039, 3296



Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
546 -	By Senators Jeffries, Ojeda, Stollings, Cline, Romano, Prezioso, Beach and Baldwin: Improving coordination of law-enforcement agencies in finding missing persons and identifying remains	838					838
547 -	By Senators Jeffries, Romano and Beach: Adding members to local school improvement council	838					839
*548 -	By Senators Jeffries, Baldwin, Beach, Drennan, Facemire, Gaunch, Ojeda, Plymale, Prezioso, Romano, Smith, Stollings, Swope and Cline: Authorizing county commissions to pay election officials	839	1167	1358, 1365	1365	2607	839, 1246, 1290, 1358-1366, 2607-2608, 3320, 3324
*549 -	By Senators Jeffries, Baldwin, Beach, Drennan, Facemire, Gaunch, Ojeda, Plymale, Prezioso, Romano, Smith, Stollings, Swope, Trump and Cline: Creating felony offense of intimidation or harassment of certain persons that causes injury or loss to person or property	839	980		1150		839, 1053, 1098, 1150
550 -	By Senators Romano, Beach, Boso, Facemire, Jeffries, Ojeda, Palumbo, Plymale, Prezioso, Stollings, Unger, Woelfel, Cline and Baldwin: Allowing workers' compensation benefits for first responders diagnosed with job-related PTSD	839					839
551 -	By Senators Karnes and Cline: Relating to failure of employers to make contributions on behalf of employees to retirement plan administered by CPRB	840	1083, 1192	1290-1292, 1366, 3016-3017	1366, 3017	3015	840, 1084, 1290-1292, 1367, 3018
552 -	By Senator Weld: Making Pierpont Community and Technical College a division of Fairmont State University	840					841, 973
553 -	By Senators Boso and Cline: Requiring federal fingerprint background checks for transportation network company drivers and taxi drivers	841					841

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
554 -	By Senator Baldwin: Relating to distribution of School Building Authority funds	842					842
*555 -	By Senator Ferns: Providing immunity from civil liability for qualified directors of certain governmental and nonprofit entities	842	1070	1155, 1209	1208	2176	842, 1100, 1155, 1208-1209, 3312, 3325
*556 -	By Senators Jeffries, Beach and Plymale: Creating small business and minority populations economic and workforce development taskforce to assist Economic Development Authority	842	1193	3018- 3019	1367, 3019	3018	843, 1193, 1292, 1367, 3020
557 -	By Senators Sypolt, Cline, Beach, Plymale, Baldwin and Ojeda: Relating to Senior Farmers' Market Nutrition Program	843	1071, 1168	1229	1281		843, 1071, 1229, 1281
*558 -	By Senator Swope: Relating to certification requirements for crane operators	843	1109, 1168		1281		843, 1110, 1229, 1282
559 -	By Senators Baldwin and Ojeda: Creating Shared Table initiative in public schools	843					844
560 -	By Senators Stollings and Beach: Prohibiting pharmacy benefit managers from using certain contract provisions	844					844
*561 -	By Senator Jeffries: Increasing minimum contract price requiring execution of bond with respect to building or repairing school property	844	1084		1209	1753	844, 1084, 1101, 1155, 1209, 2623, 3325
*562 -	By Senators Trump and Romano: Allowing courts discretion to impose period of supervised release of defendant	844	1060		1210		845, 1100, 1155, 1210
*563 -	By Senator Boso: Allowing persons operate small-engine mopeds without driver's license or while license is suspended or revoked	845	1169				845, 1170
564 -	By Senators Palumbo, Gaunch, Jeffries, Takubo, Ojeda, Stollings and Cline: Providing immunity from civil liability to facilities and employees providing crisis stabilization	845					845

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*565 -	By Senators Jeffries, Gaunch, Palumbo, Baldwin, Facemire, Ojeda, Plymale, Prezioso, Romano, Stollings, Unger, Woelfel and Cline: Clarifying authority of State Fire Commission	845	1170		1368		845, 1246, 1293, 1368
566 -	By Senators Karnes, Maroney, Weld, Arvon, Plymale and Gaunch (originating in Senate Pensions): Relating to disability pensions of municipal employees	855	855, 1065		1210		856, 1100, 1155, 1211
*567 -	By Senator Weld: Including treason, murder, armed robbery, and organized crimes for which communications can be intercepted	896	1129		1368		897, 1246, 1293, 1369
*568 -	By Senator Trump: Deferring further proceedings for certain first offenses upon completion of Motor Vehicle Alcohol Test and Lock Program within 12 months	897	1129		1369		897, 1246, 1293, 1369
569 -	By Senators Mann and Rucker: Establishing local choice program for alternative high school assessments for improving education	897					897
570 -	By Senators Palumbo and Stollings: Limiting amount property reappraisal can increase	897					897
571 -	By Senators Mann and Baldwin: Fixing PEIA aggregate premium cost sharing	897					897
*572 -	By Senators Karnes, Sypolt, Cline, Ojeda and Plymale: Creating Farm-to-School Grant Program	898	1071, 1130		1282		898, 1072, 1229-1230, 1282
*573 -	By Senators Mann, Baldwin and Boso: Relating generally to school calendars	898	1072		1211		898, 1073, 1100, 1155, 1211-1212
*574 -	By Senators Weld and Cline: Relating to crime of misrepresentation of military honors	898	1057		1212	2176	898, 1100, 1156, 1212, 3312, 3325

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
*575 -	By Senators Takubo, Arvon, Azinger, Boley, Boso, Clements, Cline, Drennan, Maroney, Maynard, Rucker, Sypolt, Stollings and Plymale: Approving additional beds for intermediate care facilities	898	1110	1230, 2177	1283, 2177	2176	899, 1157, 1230, 1283, 2177, 3312, 3325
576 -	By Senators Gaunch, Palumbo, Ferns, Trump and Plymale: Relating to Patient Injury Compensation Fund	899	983	2178	1151, 2179	2178	899, 983, 1053, 1098-1099, 1151, 2179, 3312, 3323
577 -	By Senators Weld and Cline: Allowing commercial rental car providers to rent vehicles online	899					899
578 -	By Senators Plymale and Stollings: Relating to Youth Mental Health Protection Act	899					899
579 -	By Senator Maynard: Establishing responsibilities of providing credit card processing services	900					900
580 -	By Senators Sypolt and Boso: Updating language for WV geodetic datum to match federal coordinate systems	900	1159				900, 1246, 1293
581 -	By Senator Gaunch: Allowing Tax Commissioner share certain tax information with certain state entities	900					900
*582 -	By Senators Clements and Maroney: Allowing candidate for political party executive committee serve as election official	900	1171	3226-3227	1370, 3227	2179, 3296	900, 1246, 1293, 1369-1370, 2179-2180, 2561, 3051, 3228, 3320, 3325
583 -	By Senator Boso: Bringing WV in compliance with federal pipeline safety regulations	901					901
584 -	By Senators Blair, Boso, Sypolt and Facemire: Finding certain claims against state to be moral obligations of state	937	1131	2181	1371, 2181	2180	937, 1246, 1293, 1370-1371, 2182, 3312, 3323
585 -	By Senators Romano, Facemire, Trump and Weld: Altering boundary line between Doddridge and Harrison counties	937	1171	2608-2613	1372, 2614	2608	937, 1246, 1293, 1371-1372, 2608-2614, 3320, 3325

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
586 -	By Senators Smith, Azinger, Baldwin, Beach, Boley, Boso, Clements, Cline, Drennan, Gaunch, Jeffries, Maroney, Maynard, Ojeda, Rucker, Swope and Sypolt: Requiring certain probationers participate in work release program and spend six months in work release center	938					938
587 -	By Senators Mann, Clements, Azinger, Boley, Maroney, Smith, Sypolt, Cline and Baldwin: Providing counties having less than 1,400 net enrollment be considered as having 1,400 net enrollment for basic foundation program	938					938
588 -	By Senators Sypolt, Cline and Baldwin: Prohibiting use of anabolic steroids and certain Class I drugs on racing dogs	938					938
*589 -	By Senators Rucker, Arvon, Clements, Cline, Drennan, Gaunch, Maynard, Smith, Sypolt and Plymale: Relating to issuance of personalized plates for antique motor vehicles	938	1131, 1249		1373	2182	939, 1132, 1294, 1373, 3312, 3325
*590 -	By Senators Jeffries, Baldwin, Beach, Clements, Cline, Facemire, Ojeda, Palumbo, Plymale, Prezioso, Romano, Smith, Stollings, Swope, Sypolt, Trump, Unger, Weld and Woelfel: Providing special license plate for curing childhood cancer	939	1132, 1249		1373	2182	939, 1132, 1294, 1373, 3314, 3325
591 -	By Senator Drennan: Increasing reimbursement rate for certain Medicaid services	939					939
592 -	By Senators Sypolt and Boso: Adding examination of advanced care technician for firefighter paramedic	939	1159	3274- 3287	1374, 3288	3274	939, 1246, 1294, 1374, 3288
593 -	By Senator Ojeda: Reducing criminal penalties and criminalization of marijuana	939					940

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
594 -	By Senator Ojeda: Directing DNR to file rule relating to WV wildlife management areas	940					940
*595 -	By Senator Azinger: Creating Protect Our Right to Unite Act	940	1194	1374-1377	1377		940, 1194, 1294, 1374-1378
596 -	By Senators Gaunch and Boso: Establishing WV Community Investment Tax Credit Program	940					940
*597 -	By Senators Gaunch, Boso and Cline: Prohibiting individuals convicted of domestic violence misdemeanor from conducting private investigation business	940	1111, 1132	1231-1243, 1284	1283		941, 1112, 1230-1243, 1284
*598 -	By Senators Trump, Ferns, Weld and Cline: Relating to civil actions against county commissions and municipalities for injuries	941	1112, 1195	1379	1378		941, 1112, 1294, 1379
599 -	By Senators Beach, Baldwin, Mann, Ojeda, Romano, Stollings and Woelfel: Relating to county boards of education providing free feminine hygiene products	941					941
*600 -	By Senators Smith, Ferns and Weld: Relating to powers and duties of PSC	941	1133, 1172				942, 1133, 1243, 1247, 1284, 1379-1380
*601 -	By Senator Facemire: Relating to personal income tax	942	1172		1380		942, 1246, 1294, 1380
602 -	By Senators Drennan, Blair, Gaunch, Maroney, Maynard, Plymale, Trump, Stollings and Boso: Providing immunity from civil liability to facilities and employees providing crisis stabilization	942					942
*603 -	By Senators Drennan, Blair, Gaunch, Maroney, Maynard, Plymale and Trump: Relating to proceedings for involuntary custody for examination	942	1113	2968-2977	1285, 2977	2968	942, 1158, 1243, 1285, 2978, 3320, 3325

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
604 -	By Senator Drennan: Relating to temporary permits to perform social work functions within community health centers	942					943
605 -	By Senators Mann, Drennan and Cline: Relating to vocational and technical education programs	943					943
606 -	By Senators Swope, Rucker, Smith and Cline: Relating to admissibility of certain evidence in civil action	943					943
607 -	By Senators Swope, Rucker, Smith, Boso and Cline: Prohibiting certain misleading lawsuit advertising practices	943					943
608 -	By Senators Ojeda, Baldwin, Beach, Facemire, Palumbo, Plymale, Romano, Stollings, Swope, Unger, Woelfel, Prezioso and Cline: Creating misdemeanor offense of impersonating military	944					944
609 -	By Senators Facemire, Baldwin, Beach, Jeffries and Romano: Relating generally to valuation of natural resources property	944					944
610 -	By Senators Romano, Beach, Drennan, Facemire, Gaunch, Jeffries, Mann, Palumbo, Prezioso, Rucker, Smith, Stollings, Swope, Sypolt, Plymale and Cline: Providing penalty for possession of marijuana	944					944
611 -	By Senators Drennan, Boso, Cline, Takubo and Woelfel: Relating to licensing of mental health facilities	945					945
612 -	By Senators Boley, Boso and Maynard: Relating to sale of municipal property	945	1160		1380	2978	945, 1246, 1295, 1381, 3314, 3325
613 -	By Senators Takubo, Baldwin, Beach, Clements, Facemire, Jeffries, Maroney, Ojeda, Palumbo, Romano, Stollings, Weld, Plymale and Prezioso: Relating to Youth Mental Health Protection Act	945					945, 973, 1247

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
614 -	By Senators Drennan, Boso and Cline: Relating to crime of impeding investigation involving acts of violence	945					946
615 -	By Senators Drennan and Woelfel: Relating to licensing and registering opioid treatment programs	946					946
*616 -	By Senators Boso and Cline: Establishing maximum gross weight for certain wood-bearing trucks	946	1134	2183	1381, 2183	2183	947, 1134, 1246, 1295, 1381, 2183, 3312, 3323
617 -	By Senators Boso and Cline: Allowing municipal fire chiefs appoint deputy fire chief	947					947
618 -	By Senators Weld and Boso: Relating to sale of tax liens	947					947
619 -	By Senators Ferns and Boso: Creating Prosecuting Attorney Directives Act	947					947
620 -	By Senator Baldwin: Creating opioid crisis recovery fine program	948					948
621 -	By Senator Trump: Prohibiting consumer-reporting agency from charging fee to consumer	948					948
622 -	By Senator Boso: Imposing additional court costs on violations of seat belt usage	948					948
623 -	By Senators Takubo, Maroney, Gaunch and Boso: Relating to Medicaid subrogation liens of DHHR	948					949
624 -	By Senator Unger: Relating to racetrack video lottery	949					949
*625 -	By Senators Gaunch, Maynard, Boso, Clements, Jeffries, Palumbo, Smith, Sypolt and Weld (originating in Senate Government Organization): Creating WV Volunteer Fire and Rescue Act of 2018	956	956, 1113	3122-3136, 3195-3198	1286, 3136, 3199	3122, 3297	959, 1158, 1243, 1285-1286, 3136, 3194-3199, 3320, 3325



Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
626 -	By Senator Smith (originating in Senate Energy, Industry and Mining): Relating generally to coal mining	959	959	2184-2221	1096, 2221	2184	1000, 1052, 1096, 2221, 3314, 3325
627 -	By Senators Trump, Weld, Beach, Maynard, Romano, Azinger, Rucker, Ojeda, Karnes, Cline, Jeffries, Smith, Swope, Baldwin, Clements and Ferns (originating in Senate Judiciary): Permitting local governments to access certain economic development project-related tax records	1073	1073		1213		1101, 1156, 1213
628 -	By Senators Maroney, Maynard, Arvon, Baldwin, Cline, Drennan and Swope (originating in Senate Economic Development): Relating generally to WV Jobs Investment Trust Board	1117	1117		1286		1158, 1243, 1287
629 -	By Senators Maynard, Beach, Cline, Facemire, Karnes, Rucker, Smith, Stollings, Sypolt and Woelfel (originating in Senate Natural Resources): Expanding conditions of permanent disability required for Class Q permit	1173	1173		1382		1246, 1295, 1382
630 -	By Senators Blair, Arvon, Boley, Boso, Drennan, Facemire, Gaunch, Mann, Maroney, Palumbo, Plymale, Prezioso, Stollings, Sypolt, Takubo and Unger (originating in Senate Finance): Relating to changes in distribution of certain racetrack video lottery net terminal income and excess lottery fund	1249	1249	1295	1382		1250, 1295, 1383
631 -	By Senators Blair, Arvon, Boley, Boso, Drennan, Facemire, Gaunch, Mann, Maroney, Palumbo, Plymale, Prezioso, Stollings, Sypolt, Takubo and Unger (originating in Senate Finance): Relating generally to one-call system	1250	1250	1296-1297	1383	2222	1251, 1295-1297, 1383, 3314, 3325

Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Amended	Passed Senate	Passed House	OTHER PROCEEDINGS
632 -	By Senators Trump, Weld, Azinger, Baldwin, Beach, Clements, Cline, Jeffries, Karnes, Maynard, Ojeda, Romano, Rucker, Smith, Swope and Woelfel (originating in Senate Judiciary): Allowing retired judicial officers recalled to service to avoid limit on temporary payments under certain circumstances	1389	1389		1390		1389-1390
633 -	By Senators Blair, Arvon, Boley, Boso, Drennan, Facemire, Ferns, Gaunch, Mann, Maroney, Palumbo, Plymale, Prezioso, Stollings, Sypolt, Takubo and Unger (originating in Senate Finance): Expiring funds from Insurance Commission Fund and appropriating funds to Consolidated Medical Services Fund	1682	1682	3137	2252, 3137	3136	1803, 2109, 2252, 3137-3138, 3307, 3322
634 -	By Senators Blair, Arvon, Boley, Boso, Drennan, Facemire, Ferns, Gaunch, Mann, Maroney, Palumbo, Plymale, Prezioso, Stollings, Sypolt, Takubo and Unger (originating in Senate Finance): Adding, increasing, and decreasing appropriations from General Revenue to DHHR	1682	1682		2253	3297	1803, 2109, 2253, 3307, 3322
635 -	By Senators Arvon, Boso, Drennan, Facemire, Ferns, Gaunch, Palumbo, Prezioso, Stollings, Sypolt, Takubo and Blair (originating in Senate Finance): Relating to 2019 salary adjustment for employees of DHHR	2094	2094		2466	2978	2094, 2265, 2466-2467, 3320, 3323

Number	TITLE OF SENATE JOINT RESOLUTIONS	Introduced	Reported from Committee	Amended	Adopted by Senate	Adopted by House	OTHER PROCEEDINGS
1 -	By Senators Karnes, Rucker and Maynard: Right to Farm and Ranch Amendment	64					64
2 -	By Senator Karnes: Fair and Simple Tax Reform or FASTR Amendment	64					65
**3 -	By Senators Boso and Cline: Judicial Budget Oversight Amendment	65	558, 716	879, 880, 3020-3028, 3213-3219	879, 3028, 3219-3220	3020, 3297	65, 559, 759, 799-800, 864, 879-886, 918, 3020-3034, 3052, 3183, 3220-3226
4 -	By Senator Sypolt: Protection of Electronic Communication and Data Amendment	65					65
5 -	By Senators Sypolt and Rucker: Homestead Exemption Increase Amendment	65					66
6 -	By Senator Ojeda: Judicial Budget Oversight Amendment	113					113
*7 -	By Senators Boso, Rucker, Cline and Azinger: Supervision of Free Schools Modification Amendment	125	1195, 1317				125, 1196, 1317, 1383, 3143
*8 -	By Senators Boso and Cline: County Economic Development Amendment	125	716, 1390				125, 717, 1391, 1425, 1509, 1613, 1691
9 -	By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]: Just Cut Taxes and Win or JCTAW Amendment	172					173
*10 -	By Senators Sypolt, Facemire and Cline: Disabled Veteran Exemption From Ad Valorem Property Tax Amendment	302	1135				302, 1135
11 -	By Senators Ojeda and Rucker: Recall Election Amendment	374					375
*12 -	By Senators Rucker, Arvon, Azinger, Blair, Boley, Boso, Cline, Ferns, Gaunch, Karnes, Mann, Maynard, Smith, Swope, Sypolt and Maroney: No Constitutional right to abortion Amendment	405	591		696	1753	406, 634, 659-661, 696-697

Number	TITLE OF SENATE CONCURRENT RESOLUTIONS	Introduced	Reported From Committee	Amended	Adopted by Senate	Adopted by House	OTHER PROCEEDINGS
1 -	By Senators Ojeda, Plymale, Beach and Woelfel: US Army SGT Denver E. Short Memorial Road	66	621		657	3297	67, 103, 658, 3048
2 -	By Senators Romano, Facemire, Plymale, Beach and Woelfel: Walter E. Swiger, Jr., Memorial Bridge	67	1039		1040		69, 103, 1040
*3 -	By Senators Romano, Facemire, Plymale, Beach and Woelfel: Michael Angiulli Memorial Bridge	69	367		411	3297	71, 104, 411-412
*4 -	By Senators Boso, Plymale and Woelfel: WV Army National Guard Sergeant Glenn F. Lough, P.E., Memorial Bridge	71	273		308	927	73, 104, 309
5 -	By Senators Clements, Azinger, Boso, Ojeda, Romano, Weld, Cline, Takubo, Unger, Stollings, Plymale and Baldwin: Requesting DMAPS and Division of Personnel develop plan to raise correctional officers' salaries	141					144, 164
6 -	By Senators Ferns, Carmichael (Mr. President), Weld, Stollings, Beach, Plymale and Boso: Supporting construction of Gold Star Families Memorial Monument	160			175	218	162, 175
7 -	By Senators Takubo and Stollings: Requesting federal government grant waiver for required waiting period for tubal ligation procedures	229					231, 259
8 -	By Senator Maynard: Requesting study of creation and role of WV Motorsports Commission	253					254, 284
9 -	By Senators Karnes, Azinger, Boley, Cline, Mann, Rucker, Swope, Trump and Ferns: Urging Congress call convention of states under Article V limited to proposing amendments to Constitution of United States	302					304, 324

Number	TITLE OF SENATE CONCURRENT RESOLUTIONS	Introduced	Reported From Committee	Amended	Adopted by Senate	Adopted by House	OTHER PROCEEDINGS
10 -	By Senators Beach, Baldwin, Clements, Gaunch, Maroney, Maynard, Ojeda, Plymale, Stollings, Woelfel, Facemire, Cline and Prezioso: Proposing amendment to US Constitution restoring free and fair elections	305					307, 324, 662
*11 -	By Senators Rucker and Unger: Evans Center for Excellence in Aircraft Maintenance	340	675		728	1474	342, 377, 728
12 -	By Senators Stollings, Smith, Boso, Drennan, Beach and Plymale: US Army SP4 Darrell Gregory Triplett Memorial Bridge	625	1039		1040		626, 658, 1040
13 -	By Senators Beach, Stollings and Plymale: Jeffrey Alan Clovis Memorial Bridge	650					651, 689, 3048
14 -	By Senators Woelfel, Stollings and Plymale: US Army SPC 4 William L. Amos Memorial Bridge	652	1039		1040	3298	653, 689, 1040
15 -	By Senators Romano, Facemire, Unger, Stollings and Plymale: US Marine SGT Stephen E. Drummond Memorial Bridge	680	1039		1040		682, 728, 1040
16 -	By Senators Romano, Facemire, Unger, Stollings and Plymale: Sardis District Veterans Memorial Bridge	682	1039		1040		682, 728, 1040
17 -	By Senators Rucker, Unger, Stollings and Plymale: John Hancock Hall Memorial Bridge	683	1775		1776	3298	684, 728-729, 1777
18 -	By Senators Stollings and Plymale: Balentine Brothers Bridge	719					720, 752
19 -	By Senators Stollings and Plymale: John B. Short Memorial Bridge	721			2250		721, 752, 2251
20 -	By Senators Sypolt, Stollings, Boso and Cline: Requesting Bureau for Medical Services review and update Medicaid rates for ground and air ambulance services	777			856		779, 856

Number	TITLE OF SENATE CONCURRENT RESOLUTIONS	Introduced	Reported From Committee	Amended	Adopted by Senate	Adopted by House	OTHER PROCEEDINGS
21 -	By Senators Stollings, Beach and Plymale: US Army PFC Charles Thurman "Buddy" Ellis Memorial Bridge	779	1775		1776	3298	780, 857, 1777
22 -	By Senators Stollings, Beach and Plymale: US Army Colonel Larkin Bilton Vance Memorial Highway	781	1775		1776	3298	782, 857, 1777
23 -	By Senators Stollings, Beach and Plymale: Betty Jo DeLong Memorial Bridge	846	3044		3045	3298	847, 905, 3046
24 -	By Senators Stollings, Ojeda, Beach and Plymale: Requesting study by Joint Committee on Children and Families regarding efficiency of organizations within DHHR	847					849, 905
25 -	By Senators Stollings, Beach and Plymale: US Army PFC O. T. (Teaberry) Mullins Memorial Bridge	850	1775		1776	3298	851, 905, 1777
26 -	By Senators Jeffries, Drennan, Gaunch, Swope, Stollings, Beach and Plymale: US Army PFC Thomas Mayford Martin Memorial Bridge	851	1775		1776	3298	852, 906, 1777
27 -	By Senators Stollings, Beach and Plymale: US Army CPL F. Lee Noel Memorial Bridge	852	1775		1776	3299	854, 906, 1777
28 -	By Senators Gaunch and Boso: Requesting study to consider removing solid waste facilities from jurisdiction of PSC	901	1391				902, 960, 1391
*29 -	By Senators Maynard, Plymale and Stollings: US Army SGT Benny Fleming Memorial Bridge	949	1777		2103	3299	952, 987, 2103
30 -	By Senators Maynard, Stollings, Boso and Cline: Requesting study of legal procedures and fiscal means for state to acquire idle railway property	952					953, 987
31 -	By Senators Maynard, Stollings and Cline: Requesting study of eliminating "dead spots" in wireless coverage in WV	953					955, 987

Number	TITLE OF SENATE CONCURRENT RESOLUTIONS	Introduced	Reported From Committee	Amended	Adopted by Senate	Adopted by House	OTHER PROCEEDINGS
32 -	By Senators Beach, Baldwin, Clements, Facemire, Jeffries, Ojeda, Palumbo, Romano, Rucker, Smith, Stollings, Plymale and Cline: Recognizing importance of industrial hemp	1040			1043		1043
33 -	By Senators Smith, Sypolt, Plymale and Stollings: William "Bill" Thurman King Memorial Bridge	1043					1044, 1092
34 -	By Senators Smith, Sypolt, Plymale and Stollings: Requesting DNR study deer hunting in WV	1085					1085, 1142-1143
35 -	By Senators Swope, Beach, Plymale and Stollings: Constable Joseph H. Davidson Memorial Bridge	1086					1087, 1143
36 -	By Senators Takubo, Maroney, Azinger, Boley, Boso, Clements, Cline, Drennan, Mann, Rucker, Swope, Sypolt, Weld, Plymale, Unger, Baldwin and Stollings: Requesting study of public schools' prevention and response to violent acts against students and personnel	1087					1089, 1143
37 -	By Senators Stollings, Plymale and Beach: Sheriff John E. White Memorial Road	1089	1776		1776	3299	1092, 1143, 1777
38 -	By Senators Sypolt, Beach, Cline and Boso: Urging Congress reassess federal definition of "industrial hemp"	1138					1140, 1200
39 -	By Senators Trump, Weld, Beach, Maynard, Romano, Azinger, Rucker, Ojeda, Karnes, Cline, Jeffries, Smith, Swope, Baldwin, Clements, Woelfel and Ferns (originating in Senate Judiciary): Requesting study of feasibility and implementation of coordination of law-enforcement agencies in finding missing persons and identifying found remains	1135	1135				1137

Number	TITLE OF SENATE CONCURRENT RESOLUTIONS	Introduced	Reported From Committee	Amended	Adopted by Senate	Adopted by House	OTHER PROCEEDINGS
40 -	By Senators Trump, Weld, Beach, Maynard, Romano, Azinger, Rucker, Ojeda, Karnes, Cline, Jeffries, Smith, Swope, Baldwin, Clements, Woelfel and Ferns (originating in Senate Judiciary): Requesting study of legality and effects of prohibit retailers from selling or leasing products that make content accessible on the Internet	1173	1173				1175
41 -	By Senators Cline, Baldwin, Clements, Jeffries, Smith, Swope, Woelfel, Beach, Plymale, Stollings and Boso: Home of Coach Bob Bolen Mountain State University 2004 NIAA Champions road marker	1265					1265, 1330
42 -	By Senators Palumbo, Stollings, Boso, Beach and Plymale: US Navy Veteran Samuel H. Slack, Jr., Memorial Bridge	1413					1414, 1489
43 -	By Senators Romano, Facemire, Stollings, Beach and Plymale: US Army T-4 CE Caesar Bango Memorial Bridge	1414	1776		1776	3299	1415, 1489, 1777
44 -	By Senators Swope, Boso, Maynard, Stollings, Cline and Plymale: Bluefield Police LT Aaron L. Crook Memorial Bridge	1416					1417, 1489
45 -	By Senator Blair: Suspending provisions of Joint Rule 5 as to Com Sub for SJR 8	1417					1417-1418
46 -	By Senators Trump, Weld, Maynard, Azinger, Rucker, Karnes, Cline, Smith, Swope, Clements and Ferns (originating in Senate Judiciary): Requesting study of creating WV legal system to curb abusive lawsuits	1421	1421				1423
47 -	By Senators Trump, Weld, Beach, Maynard, Romano, Azinger, Rucker, Ojeda, Karnes, Cline, Jeffries, Smith, Swope, Baldwin, Clements, Woelfel and Ferns (originating in Senate Judiciary): Requesting study on limiting use of criminal records to disqualify person from license to practice occupation	1423	1423				1424



Number	TITLE OF SENATE CONCURRENT RESOLUTIONS	Introduced	Reported From Committee	Amended	Adopted by Senate	Adopted by House	OTHER PROCEEDINGS
48 -	By Senators Carmichael (Mr. President), Plymale and Stollings: US Army MSG Monty Ray Skeen, Sr., Memorial Bridge	1586	3044		3045	3299	1588, 1688, 3046
49 -	By Senators Jeffries, Baldwin, Beach, Ojeda, Prezioso, Romano, Stollings and Plymale: US Army PFC Robert "Bobby" Tate, Jr., Memorial Bridge	1588	3044		3045	3299	1589, 1688, 3046
50 -	By Senators Karnes, Beach, Plymale, Romano, Stollings, Swope, Trump and Unger (originating in Senate Education): Requesting study requiring Department of Education provide free feminine hygiene products to female students in grades 5 through 12	1590	1590				1592
51 -	By Senator Trump: Extending conference committee relating to Engrossed Committee Substitute for HB 4013	1739		1740	1739	1740	1739-1740
*52 -	By Senators Drennan, Plymale, Boso and Stollings: Deputy Sheriff John Janey Memorial Bridge	1765	3046		3048	3299	1766, 2103, 3048
53 -	By Senators Stollings, Beach, Plymale and Boso: US Army SGT Harold Scott White Memorial Bridge	1806					1809, 2250
54 -	By Senators Plymale, Boso and Cline: Requesting study on effect of new vehicle weights on WV roads	2231			2232	3300	2232
55 -	By Senators Plymale, Boso and Cline: Urging Congress pass law permitting WV to increase vehicle weight on interstate highways	2233			2235	3300	2235
56 -	By Senators Stollings, Beach and Plymale: PFC Franklin L. Conn and SGM Bill Jeffrey Memorial Bridge	2235					2237, 2466

Number	TITLE OF SENATE CONCURRENT RESOLUTIONS	Introduced	Reported From Committee	Amended	Adopted by Senate	Adopted by House	OTHER PROCEEDINGS
57 -	By Senators Trump, Weld, Beach, Maynard, Romano, Azinger, Rucker, Ojeda, Karnes, Cline, Jeffries, Smith, Swope, Baldwin, Clements, Woelfel and Ferns (originating in Senate Judiciary): Requesting study of potential creation of WV Sentencing Commission	2237	2237				2238
58 -	By Senators Maynard, Beach, Cline, Karnes, Rucker, Smith, Stollings and Sypolt (originating in Senate Natural Resources): Requesting study options for solving crisis of abandonment of large horses	2239	2239				2241
59 -	By Senators Maynard, Beach, Cline, Karnes, Rucker, Smith, Stollings and Sypolt: Requesting study possible methods to enhance forest management	2241					2243
60 -	By Senators Maynard, Beach, Cline, Karnes, Rucker, Smith, Stollings and Swope: Requesting study requiring DNR and state agencies use non- employee workforce	2243					2245
61 -	By Senators Maynard, Beach, Cline, Karnes, Rucker, Smith, Stollings and Sypolt: Requesting study for developing plans reclaiming solid waste landfills	2245					2246
62 -	By Senators Maynard, Beach, Cline, Karnes, Rucker, Smith, Stollings and Sypolt: Requesting study of potential economic benefits of rock climbing tourism	2247					2248
63 -	By Senators Maynard, Beach, Cline, Karnes, Rucker, Smith and Stollings: Requesting study of development of "adopt-a-waterway" program	2248					2250
64 -	By Senators Takubo, Rucker and Plymale: Designating Sunday, May 6, 2018, as World Moyamoya Awareness Day	2457					2458, 3143

Number	TITLE OF SENATE CONCURRENT RESOLUTIONS	Introduced	Reported From Committee	Amended	Adopted by Senate	Adopted by House	OTHER PROCEEDINGS
65 -	By Senators Romano, Beach, Boso, Facemire, Ojeda and Plymale: US Army SP4 Wilbur Allen Smith Memorial Bridge	2458					2459, 3143
66 -	By Senators Boso, Maynard and Plymale: Robert "Glen" Schoonover Memorial Bridge	2459					2461, 3143
67 -	By Senators Boley, Beach, Blair, Cline, Facemire, Karnes, Sypolt, Rucker, Maynard, Boso and Plymale: Requesting study on improving WV students' scores on educational tests	2461					2462, 3143
68 -	By Senators Trump, Weld, Beach, Maynard, Romano, Azinger, Rucker, Ojeda, Karnes, Cline, Jeffries, Smith, Swope, Baldwin, Clements, Woelfel and Ferns (originating in Senate Judiciary): Requesting study of potentially creating nonpartisan commission for planning and mapping state legislative election districts	2624	2624				2625
69 -	By Senators Maynard, Beach, Cline, Karnes, Rucker, Smith, Stollings and Sypolt (originating in Senate Natural Resources): Requesting study development of Office of Outdoor Recreation	2626	2626				2627
70 -	By Senators Maynard, Beach, Cline, Karnes, Rucker, Smith, Stollings and Sypolt (originating in Natural Resources): Requesting study ways to deter wanton waste of animals, birds and fish	2627	2627				2628

Number	TITLE OF SENATE RESOLUTIONS	Introduced	Reported from Committee	Amended	Adopted by Senate	OTHER PROCEEDINGS
1 -	By Senator Ferns: Notifying House of Delegates Senate has assembled in regular session	2			2	2
2 -	By Senator Ferns: Notifying Governor Legislature has assembled in regular session	2			3	3
3 -	By Senator Blair: Authorizing appointment of permanent and per diem employees	3			7	
4 -	By Senators Trump, Blair, Sypolt, Smith, Plymale, Stollings and Boso: Honoring life of Dr. Harry Warren Boggs	99			101	101
5 -	By Senators Trump, Blair, Sypolt, Smith, Plymale, Stollings and Boso: Recognizing public service of Anne Palmer	101			103	103
6 -	By Senators Gaunch, Takubo, Boso, Blair, Stollings, Cline and Drennan: Designating March 21, 2018, as Down Syndrome Awareness Day	125			126	
7 -	By Senators Ferns, Weld and Stollings: Congratulating Wheeling Central Catholic high school on winning 2017 Class A football championship	127			128	
8 -	By Senators Drennan, Romano, Cline, Trump, Unger, Beach, Plymale, Rucker, Karnes and Azinger: Designating January 16, 2018, as WV Homeschool Day	144			145	145
9 -	By Senators Takubo, Stollings, Prezioso, Beach, Plymale, Cline and Boso: Designating January 17, 2018, as Disability Advocacy Day	162			163	
10 -	By Senators Smith, Sypolt, Facemire, Stollings, Beach and Plymale: Designating January 18, 2018, as Tucker County Day	173			174	

Number	TITLE OF SENATE RESOLUTIONS	Introduced	Reported from Committee	Amended	Adopted by Senate	OTHER PROCEEDINGS
11 -	By Senators Stollings, Takubo, Ojeda, Boso, Plymale and Cline: Designating January 19, 2018, as Southern West Virginia Day at Capitol	192			194	194-196
12 -	By Senators Palumbo, Trump, Stollings, Beach and Cline: Designating January 22, 2018, as Women's and Girls' Day	208			209	
13 -	By Senators Unger, Trump, Stollings, Blair, Beach and Rucker: Recognizing Leadership Berkeley	210			211	
14 -	By Senators Mann, Stollings, Rucker, Cline, Boso, Karnes, Maynard, Baldwin, Prezioso, Beach, Plymale and Drennan: Designating January 23, 2018, as Higher Education Day	231			232	232
15 -	By Senators Maynard, Stollings, Romano, Unger, Beach, Baldwin and Cline: Designating January 24, 2018, as School Counselors Day	255			255	
16 -	By Senators Plymale, Woelfel, Stollings, Unger, Beach and Boso: Designating January 24, 2018, as Marshall University Day	256			257	257
17 -	By Senators Plymale, Woelfel, Stollings, Romano, Unger, Beach and Boso: Recognizing Marshall University football team	257			259	259
18 -	By Senators Beach, Stollings, Romano, Unger, Plymale, Cline and Prezioso: Designating January 26, 2018, as Human Resources Day	307			308	308
19 -	By Senators Rucker, Unger and Plymale: Designating January 29, 2018, as Jefferson County Day	322			323	323
20 -	By Senators Beach, Prezioso, Stollings, Facemire, Unger and Plymale: Celebrating achievements and contributions of Monongalia County	342			344	344

Number	TITLE OF SENATE RESOLUTIONS	Introduced	Reported from Committee	Amended	Adopted by Senate	OTHER PROCEEDINGS
21 -	By Senators Beach, Stollings, Facemire, Prezioso and Plymale: Recognizing Bryan Schuerman for being named 2017 WV Outstanding Earth Science Teacher	345			347	347
22 -	By Senators Trump, Woelfel, Unger, Stollings, Cline, Rucker, Plymale, Beach and Boso: Designating January 31, 2018, as Nurses Unity Day	375			376	
23 -	By Senators Carmichael (Mr. President), Ferns, Stollings and Boso: Recognizing contributions and efforts of Donate Life West Virginia partners	406			407	407-408
24 -	By Senators Baldwin, Stollings, Plymale and Beach: Celebrating efforts and contributions of Greenbrier County Elder Abuse Awareness Committee	408			409	409-410
25 -	By Senators Stollings, Boso, Unger, Beach and Plymale: Designating February 2, 2018, as Dental Hygienists Day	471			472	471-472
26 -	By Senators Cline, Plymale and Unger: Congratulating Wyoming East High School golf team for 2017 Class AA state championship	564			565	564-565
27 -	By Senators Beach, Prezioso, Plymale, Unger and Stollings: Celebrating achievements and contributions of athletes from Marion County	565			569	565-569
28 -	By Senators Gaunch, Jeffries, Plymale, Stollings, Unger, Boso, Baldwin, Cline, Beach and Drennan: Designating February 6, 2018, as West Virginia State University Day	595			598	595-598
29 -	By Senators Carmichael (Mr. President), Drennan, Plymale, Stollings, Palumbo, Unger, Boso and Beach: Congratulating Hurricane High School boys' soccer team	598			599	598-599

Number	TITLE OF SENATE RESOLUTIONS	Introduced	Reported from Committee	Amended	Adopted by Senate	OTHER PROCEEDINGS
30 -	By Senators Weld, Stollings, Boso, Unger, Drennan, Swope, Beach, Prezioso, Plymale and Cline: Designating February 7, 2018, as Veterans Visibility Day	626			627	627
31 -	By Senators Takubo, Stollings, Boso, Unger, Swope, Beach, Prezioso, Plymale, Cline and Jeffries: Designating February 7, 2018, as Go Red for Women Day	628			629	629
32 -	By Senators Weld, Ferns, Stollings, Unger, Boso, Plymale and Maroney: Honoring heroic actions of Brooke County Deputy Sheriffs Devin C. Baker, Kristen L. Richmond and Shane S. Siranovic	653			655	655
33 -	By Senators Baldwin, Mann, Stollings, Takubo, Unger, Blair, Cline, Boso, Plymale, Jeffries and Maroney: Recognizing WV School of Osteopathic Medicine for excellence in medical education	655			657	657
34 -	By Senators Boso, Unger, Stollings, Romano, Karnes, Sypolt, Drennan, Plymale, Facemire and Cline: Designating February 9, 2018, as Corrections Day	684			685	685
35 -	By Senators Ferns, Weld, Unger, Stollings, Karnes, Sypolt, Boso, Plymale, Cline and Rucker: Recognizing distinguished military service of Brigadier General John C. "Doc" Bahnsen, Jr.	686			688	688
36 -	By Senators Clements, Carmichael (Mr. President), Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld and Woelfel: Memorializing life of Jan Vineyard	722			724	724
37 -	By Senators Romano, Facemire, Unger, Stollings and Plymale: Celebrating bicentennial of City of Weston	725			726	726

Number	TITLE OF SENATE RESOLUTIONS	Introduced	Reported from Committee	Amended	Adopted by Senate	OTHER PROCEEDINGS
38 -	By Senators Drennan, Takubo, Stollings, Romano, Baldwin, Cline, Plymale and Maynard: Designating February 13, 2018, as WV Child Care Association Celebrating Children and Families Day	748			750	750
39 -	By Senators Ferns, Takubo, Stollings, Baldwin, Cline and Plymale: Designating week of February 11-17, 2018, as WV 211 Awareness Week	750			751	
40 -	By Senators Stollings, Takubo, Unger, Beach, Plymale, Cline, Drennan and Prezioso: Designating February 14, 2018, as Tiny Hearts Day	782			783	783
41 -	By Senators Carmichael (Mr. President), Unger, Stollings, Maynard, Beach, Boso, Plymale, Cline, Drennan and Prezioso: Designating February 14, 2018, as Arts Day	783			785	
42 -	By Senators Gaunch, Carmichael (Mr. President), Unger, Stollings, Woelfel, Maynard, Boso, Plymale, Cline and Drennan: Recognizing contribution of car dealers to economy of West Virginia	785			787	
43 -	By Senators Beach, Stollings, Jeffries, Palumbo, Facemire, Baldwin, Prezioso, Romano, Cline and Plymale: Designating February 15, 2018, as WV Alzheimer's Association Day	854			855	
44 -	By Senator Ojeda: Urging House of Delegates investigate impeachment of Chief Justice Allen Loughry	902				904, 960
45 -	By Senators Takubo, Palumbo, Plymale, Stollings and Boso: Congratulating Glen Chestnut as WV Outstanding Tree Farmer of 2018	955			956	
46 -	By Senators Unger, Rucker, Blair, Trump, Plymale and Beach: Recognizing achievements and contributions of Berkeley County and its citizens to WV	984			986	986



Number	TITLE OF SENATE RESOLUTIONS	Introduced	Reported from Committee	Amended	Adopted by Senate	OTHER PROCEEDINGS
47 -	By Senators Swope, Plymale, Cline, Stollings, Prezioso, Boso and Romano: Designating February 21, 2018, as WV Aviation Day	1044			1045	1045
48 -	By Senators Carmichael (Mr. President), Drennan, Plymale and Stollings: Celebrating 150th anniversary of Winfield	1046			1047	1047
49 -	By Senators Stollings, Plymale, Cline, Prezioso and Boso: Designating March 11-17, 2018, as Multiple Sclerosis Awareness Week	1047			1049	1049
50 -	By Senators Sypolt, Plymale, Cline, Stollings, Prezioso and Boso: Designating February 21, 2018, as WV Local Foods Day	1049			1050	1050
51 -	By Senators Smith and Cline: Urging Congress reinstate separation of commercial and investment banking functions	1140				1142, 1200
52 -	By Senators Baldwin, Beach and Plymale: Designating February 26, 2018, as Families Leading Change Day	1195			1198	1198
53 -	By Senators Romano, Facemire, Beach, Stollings and Cline: Recognizing Glenville State College for its efforts in making education more affordable	1198			1425	1200, 1268-1269, 1330-1331, 1425
54 -	By Senators Unger, Rucker, Beach, Plymale and Stollings: Recognizing Leadership Jefferson for service, dedication, and commitment to Jefferson County	1265			1266	
55 -	By Senators Plymale, Woelfel, Beach, Stollings and Boso: Congratulating Cabell Midland Knights girls' soccer team for 2017 Class AAA state championship	1266			1267	1267
56 -	By Senator Cline: Recognizing Michael Todd Paynter for public service to state and country	1329			1330	1330

Number	TITLE OF SENATE RESOLUTIONS	Introduced	Reported from Committee	Amended	Adopted by Senate	OTHER PROCEEDINGS
57 -	By Senators Palumbo, Stollings, Cline, Boso, Prezioso, Beach and Plymale: Designating March 1, 2018, as Innovation and Entrepreneurship Day	1418			1419	
58 -	By Senators Prezioso, Stollings, Boso, Beach and Plymale: Recognizing guiding principles and partnership of WV Forward's initiatives	1419			1421	
59 -	By Senators Palumbo, Stollings, Prezioso, Plymale and Boso: Recognizing dedicated and honorable public service of Linda Gibson	1483			1485	1485
60 -	By Senators Clements, Stollings, Cline, Prezioso, Plymale and Boso: Designating March 2, 2018, as Suicide Prevention and Awareness Day	1486			1487	1488
61 -	By Senators Carmichael (Mr. President), Stollings, Plymale, Cline and Prezioso: Designating month of March, 2018, as American Red Cross Month	1685			1687	
62 -	By Senators Boso and Plymale: Congratulating Quinn Raffo, distinguished finalist for 2018 Prudential Spirit of Community Award	1687			1688	1688
63 -	By Senators Unger, Plymale and Stollings: Honoring Dennis Frye for his dedicated public service	1766			1769	
64 -	By Senators Prezioso, Plymale, Stollings, Beach and Cline: Reaffirming sister-state relationship between WV and Taiwan	1769			1771	
65 -	By Senators Drennan, Plymale, Stollings and Boso: Memorializing life of Leon McCoy	1809			1811	1811
66 -	By Senators Trump, Ferns, Unger, Prezioso, Boso and Plymale: Recognizing 50th anniversary of Commission on Special Investigations and staff	2463			2464	2463-2464

Number	TITLE OF SENATE RESOLUTIONS	Introduced	Reported from Committee	Amended	Adopted by Senate	OTHER PROCEEDINGS
67 -	By Senators Jeffries, Drennan, Stollings, Unger and Plymale: Congratulating Winfield High School girls' tennis team for 2017 Class AA-A championship	2464			2465	2464-2466
68 -	By Senators Beach, Carmichael (Mr. President), Arvon, Azinger, Baldwin, Blair, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Maroney, Maynard, Ojeda, Plymale, Prezioso, Romano, Rucker, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld and Woelfel: Memorializing life of Stephen L. Cook	3232			3233	
69 -	By Senator Ojeda: Urging Frontier Communications prioritize negotiations to conclude fair labor agreement with CWA	3234				3235
70 -	By Senators Plymale, Woelfel, Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Carmichael (Mr. President), Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger and Weld: Recognizing Randy Moss for his induction into the Pro Football Hall of Fame	3235			3237	3237
71 -	By Senator Ferns: Notifying House of Delegates Senate is ready to adjourn <i>sine die</i>	3304			3304	3304
72 -	By Senator Ferns: Notifying Governor Legislature is ready to adjourn <i>sine die</i>	3304			3305	3305

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
*2008 -	By Delegates Gearheart and Hamrick: Relating to the Dealer Recovery Program	1397	1764		2467		1398, 2134, 2265, 2467, 3312, 3323
*2028 -	By Delegates Folk, Hanshaw, Shott, Dean, Fleischauer, Fluharty, McGeehan, Paynter, Martin and Wilson: Relating to the venue for suits and other actions against the state	237	1737		2254		238, 1803, 2109, 2254, 3310, 3325
*2464 -	By Delegate Cowles: Relating to disclaimers and exclusions of warranties in consumer transactions for goods	974	1479	1692-1693, 1782	1781	2978	974, 1615, 1693, 1782, 3310, 3325
*2483 -	By Delegates Eldridge, Butler, Rohrbach, R. Miller, Sobonya and Iaquia: Requiring the Division of Juvenile Services to transfer to a correctional facility or regional jail any juvenile in its custody that has been transferred to adult jurisdiction of the circuit court and who reaches his or her eighteenth birthday	315	1258	1426-1427, 1490	1490	1753	316, 1385, 1425-1428, 1491, 2623, 3323
*2546 -	By Delegates Foster, Higginbotham, Howell, Wilson, Fast, Zatezalo, Kelly, Harshbarger, Maynard and Walters: Allowing replacement costs of employer provided property to be deducted from an employee's final paycheck if the property is not returned	330	648		795		300, 701, 735, 756, 795, 977, 1158
*2607 -	By Delegate Canestraro: Extending the maximum period of confinement a judge may impose for certain, first-time probationary violations	265	1391	1510-1511, 1593	1592		265, 1464, 1511, 1593, 1754, 1866
2612 -	By Delegates Walters, Howell, Summers, Fluharty and Frich: Repealing section relating to unattended motor vehicles and penalties	557	648		756		557, 701, 735, 757, 917, 1054
*2654 -	By Delegates Statler, Miley, E. Evans, Pethel, Williams, Upson and Frich: Expanding county commissions' ability to dispose of county or district property	635	1392		1593		636, 1464, 1511, 1593, 1805, 3325

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
*2655 -	By Delegates Upson, Blair, Espinosa, Householder, Longstreth, Robinson, Sobonya, Phillips, Hill and Higginbotham: Defining and establishing the crime of cyberbullying	583	2137	2265, 2468	2468	3300	583, 2138, 2267, 2467-2468, 3313, 3325
*2662 -	By Delegates Ambler, Cooper, Paynter, Maynard, A. Evans, Hamilton, Hicks, Eldridge and Rodighiero: Prohibiting the waste of game animals, game birds or game fish	583					583
*2693 -	By Delegates Hamilton, A. Evans, Paynter, Ambler, Butler, R. Romine, Rodighiero, Eldridge and Hornbuckle: Relating to state ownership of wildlife	610	1327	1512	1593	1754	610, 1464, 1512, 1594, 3041, 3323
*2694 -	By Delegates Hamrick, Gearheart, Zatezalo, Howell, Atkinson, Ward, Williams, Statler, Moye, Sobonya and Butler: Relating to the development and implementation of a program to facilitate commercial sponsorship of rest areas	890	1258		1491		890, 1385, 1428, 1491, 2445, 3325
*2696 -	By Delegates Hamilton, R. Romine, A. Evans, Eldridge, Wagner, Rowan, Wilson, Love and Frich: Relating to crossbow hunting	583	1259	1428-1429	1492	1681	583, 1385, 1430, 1492, 2445, 3323
*2799 -	By Delegates Foster, Higginbotham, Kessinger, Hill, Cowles, Fast, R. Miller and Isner: Prohibiting the superintendent of schools from requiring a physical examination to be included to the application for a minor's work permit	360	2095	2267	2469	3300	360, 2096, 2267, 2468-2469, 3315, 3323
2822 -	By Delegates Howell, Shott, Ward, Storch, Martin, Hill and Paynter: Allowing honorably discharged veterans who possess certain military ratings to qualify to take an examination for licensing as a plumber, electrician, and sprinkler fitter	265					266

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
*2831 -	By Delegates Gearheart and Frich: Relating to the reconstitution of the Driver's Licensing Advisory Board	391	677	796	795	1027	391, 736, 758, 796, 1159, 1300
2838 -	By Delegates Howell, Shott, Frich, Dean, Harshbarger, Hill, Foster, Martin and Criss: Allowing military veterans who meet certain qualifications to qualify for examination for license as an emergency medical technician	266					266
*2841 -	By Delegates Howell, Frich, Dean, Harshbarger, Hill, Foster, Martin and Criss: Requiring board members to have attended a board meeting to be compensated for the meeting	738					738
*2843 -	By Delegates Fast, Kessinger, Hill, Howell and Ward: Permitting Class III municipalities to be included in the West Virginia Tax Increment Act	1182	1317		1492		1182, 1385, 1430, 1493, 2446, 3325
2869 -	By Mr. Speaker (Mr. Armstead): Providing for paid leave for certain state officers and employees during a declared state of emergency	166	2095	2267-2270, 2469-2470, 3293	2469, 3293		166, 2095, 2270, 2469-2470, 3293, 3313, 3323
*2889 -	By Delegates Howell, Shott, Storch, Ward, Maynard, Ferro, Lynch and Criss: Allowing military veterans with certain military ratings to qualify for examinations required of probationary police officer	1252	1411		1689		1253, 1540, 1613, 1689, 1805, 2621
*2890 -	By Delegates Lovejoy, Sobonya, C. Romine, Rohrbach, Hornbuckle, Canestraro, Thompson, Hicks, Isner and C. Miller: Establishing a Library Facilities Improvement Fund that will serve to support library facilities construction, maintenance and improvement projects	890	1259		1493		890, 1385, 1430, 1493, 2446, 3323
*2916 -	By Delegates Pethel, Hanshaw and Lovejoy: Authorizing certain first responders to carry firearms	286	1258	1430-1434, 1494, 3035	1494, 3035	3034	287, 1386, 1434, 1493-1494, 3036, 3320, 3325

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
*2982 -	By Delegate Upson: Relating to allowing draw games winners to remain anonymous	1319	2138, 2447	2470-2476, 2477	2476	3300	1320, 2139, 2447, 2470-2477, 3313, 3325
*2983 -	By Mr. Speaker (Mr. Armstead): Granting priority to roadway construction, reconstruction and maintenance for roadways prone to recurring floods that hinder ingress and egress	1182	1392		1594		1182, 1464, 1512, 1594, 3041, 3323
*2995 -	By Delegates Overington, Paynter and Kessinger: Permitting certain animal euthanasia technicians who have been certified by other states be certified animal euthanasia technicians in West Virginia	826	1412	1614, 1690, 2985-2986	1689, 2987	2985	827, 1540, 1613-1614, 1690, 1754-1755, 1866, 2454, 2985-2987, 3315, 3323
*3004 -	By Delegates Hill, Martin, Howell, Kessinger, Statler, Shott, McGeehan and Espinosa: Relating to filling vacancies in certain offices	287	744	870-878, 912	911	1475	288, 801, 870-878, 913, 1617, 2979
*3005 -	By Delegates Fast, Hanshaw, Overington, Kessinger and Gearheart: Relating to regulation of unmanned aircraft systems	288	1327	1513-1515, 1595	1595	2222	289, 1464, 1512-1515, 1596, 3310, 3325
*3020 -	By Delegates Harshbarger, Cowles, Ambler, Boggs, Paynter, Atkinson, Kessinger, Eldridge, Statler and Overington: Relating to criminal penalties for the offenses of hunting, trapping or fishing on the lands of another person	636					636
*3061 -	By Delegates Upson, Espinosa, Statler, Cooper, Rowan, R. Romine, Higginbotham, Hornbuckle, Thompson and Frich: Encouraging mastery-based education through the Innovation In Schools program	1118					1118
*3089 -	By Delegates Espinosa, Statler, Higginbotham, Upson, Cooper, Rowan, Harshbarger and Dean: Relating to the adoption of instructional resources for use in the public schools	218	2096		2477		219, 2096, 2270, 2477, 3313, 3325

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
*3104 -	By Delegates Howell and Iaquina: Transfer of the West Virginia Traumatic Brain and Spinal Cord Injury Rehabilitation Fund	890	1318		1495		891, 1386, 1434, 1495, 2446, 3323
*4001 -	By Delegates Fast, Higginbotham, Foster, McGeehan, Kessinger, Westfall, Martin, Ambler, Butler, Queen and Sybolt: Relating to eligibility and fraud requirements for public assistance	1028	2139, 2448	2477-2495, 2496, 3253-3272	2496, 3273	3252	1029, 2140, 2448, 2477-2497, 3039-3040, 3051, 3184, 3273, 3320, 3325
*4002 -	By Delegates Overington, Cowles, Moore, Hill, C. Romine, Deem, Hamilton, Jennings, Mr. Speaker (Mr. Armstead) and Maynard: Providing that all delegates shall be elected from one hundred single districts following the United States Census in 2020	219	2138, 2229	2229-2230	2498	3300	219, 2139, 2229-2230, 2497-2498, 3320, 3323
4005 -	By Delegates Shott, C. Miller, Hanshaw, Lane, Zatezalo, Ellington, Sobonya, Deem, Capito, C. Romine and Mr. Speaker (Mr. Armstead): Clarifying that appeals to the Supreme Court are a matter of right	179					179
*4006 -	By Delegates R. Romine, Blair, Espinosa, Higginbotham, Cowles, Criss, Ellington, Hamrick, Westfall, Atkinson and Statler: Revising the processes through which professional development is delivered for those who provide public education	391	2096	2270-2271, 2555	2555	3301	394, 2097, 2272-2273, 2498, 2554-2558, 3320, 3326
*4009 -	By Delegates Rohrbach, Anderson, Cowles, Phillips, Kelly, Jennings, Atkinson, Harshbarger, Ellington, Lane and Maynard: State Settlement and Recovered Funds Accountability Act	762	2140	2273-2279, 2499, 3199-3200	2499, 3200	3199	762, 2140, 2279-2280, 2498-2500, 3201, 3320, 3340
4010 -	By Delegates Jennings, Ward, A. Evans, Hollen, Fast, Ambler, Martin, Paynter, Rowan, Graves and Zatezalo: Providing no requirement to perform or host a marriage ceremony that does not conform to sincerely held religious beliefs	361					361



Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
*4011 -	By Delegates Hamrick, Phillips, Storch, Capito, Harshbarger, Kessinger, Householder, Criss, Paynter and Foster: Requiring agencies, when submitting a new rule or changes, to also identify two existing rules that could be repealed	1075	2138				1075, 2139
*4013 -	By Delegates Hanshaw, C. Miller, Overington, Graves, Westfall, Anderson, Frich, Cooper, Atkinson, R. Romine and Hollen: Clarifying venue in West Virginia state courts as it applies to nonresidents of the state	219	400	575-581, 606-607, 2998-3004	606, 3004	2997	220, 555-556, 581, 606-607, 634, 1475, 1583, 1805, 2997-3004, 3313, 3325
*4014 -	By Delegates Summers, R. Romine, Ellington, Rohrbach, Maynard, Householder, C. Miller, Cooper, Dean and Ambler: Relating to reorganization of the West Virginia Department of Health and Human Resources	1320					1321
*4015 -	By Delegates Howell, Criss, Hill, Hamrick, Statler, Queen, Blair, Summers, Sypolt, Moore and Storch: Relating to the management and continuous inventory of vehicles owned, leased, operated, or acquired by the state and its agencies	891	1480	1693-1720, 1783-1785	1782	2222	892, 1615, 1720, 1785, 3041, 3325
*4016 -	By Delegates Atkinson, Frich, Dean, Shott, Sypolt, Graves, Hamrick, White, Ward and Capito: Relating to combatting waste, fraud, and misuse of public funds through investigations, accountability and transparency	1321	1584	1797	2104	2614	1322, 1732, 1797, 2104, 3308, 3325
*4020 -	By Delegates Hanshaw and Foster: Making technical corrections in the code when referencing chapter 49	204	370	481-555, 573, 637	573, 638	637	205, 455, 555, 572-574, 637-638, 763, 1035
*4022 -	By Delegates Hamrick, Butler, Barrett, Dean, Fast, Hollen, Lovejoy and Queen: Exempting the consumer sales and service tax and use tax for services for the repair, remodeling and maintenance of certain aircraft	1075	1165		1495		1075, 1247, 1297, 1384, 1434, 1495-1496, 2446, 3323

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
*4023 -	By Delegates Summers, Ellington, Householder, Rohrbach, Hollen, Dean and Butler: Relating to the regulation of dialysis technicians	703	1480		1785		703, 1615, 1720, 1785, 3310, 3325
*4024 -	By Delegates Summers, Ellington, Householder, Sobonya, Atkinson, Dean, Hollen, Butler and Espinosa: Relating generally to direct cremation or direct burial expenses for indigent persons	827	983	1435	1496, 1867		827, 1054, 1099, 1156, 1243-1244, 1298, 1384, 1434-1435, 1497, 1866-1868, 3308, 3325
4025 -	By Delegates Ellington, Summers, Householder, Rohrbach, Hollen, Sobonya, Atkinson, Butler and Dean: Permitting reciprocity for licensure as a pharmacy technician	703	1480		1786		703, 1615, 1720, 1786, 3310, 3323
4026 -	By Delegates Ellington, Summers, Householder, Rohrbach, Sobonya, Atkinson, Hollen, Butler, Dean and Frich: Exempting cashiers from licensure under the Larry W. Border Pharmacy Practice Act	220					220, 3310
*4027 -	By Delegates Ellington, Summers, Householder, Rohrbach, Hollen and Dean: Creating an education permit for allopathic physician resident	827	1480		1786		827, 1615, 1720, 1787, 3323
*4035 -	By Delegates Summers, Ellington, Householder, Rohrbach, Byrd, Capito, Hollen, Dean, Butler, Frich and Rowan: Creating a legislative coalition to study and report to the Legislature on palliative care	316	1260, 1585	1797-1801, 2105	2104	2978	316, 1260, 1732, 1801, 2105, 3310, 3323
*4036 -	By Delegate Cowles: Increasing the maximum salaries of family case coordinators and secretary-clerks	1398	1764		2501		1398, 2134, 2280, 2501, 3313, 3323
*4042 -	By Delegates Westfall, Atkinson, Wagner, Dean and Frich: Redefining school zone to facilitate placement of school zone signs	1029	1585	1802	2105	2978	1029, 1732, 1801-1802, 2106, 3310, 3323

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
*4079 -	By Delegates Sobonya and Frich: Promulgating administrative rules by various executive or administrative agencies of the state	1076	1260	1435-1445 1498-1500	1497	2978	1078, 1386, 1445, 1497-1501, 3310, 3323
*4135 -	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Updating the meaning of federal taxable income and certain other terms used in the West Virginia Corporation Net Income Tax Act	316	591		698		316, 634, 698, 829, 1054
*4138 -	By Delegates Byrd, Fluharty, Lane, R. Miller, Phillips, Fleischauer, Moore, Lovejoy, Blair, Canestraro and Robinson: Requiring certain public or private schools and daycare centers to install carbon monoxide detectors	557	1259	1446	1501	1583	558, 1386, 1446, 1501, 2446, 3323
*4142 -	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Providing certain employees of the Division of Corrections, Division of Juvenile Services, and West Virginia Regional Jail and Correctional Facility Authority a salary adjustment	738	936	1446	1501	1868	738, 1001, 1052, 1099, 1156, 1244, 1298, 1384, 1447, 1502, 3041, 3304
4145 -	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Increasing the annual salaries of members of the West Virginia State Police, public school teachers and school service personnel	1398	1618	1618-1640, 1647-1668, 1772	1641, 1670-1671, 1773	1772	661, 1398-1399, 1488-1489, 1589, 1618-1672, 1681, 1765, 1772-1774, 1775, 1804
4146 -	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Updating meaning of federal adjusted gross income and certain other terms used in West Virginia Personal Income Tax Act	316	592		699		317, 634, 661, 699, 829, 1054
*4150 -	By Delegates Howell, C. Miller, Hill, Storch, Dean, Lynch, Hamrick, Ward, Atkinson, Queen and Maynard: Prohibiting telecommunications and IP-enabled voice services from displaying the name or telephone number of the recipient	289	2138, 2448	2502, 3202	2502, 3202	3201	289, 2139, 2449, 2501-2502, 3202, 3321, 3325

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
4153 -	By Delegates Rowe, Ellington, Summers, Maynard, Eldridge, R. Romine, White, Anderson, Miley and Hamilton: Imposing a health care related provider tax on certain health care organizations	1399					1400
*4154 -	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Establishing the 2018 Regulatory Reform Act	1322					1323
*4156 -	By Delegates Summers, Ellington, Espinosa, Householder and Frich: Establishing the qualifications of full and part time nursing school faculty members	638	2141	2280-2285, 2503, 2504, 3203-3204	2303, 3205	3203	639, 2141, 2285, 2503-2504, 3205, 3315, 3325
*4157 -	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Eliminating the refundable exemption for road construction contractors	1029	1764		2505		1029, 2134, 2285, 2504-2505, 3321, 3323
*4162 -	By Delegates Hanshaw, Ambler, Kessinger, Lynch, Pethel and Mr. Speaker (Mr. Armstead): Granting authority to the State Conservation Committee to contract for flood response	584	717		864		584, 759, 800, 865, 1035, 1300
*4166 -	By Delegates Westfall, Kessinger, Paynter, Foster, Hamrick, Butler, Statler, Summers and Hamilton: Establishing a special revenue fund to be known as the "Capital Improvements Fund — Department of Agriculture Facilities"	1323	1764		2506		1323, 2135, 2285, 2505-2506, 3322, 3342
*4169 -	By Delegates Barrett, Shott, Overington, Moore, Kessinger, Lane, Queen, Upson, Lovejoy, Canestraro and R. Miller: Requiring certain establishments and facilities to post human trafficking assistance notices	317	984	1447-1450, 1503	1502	1755	317, 1054, 1099, 1156-1157, 1244, 1298, 1384-1385, 1450, 1503, 2623, 3325
*4174 -	By Delegates Hanshaw and Shott: Designating the placement of nonpartisan judicial offices on the primary election ballot	317					317

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
*4175 -	By Delegates Sobonya, Summers, Criss, Rohrbach, Hollen, Westfall and Lovejoy: Preventing requirement that an advanced practice registered nurse participate in a collaborative relationship to obtain payment	639	1261		1503		639, 1386, 1450, 1503, 2446, 3325
4178 -	By Delegates Summers, Longstreth, Ellington, Espinosa and Householder: Permitting certain portions of certified nurse aide training to be provided through distance learning technologies	639	1480		1787		639, 1615, 1720, 1787, 3310, 3325
*4180 -	By Delegates Hamilton, A. Evans, R. Romine, Love, Eldridge, Jennings, Lynch, Hollen and Wagner: Relating to wildlife resources	827	1392		1596		828, 1464, 1515, 1596, 3041, 3325
4183 -	By Delegates Espinosa, R. Romine, Upson, Higginbotham, Rohrbach, Kelly, Cooper, Westfall and Dean: Relating generally to standardized testing requirements for nonpublic schools	331	1585	1802, 2106-2107	2106	2615	331, 1732, 1802, 2107, 3310, 3323
*4186 -	By Delegates Westfall, Householder, Upson, C. Miller, Frich, White, Lane, Kessinger, Moore, Criss and Nelson: Relating generally to guaranteed asset protection waivers	703	1327	1515-1523, 1597, 2988-2997	1597, 2997	2987	704, 1464, 1523, 1596, 1755, 1868, 2135, 2562, 2987-2997, 3313, 3326
*4187 -	By Delegates Foster, Graves, Butler, Summers, Zatezalo, R. Miller, Barrett, Isner, Hollen and Blair: Business Liability Protection Act	1323	2142	2286-2291, 2507	2507	3301	1324, 2142, 2291, 2506-2507, 3321, 3323
*4197 -	By Delegates Summers, Westfall, White, Criss, Rohrbach and Frich: Requiring persons employed to dispatch emergency calls complete a course in cardiovascular care for telephonic resuscitation	828	1481	1721	1787		828, 1615, 1721, 1788
*4199 -	By Delegates Ellington, Longstreth, Householder and Frich: Permitting a nursing home to use trained individuals to administer medication	610	1318	1451-1459, 1504	1504	1583	611, 1386, 1459, 1504-1505, 2446, 3343

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
*4207 -	By Delegates Shott and Hanshaw: Authorizing an online application to receive a commission to act as a notary public, and eliminating the bond requirement	1119	1261	1459	1505	1756	1119, 1386, 1460, 1505, 3042, 3325
*4214 -	By Delegates Eldridge, Maynard, Diserio, R. Miller, Campbell, Marcum, Dean, Phillips, Ambler, Paynter and Cooper: Increasing penalties for unlawfully possessing or digging ginseng	1253	1683	2110, 2255	2255	3301	1253, 1803, 2109-2110, 2255, 3315, 3325
*4217 -	By Delegates Ellington, Sobonya, Atkinson, Queen, Summers, White, Westfall, Dean, Criss, Rohrbach and Frich: Permitting an attending physician to obtain a patient's autopsy report	1400	2142	2559	2559	3301	1400, 2142, 2291, 2508, 2559-2560, 3315, 3323
*4218 -	By Delegates Ellington, Summers, Householder, Rohrbach, Sobonya, Criss, Hollen and Frich: Relating to medical professional liability	1324					1324
4219 -	By Delegates Espinosa, Statler, Upson, Cooper, Dean, Wilson and Higginbotham: Permitting employees of educational services cooperatives to participate in the State Teachers Retirement System	1183	1393				1183, 1464, 1523, 1598, 1690
*4230 -	By Delegates Westfall, Frich, White and Upson: Relating to credit for reinsurance	611	1393		1598		611, 1464, 1523, 1598, 3042, 3325
*4233 -	By Delegates Storch, Hamrick, Ferro, Barrett and Ellington: Relating generally to fraudulent transfers	457	2138, 2449	2508, 2510	2510	3301	457, 2139, 2450, 2508-2510, 3315, 3325
*4236 -	By Delegates Nelson, Hanshaw and Shott: Requiring agencies to provide an annual inventory of real property holdings to the Real Estate Division	704	1392		1599		704, 1465, 1523, 1599, 3042, 3325

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
*4238 -	By Delegates Fleischauer, Williams, Pyles, Statler, Frich, Hamrick, Robinson, Brewer, Storch, Howell and Miley: Authorizing counties and municipalities to establish a joint airport hazard comprehensive plan	1324	1412		1691		1324, 1540, 1615, 1690-1691, 2623, 3323
*4242 -	By Delegates Shott and Hanshaw: Clarifying the jurisdictional amount for removal of a civil action from magistrate court to circuit court	457	745		914		457, 801, 878, 914, 1159, 1300
*4251 -	By Delegates Shott, Ellington and Gearheart: Permitting employees of baccalaureate institutions and universities outside of this state to be appointed to board of governors	584	2097	2291-2292, 2511	2511	3301	584, 2097, 2292, 2511, 2513, 3315, 3323
*4268 -	By Delegates Anderson, Kelly, Zatezalo, Westfall, Fast, Higginbotham, Ward, Hollen, Atkinson, Foster and Lane: Co-tenancy Modernization and Majority Protection Act	892	1074, 1328	1600	1600	1756	893, 1074, 1465, 1523-1528, 1599-1602, 1805, 2621
*4270 -	By Delegates Deem, Kelly, Zatezalo, Anderson, R. Romine, Hollen, A. Evans, White, Lane, Harshbarger and Shott: Providing for the timely payment of moneys owed from oil and natural gas production	893	1328, 2143	2292-2298, 2512	2512	3302	893, 1328, 2143, 2298, 2511-2512, 3315, 3325
*4275 -	By Delegates Shott, Hanshaw and Cowles: Relating to the law-enforcement authority of the director and officers of the division of protective services	639	1586		2107		640, 1732, 1802, 2108, 3308, 3325
*4276 -	By Delegates Canestraro, Hanshaw, Shott, Isner, R. Miller, Robinson and Frich: Allowing magistrates to grant work release privileges	704	1683		2256		704, 1803, 2110, 2256, 3310, 3325
*4279 -	By Delegates Rowan, Fast, Moye, Paynter, Pethtel, Rohrbach, Eldridge, Lynch, Maynard, Lovejoy and Fleischauer: Relating to adult protective services system	828	1481		1788		828, 1616, 1721, 1788, 3310, 3325

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
4285 -	By Delegates Frich, Westfall, White and A. Evans: Relating to the West Virginia Safe Mortgage Licensing Act	1029	1318		1506		1030, 1386, 1460, 1506, 2446, 3324
*4289 -	By Delegates Walters, Pethtel, Anderson, Hamilton, Hollen and E. Evans: Relating to disability pensions of municipal employees	1183	1393		1602		1183, 1465, 1528, 1602, 3042, 3325
*4304 -	By Delegates Summers, Ellington, Hamrick, Criss, Rohrbach and Hollen: Creating the Board of Nursing	1030					1031
*4306 -	By Delegates Summers, Rohrbach, Barrett, Blair and Frich: Permitting local boards of health to combine without approval from the Commissioner of the Bureau for Public Health	828					829
*4309 -	By Delegates Kessinger, Westfall, White, Cowles and Bates: Restricting the sale and trade of dextromethorphan	1324	2138				1325, 2139
*4320 -	By Delegates McGeehan and Folk: Limiting the ability of an agent under a power of attorney to take self-benefiting actions	739	2138, 2450	2513-2514, 3290	2514, 3291	3290	739, 2139, 2450, 2513-2514, 3291, 3315, 3325
4324 -	By Delegates Howell, Statler, Hill, Martin, Butler, Shott, Moore, Criss, Paynter, Foster and Pack: Relating to the employment of individuals by municipal paid fire departments under civil service	1031	2138, 2451	2515, 2519	2519	3302	1032, 2139, 2451, 2514-2527, 3315, 3325
4332 -	By Delegates Rohrbach, Fleischauer, Longstreth, Summers and Frich: Relating to home peritoneal renal dialysis	663	1262, 1301	1301-1310, 1460-1463, 1507	1506	1681-1682	663, 1310, 1386, 1463, 1507, 2446, 3325
*4336 -	By Delegates Ellington, Summers, Rohrbach, Householder, Atkinson, Criss, Hollen, Hill, Rowan, Dean and Cooper: Updating the schedule of controlled substances	1400	1737	2257	2256	2979	1400, 1803, 2110, 2257, 3308, 3325



Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
*4338 -	By Delegates Fast, R. Miller, Hanshaw, Shott, Eldridge, Robinson, Lovejoy, Lane, Williams, Isner and Foster: Relating to the powers and authority of the Divisions of Administrative Services, and Corrections and Rehabilitation of the Department of Military Affairs and Public Safety	1400	2143	2298-2382, 2528, 3206-3207	2527, 3207	3205	1402, 2144, 2382, 2527-2535, 3207-3208, 3316, 3325
*4343 -	By Delegates Frich, Westfall, White, Upson, Lovejoy, Robinson and A. Evans: Relating to the delivery of financial statements to bank shareholders	927	1394		1603		928, 1465, 1528, 1603, 3042, 3324
*4345 -	By Delegates Moore, Pushkin, Upson, Hill, Paynter, Dean, White, Folk, Lane and McGeehan: Relating to limitations on permits for growers, processors and dispensaries of medical cannabis	1402	2139, 2451	3144-3180, 3181-3182	3180		1402, 2139, 2452, 2535-2536, 3182
*4347 -	By Delegates Moore, Shott, Hanshaw, Kessinger, Harshbarger, Summers, Sobonya, Fast, Queen, Byrd and Capito: Relating to voluntary contributions to the West Virginia State Police Forensic Laboratory Fund	1183	1393		1603		1184, 1465, 1528, 1604, 3042, 3325
*4350 -	By Delegates Howell, Hamrick, Hill, Martin, Criss, Paynter, Moore, Statler, Kessinger and Fast: Eliminating the regulation of upholstery	663	2098	2536-2538, 2539	2538	3302	664, 2098, 2382, 2536-2539, 3321, 3325
*4357 -	By Delegates Shott, Hanshaw, Boggs, Capito, Foster, Moore, Queen, Barrett, Byrd, Harshbarger and Nelson: West Virginia Small Wireless Facilities Deployment Act	1402					1403
*4359 -	By Delegates Westfall, Lovejoy, Byrd, Lane, Kessinger, Queen, Atkinson, Graves and Fleischauer: Relating to the removal of animals left unattended in motor vehicles	640					640

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
*4361 -	By Delegates Iaquina, Williams, Cooper, A. Evans, R. Romine, Dean, Longstreth, Byrd, Robinson, Hornbuckle and Boggs: Bestowing the West Augusta Award upon each West Virginian graduating from U. S. Military Academies with the highest grade point average	894					894
*4368 -	By Delegates Westfall, Frich and Lane: Relating to voluntary assignments of wages by state employees who have been overpaid	1119	1479	1721-1724, 1789	1788-1789	2222	1119, 1616, 1721-1724, 1789, 3308, 3324
4376 -	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Expiring funds to the balance of the Department of Health and Human Resources	975	1684		2257		975, 1803, 2110, 2257-2258, 3307, 3329
4379 -	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Supplementing, amending, decreasing, and increasing items of the existing appropriations to the Department of Transportation	1032	1684		2258		1032, 1803, 2110, 2258-2259, 3307, 3322
4380 -	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Making a supplementary appropriation to the Department of Agriculture	739	837		996		739, 917, 996-997, 1411, 1478
4381 -	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Making a supplementary appropriation to the Department of Education	739	837		997		740, 917, 997, 1411, 1478
4384 -	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Making a supplementary appropriation to the Department of Transportation	740	837		998		740, 917, 998, 1411, 1478

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
4385 -	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	928	1065		1507		928, 1101, 1157, 1244, 1298-1299, 1385, 1463, 1508, 2446, 2621
4386 -	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 Health – Community Mental Health Services	740	837		999		740, 917, 999, 1411, 1478
4389 -	By Mr. Speaker (Mr. Armstead) and Delegate Miley [By Request of the Executive]: Expiring funds to the Enterprise Resource Planning System Fund	975	2098	2382-2385, 2540	2539	3302	976, 2098, 2385, 2539-2540, 3307, 3322
*4392 -	By Delegates Ellington, Hanshaw, Householder, Shott and Summers: Relating to Medicaid subrogation liens of the Department of Health and Human Resources	1403	2141	3208-3209	2541, 3209	3208	1404, 2141, 2540-2541, 3210, 3316, 3344
*4394 -	By Delegates A. Evans, Hartman, Hamilton and R. Romine: Relating to forest fires	1325	2099	2385-2390, 2542	2541	3302	1325, 2099, 2390, 2541-2542, 3321, 3324
*4400 -	By Delegates Westfall, Hartman, Criss, White, Lane, Walters, Upson, Frich, Capito and Shott: Relating to the West Virginia Physicians Mutual Insurance Company	976	1586		2108		976, 1733, 1803, 2108, 3310, 3323
*4401 -	By Delegates Ambler, Sobonya, Westfall, Frich, Cooper, Foster, Householder, Barrett and Phillips: Relating to the registration of business	1032	1394, 1738	2111-2130, 2260, 2618-2620	2259, 2620		1032, 1804, 2130, 2260, 2617-2621, 3321, 3325
4402 -	By Delegates Espinosa, Statler, Moyer, Hornbuckle, Kelly, Rodighiero, Blair, Householder, Higginbotham, Dean and Campbell: Relating to the prevention of sexual abuse of children	928	1395	1528-1531	1604	1756	929, 1465, 1531, 1604, 2623, 3326

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
*4407 -	By Delegates Espinosa, Statler, Kelly, Blair, Higginbotham, Atkinson and Mr. Speaker (Mr. Armstead): Relating to eligibility for alternative program teacher certificate	763	2099				763, 2099
4410 -	By Delegates Moore, Westfall, Lane and White: Removing the requirement that the State Auditor receive copies of the Limited Video Lottery bids	704	1395	1531	1605	1756	704, 1465, 1531, 1605, 2624, 3323
4422 -	By Delegates Frich, Walters, Westfall, Upson, Householder, Statler, Ambler, A. Evans, C. Miller and Anderson: Permitting permanent endowment funds of cemeteries to invest their principal in certain government bonds, and corporate bonds	1119	1393		1605		1119, 1465, 1531, 1606, 3042, 3326
*4424 -	By Delegates Miley, Mr. Speaker (Mr. Armstead), Shott, Fleischauer, Lane, Rowe, Hanshaw, Boggs, Hamilton, Caputo and Campbell: Providing that the Ethics Act applies to certain persons providing services without pay to state elected officials	1120	2144	2390-2409, 2543	2542	3302	1120, 2144, 2409, 2542-2543, 3321, 3326
*4428 -	By Delegates Foster, Cowles, Upson, Householder, Moore and Butler: Allowing training hours earned through public school education or apprenticeship to count towards an applicant's occupational certification	1033	2100	2410-2412, 2544	2543	3138	1033, 2100, 2412, 2543-2544, 3138-3140
*4431 -	By Delegates Statler, Miley, Caputo, Fleischauer, Pethtel, Williams, Pyles, Summers, Frich, Ward and Hamrick: Establishing the Mountaineer Trail Network Recreation Authority	1404	1780	2412-2428, 2545	2545	3210	1404, 2135, 2428, 2544-2546, 3210-3212
4433 -	By Delegates Nelson, Boggs, Ambler, Anderson, Frich, Hamilton, C. Miller, Walters, Longstreth, Pethtel and Sponaugle: Declaring certain claims against an agency of the state to be moral obligations of the state	894	1259		1606		894, 1386, 1463, 1532, 1606, 3042, 3324

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
4434 -	By Delegates Shott and Hanshaw: Clarifying provisions relating to candidates unaffiliated with a political party as it relates to certificates of announcement	894	1479	1724-1727, 1790	1789-1790	2222	894, 1616, 1724-1727, 1790, 3308, 3324
4436 -	By Delegates Frich, Atkinson, Byrd, Cooper, A. Evans, Hamilton, Love, Maynard, Pushkin, Statler and Ward: Clarifying when a minor between the ages of 16 and 18 may be employed by or elected as a member of a volunteer fire department	1033	1395	1532	1607	1756	1033, 1465, 1532, 1607, 2624, 3323
*4444 -	By Delegates Frich, Byrd, Cooper, A. Evans, Hamilton, Love, Maynard, Pushkin, Statler, Butler and Paynter: Clarifying the authority of the State Fire Commission in adopting a State Building Code	1253	1396	1608	1608	1756-1757	1253, 1465, 1533, 1608, 2624, 3323
*4447 -	By Delegates Shott, Hanshaw, Moore, C. Miller, Harshbarger, Fast, Lane, Hollen, Capito, Summers and Byrd: Providing for a uniform and efficient system of broadband conduit installation	1405	2100	2428-2437, 2547, 3241-3251	2547, 3252	3240	1405, 2101, 2437, 2546-2548, 3040, 3142, 3182, 3252, 3321, 3326
*4451 -	By Delegates Shott, Hanshaw, Howell, Fast, Mr. Speaker (Mr. Armstead), Lane, Moore, Zatezalo, Hollen, Harshbarger and Capito: Creating the West Virginia Sentencing Commission	1120					1120
*4453 -	By Delegates Shott, Fleischauer, Pethel, Isner, Lovejoy, Hornbuckle, Byrd, Canestraro, Lane, Moore and Summers: Relating to judicial review of contested cases under the West Virginia Department of Health and Human Resources Board of Review	1325	1738		2261		1325, 1804, 2130, 2261, 3308, 3326
*4455 -	By Delegates Overington, Isner, Kessinger, Harshbarger, Queen, Fast, Foster, Canestraro, Paynter, R. Miller and Martin: Relating to animal abuse	1405					1406

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
4462 -	By Delegates Byrd, Hollen, Folk, Criss, Robinson, Phillips, Dean, Kelly, Westfall, Canestraro and Summers: Allowing off duty members and officers of the department of public safety to guard private property	929	1479	1728, 1791	1790	2615	929, 1616, 1730, 1791, 3309, 3324
4465 -	By Delegates Summers and Pushkin: Authorizing the acupuncture board to issue certificates to perform auricular acudetox therapy	1253	2101	3186-3187	3187		1254, 2101, 2437, 2548, 3185-3187
*4473 -	By Delegates Sobonya, C. Romine, Westfall, Overington, Ambler, Butler, C. Miller, Rowan, Ward, Householder and Rohrbach: Relating to use of state funds for advertising to promote a public official or government office	976	1327	1533-1539, 1609	1609	2222	976, 1465, 1533-1539, 1609, 3309, 3326
*4478 -	By Delegates Lovejoy, Rohrbach, Hanshaw, Hornbuckle, Williams, Byrd, Canestraro, R. Miller, Robinson, Rowe and Isner: Authorizing public schools to distribute excess food to students	1078	1482	1730	1791	2223	1078, 1616, 1730, 1792, 3309, 3326
*4481 -	By Delegates Howell, Summers, Bates, Rohrbach, Ellington, Shott, Hamrick, Statler, Hill and Frich: Relating to mandatory inter-board reporting by licensees or registrants of the boards of medicine, osteopathic medicine, nursing	1254					1254
4486 -	By Delegates White, Frich, Lane, Westfall, Queen, Dean, Martin, Eldridge, Phillips, Moore and Foster: Relating to persons required to obtain a license to engage in the business of currency exchange	1325	2139, 2230		2548		1326, 2139, 2230, 2548-2549, 3316, 3324
4488 -	By Delegates Hanshaw, Boggs and Shott: Relating to the Hatfield-McCoy Recreation Authority	1033	2139, 2452	2549, 3288-3289	2549, 3289	3288	1034, 2139, 2453, 2549-2550, 3289, 3321, 3323

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
*4490 -	By Delegates Harshbarger, Hollen, Paynter, R. Romine, Ward, Atkinson, Martin, Butler, Sypolt and Storch: Relating to oil and gas permits not to be on flat well royalty leases	1406					1406
*4502 -	By Delegates Barrett, Kessinger, Moore, Sobonya, R. Miller, Lovejoy, Canestraro and Harshbarger: Adding the crimes of murder and armed robbery to the list of offenses for which a prosecutor may apply for an order authorizing interception	1184	1479	1730-1731, 1792	1792	2223	1184, 1616, 1730-1731, 1793, 3309, 3326
*4509 -	By Delegates Pushkin, Sobonya, Robinson, Summers, Fleischauer, Kessinger, Longstreth and Frich: Relating to the establishment of substance abuse treatment facilities	1326	1481	1731, 1793	1793	2223	1326, 1616, 1732, 1793, 3311, 3326
*4511 -	By Delegates Shott, Hanshaw, Ellington, Howell, Frich, Zatezalo and Anderson: Modifying bail requirements	1120					1121
*4522 -	By Delegate Nelson: Allowing certain tax information to be shared with the Director of Purchasing Division, Department of Administration, and State Auditor	1034	1482	1794-1795, 2615-2616	1796, 2616	2615	1034, 1616, 1732, 1793-1796, 2615-2616, 3316, 3324
*4524 -	By Delegates Ellington, Summers and Rohrbach: Establishing guidelines for the substitution of certain biological pharmaceuticals	1406	2141	2437-2441, 2550	2550	3303	1406, 2141, 2441, 2550-2551, 3321, 3326
4529 -	By Delegate Rohrbach: Relating to oath by municipal official certifying list of delinquent business and occupation taxes	1407	1684		2261		1407, 1804, 2130, 2262, 3309, 3326
4539 -	By Delegates Pethtel, Anderson, Hamilton, Hollen and E. Evans: Providing an annual annuity adjustment of 1 percent for eligible deputy sheriff retirees and surviving spouses	1254	1393				1254, 1465, 1539, 1615, 1691

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
*4542 -	By Delegate Hanshaw: Allowing public service districts to accept payment by credit card	1184					1184
*4546 -	By Delegates Sobonya, Frich, C. Romine, C. Miller, Rohrbach, Butler, Summers, Pack, Hanshaw and Lovejoy: Relating to where an application for a marriage license may be made	1254	1586		2108		1255, 1733, 1803, 2109, 3309, 3326
*4550 -	By Delegates Barrett and Householder: Providing the Board of Barbers and Cosmetologists the authority to establish an apprenticeship program for cosmetologists	1255					1255
*4558 -	By Delegates Capito, Nelson and Frich: Establishing the Entrepreneurship and Innovation Investment Fund in the West Virginia Development Office	1407	1764		2551		1407, 2135, 2441, 2551, 3316, 3323
*4571 -	By Delegates Campbell, Ambler, Lynch, R. Miller, Canestraro, Thompson, Hicks, Cooper, Wagner, Brewer and Dean: Relating to the final day of filing announcements of candidates for a political office	1407	1684	2262	2262	3303	1407, 1804, 2130, 2263, 3316, 3326
*4603 -	By Delegates Lane, Pushkin, Byrd, Capito, Robinson and Rowe: Providing immunity from civil liability to facilities and employees providing crisis stabilization	1407	2145	2442-2443, 2552	2552, 3212	3212	1408, 2145, 2443, 2551-2552, 3213, 3316, 3326
*4607 -	By Delegates Hamrick, Higginbotham, Howell and Graves: Establishing certain criteria for the restricted operation of drones within State Parks, Forests, and Rail Trails	1184	2453	2560, 3185	3184	3303	1185, 2453, 2560-2561, 3185, 3316, 3326
4617 -	By Delegates Shott and Hanshaw: Clarifying where a charge of DUI may be brought against an individual	1121					1121



Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
*4618 -	By Delegates Shott and Hanshaw: Relating to the authority of the Division of Protective Services	1121	1741	2130-2133, 2263	2263	2979	1121, 1804, 2133, 2264, 3309, 3326
*4619 -	By Delegates Espinosa, Statler, Upson, Folk, Cooper, Rohrbach, Atkinson and Cowles: Relating to supporting implementation of comprehensive systems for teacher and leader induction and professional growth	1185	1318		1508		1185, 1386, 1464, 1509, 2446, 3324
4620 -	By Delegates Nelson, Anderson, C. Miller, Cowles, A. Evans, Storch, Frich, Butler, Ellington and Ambler: Expiring funds to the balance of the Department of Administration, Public Employees Insurance Agency	929					929
4621 -	By Delegates C. Miller, Anderson, Frich, Hamilton, Storch, Walters, Westfall, Boggs, Longstreth, Sponaugle and Maynard: Relating to removing reference to certain entities with respect to work	1079	1393		1610		1079, 1466, 1539, 1610, 3042, 3323
4622 -	By Delegates Espinosa, Rohrbach, Upson, Kelly, Hicks, Statler, Higginbotham, Pyles, E. Evans, Hornbuckle and Rodighiero: Relating to authorizing legislative rules regarding higher education	1034	1482		1796		1035, 1616, 1732, 1796, 3309, 3323
*4623 -	By Delegates Ellington, Kessinger, Boggs, Sobonya, Hollen and Frich: Relating to obtaining substance abuse treatment services	1326					1326
4624 -	By Delegates Howell, Hamrick, Pack, Brewer, Jennings, Iauinta, Ferro, Hill, Diserio, Marcum and Maynard: Relating to West Virginia coordinate systems	1185	1396	1540, 1611	1610	1757	1185, 1466, 1540, 1611, 2624, 3326
4625 -	By Delegates Nelson, Ambler, Butler, Espinosa, Frich, Householder, C. Miller, Storch, Westfall and Hanshaw: Relating to allocating a portion of any general revenue surplus accruing after a fiscal year to the Public Employees Insurance Agency Financial Stability Fund	1121					1122

Number	TITLE OF HOUSE BILLS	Communicated to Senate	Reported from Committee	Amended	Passed Senate	Repassed by House	OTHER PROCEEDINGS
4626 -	By Delegates Anderson, Nelson, Boggs, Householder, Ellington, Gearheart, Frich, Ambler, Bates and Longstreth: Relating to West Virginia innovative mine safety technology tax credit act	1408	3043		3043		1408, 3043-3044, 3313, 3323
4627 -	By Delegate Moore: Relating to providing a limitation on the eminent domain authority of a municipal park board	1408	1685	2133-2134	2264	3303	1409, 1804, 2134, 2264, 3316, 3324
4628 -	By Delegates Nelson, C. Miller, Boggs, Westfall, Espinosa, Ambler, Frich, Hartman and Storch: Relating to authorizing the redirection of amounts collected from certain surcharges and assessments on workers' compensation insurance policies for periods prior to January 1, 2019	1409	2102		2553		1409, 2102, 2443, 2552-2553, 3313, 3324
4629 -	By Delegates Hanshaw, Harshbarger, Byrd, Robinson, R. Miller, Pushkin, Sobonya, Hollen, Canestraro, Lane and Zatezalo: Relating to broadband enhancement and expansion policies generally	1409	2145	2443-2445, 2554, 3238-3239	2553, 3239	3237	1409, 2145, 2445, 2553-2554, 3040-3041, 3142, 3184, 3240, 3321, 3326

Number	TITLE OF HOUSE CONCURRENT RESOLUTIONS	Communicated to Senate	Reported from Committee	Amended	Adopted by Senate	Readopted by House	OTHER PROCEEDINGS
1 -	By Mr. Speaker (Mr. Armstead): Extending an invitation to His Excellency, the Governor, to deliver an address to the Legislature and raising a Joint Assembly therefor	73			74		74
2 -	By Delegate Atkinson: U. S. Marine Corps PFC James Ralph Heeter Memorial Bridge	1255	3044		3045		1255, 3046
3 -	By Delegates Westfall and Ambler: U. S. Army Cpl David Michael Hopkins and U.S. Army Cpl Romey Earl Hughart, Jr. Memorial Bridge	1185	1776		1776		1186, 1777
4 -	By Delegates Ambler, Cooper, Wagner, Westfall, Maynard and Howell: U. S. Army SPC4 Gary Wayne Morgan Memorial Bridge	1255	1776		1776		1256, 1777
5 -	By Delegates Ambler, Cooper, Wagner, Westfall, Maynard and Howell: U. S. Army PFC Jessie Franklin Crow Memorial Bridge	1186	1780	2103- 2104	2104	2616	1186, 2104
8 -	By Delegates Phillips, Maynard, R. Miller, Eldridge, Marcum and C. Miller: Funding for feasibility study of Coal-to-Chemicals Project	1409	2102		2102		1410, 2102-2103
9 -	By Delegates Atkinson, Harshbarger, Cooper and Queen: U. S. Air Force Major Neil L. Ferrell Memorial Bridge	1256	3044		3045		1256, 3046
*11 -	By Delegates Nelson, Pushkin, Graves, Rowe, Lane, Byrd, Mr. Speaker (Mr. Armstead), Capito and Robinson: Charleston Police Department Captain Jerry D. Hill Memorial Bridge	2223					2223
*13 -	By Delegates Phillips, Maynard, R. Miller, Eldridge and Marcum: U. S. Army SGM Bill E. Jeffrey Memorial Road	1186	3044		3045		1186, 3046
16 -	By Delegate Rowan: Frenchburg Bridge	1475	1776		1776		1475, 1777

Number	TITLE OF HOUSE CONCURRENT RESOLUTIONS	Communicated to Senate	Reported from Committee	Amended	Adopted by Senate	Readopted by House	OTHER PROCEEDINGS
19 -	By Delegates Rowan, Frich, Eldridge, Hicks, Ambler, Anderson, Atkinson, Barrett, Bates, Blair, Boggs, Brewer, Butler, Byrd, Canestraro, Caputo, Caputo, Cowles, Criss, Dean, Gearheart, Graves, Hamilton, Harshbarger, Higginbotham, Hill, Hollen, Hornbuckle, Householder, Howell, Iaquina, Isner, Jennings, Kelly, Kessinger, Lane, Longstreth, Love, Lovejoy, Lynch, Marcum, Martin, Maynard, McGeehan, Miley, C. Miller, R. Miller, Moore, Moye, Mr. Speaker (Mr. Armstead), Nelson, Overington, Pack, Paynter, Pethel, Phillips, Pushkin, Pyles, Robinson, Rodighiero, Rohrbach, C. Romine, R. Romine, Rowe, Shott, Sobonya, Sponaugle, Statler, Storch, Summers, Sypolt, Thompson, Upson, Wagner, Ward, Westfall, White, Williams, Wilson, Zatezalo, Cooper and Campbell: World Moyamoya Awareness Day	929	2146				929
21 -	By Delegates R. Miller, Rodighiero and Eldridge: U. S. Marine Corps PFC Randall Carl Phelps Memorial Bridge	2224					2224
24 -	By Delegates Kelly, Zatezalo, Wagner, Atkinson, Sobonya, Westfall, Summers, Sypolt, Deem, Criss and Lane: Recognizing March 2, 2018 as National Speech and Debate Education Day	1410					1410
25 -	By Delegates Hollen, Criss, Deem, Kelly, Anderson, Cooper, Phillips, McGeehan, Atkinson and Butler: U. S. Army SPC David A. Hess Memorial Bridge	1256	3044		3045		1256, 3046
26 -	By Delegate A. Evans: U. S. Army PFC Tracy Victor Rohrbaugh Memorial Bridge	929	1776		1776		930, 1777
27 -	By Delegates Summers, Queen, Hamrick, Miley and Iaquina: Making Grafton's Annual Memorial Day Parade the Official State Memorial Day Parade	930	1738		1781		930, 1781

Number	TITLE OF HOUSE CONCURRENT RESOLUTIONS	Communicated to Senate	Reported from Committee	Amended	Adopted by Senate	Readopted by House	OTHER PROCEEDINGS
*30 -	By Delegates Wagner, Westfall, Hamilton, Jennings, McGeehan and Queen: U. S. Army PFC Victor Allen Mazitis, Jr. Memorial Bridge	1186	3045		3045		1187, 3046
33 -	By Delegates Westfall, Wagner, Atkinson, Higginbotham, Rodighiero and Frich: U. S. Army 2LT Clarence Drago Memorial Bridge	1187	1776		1776		1187, 1777
35 -	By Delegates Martin, Butler, Hamrick, Hill, Jennings, Howell and Foster: USMC LCpl George W. Henry, Jr. Memorial Bridge	1256	3045		3045		1257, 3046
39 -	By Delegates Miley, Ambler, Anderson, Barrett, Bates, Brewer, Byrd, Campbell, Canestraro, Caputo, Cooper, Criss, Dean, Diserio, Eldridge, Ellington, Espinosa, A. Evans, E. Evans, Ferro, Hornbuckle, Iaquina, Isner, Kessinger, Lane, Longstreth, Love, Lovejoy, Lynch, Marcum, Martin, Maynard, R. Miller, Moye, Paynter, Pethel, Pushkin, Pyles, Queen, Robinson, Rodighiero, Rohrbach, R. Romine, Rowe, Sobonya, Sponaule, Statler, Storch, Summers, Thompson, Upson, Ward, Williams and Wilson: Requesting the Joint Committee on Government and Finance to study sustainability of the state's higher education system	2224					2224
*40 -	By Delegates Maynard, Dean, Eldridge, Moye and Rohrbach: U. S. Air Force SMSgt Billie E. 'Bunky' Hodge Bridge	2224			2224		2225
*41 -	By Delegates Higginbotham, Espinosa, Kelly, Atkinson, Wilson, Statler, Rohrbach, Cooper, Westfall, Hamrick and Kessinger: Relating to a study of a statewide virtual library	1187					1187
44 -	By Delegates Eldridge, Rodighiero, R. Miller, Marcum, Phillips, Maynard and Love: U. S. Army PFC Clayton Collins Memorial Bridge	2225					2225

Number	TITLE OF HOUSE CONCURRENT RESOLUTIONS	Communicated to Senate	Reported from Committee	Amended	Adopted by Senate	Readopted by House	OTHER PROCEEDINGS
*45 -	By Delegates Lovejoy, Rohrbach, Sobonya, C. Romine, Hornbuckle, C. Miller, Hicks, Thompson, Byrd and Cowles: U. S. Air Force Reserves 2nd Lieutenant Richard E. Tyson Memorial Bridge	1476	3045		3045		1476, 3046
47 -	By Delegates C. Miller, Butler, Maynard, Brewer, Lovejoy, Eldridge, Rohrbach and C. Romine: U. S. Army SPC 4 William L. Amos Memorial Bridge	1187	3291		3292		1188, 3292
*51 -	By Delegates Miley, Queen, Hamrick and Iaquina: Gill Brothers World War Veterans' Memorial Bridge	1476					1476
*53 -	By Delegates Ward, Caputo, Longstreth and Summers: Pastor Robert L. 'Bob' Barker Memorial Bridge	2225	3292		3292		2225, 3293
*54 -	By Mr. Speaker (Mr. Armstead): U. S. Army SPC 4 Thurman 'Duwayne' Young Memorial Road	2225					2226
56 -	By Delegates Howell, Hill, Hamrick, Summers, Moore, Criss, Maynard, Householder, Butler, Espinosa and Atkinson: Requesting the Joint Committee on Government and Finance study the Public Employees Insurance Agency and potential alternative methods to control healthcare costs	2226					2226
61 -	By Delegates Eldridge, Maynard, Love, C. Miller, C. Romine, Phillips, R. Miller, Rodighiero, Thompson, Hicks and Hornbuckle: U. S. Army PFC Cornelious Wiley Memorial Bridge	1257	3045		3045		1257, 3046
62 -	By Delegates Hartman, Lynch, Iaquina, Isner, Love, Pethiel, Sponaugle, Williams, Boggs, Gearheart and Hamilton: Pocahontas County Veterans Memorial Bridge	1476	3048	3049	3049	3303	1476, 3050

Number	TITLE OF HOUSE CONCURRENT RESOLUTIONS	Communicated to Senate	Reported from Committee	Amended	Adopted by Senate	Readopted by House	OTHER PROCEEDINGS
64 -	By Delegates C. Miller, Sobonya, C. Romine, Hornbuckle, Wilson, Lovejoy, Rohrbach, Butler, Higginbotham and Maynard: USMC Cpl Hershel 'Woody' Williams Highway	1188					1188
65 -	By Delegates Eldridge, Maynard, R. Miller, Rodighiero, Thompson, Hicks, Hornbuckle, Marcum, Phillips, C. Romine and C. Miller: U. S. Army CPL George Browning Memorial Road	1257	3045		3045		1257, 3046
*67 -	By Delegates Eldridge, Maynard, C. Romine, R. Miller, Rodighiero, Thompson, Hicks, Hornbuckle, Lovejoy, Love and C. Miller: U. S. Army CPL Wilson B. Lambert, Jr. Memorial Road	2226					2226
68 -	By Delegates Maynard, Eldridge, C. Miller, Hornbuckle, C. Romine, Paynter, R. Miller, Cooper, Phillips, Dean and Love: U. S. Army SGT Douglas Thompson Memorial Road	1257	3045		3045		1258, 3046
*70 -	By Delegates Miley, Iaquina, Queen and Hamrick: U. S. Marine Sgt. Stephen E. Drummond Memorial Bridge	1477					1477
71 -	By Delegates Thompson, Hicks, Rodighiero, R. Miller, Eldridge, Marcum and Lovejoy: U. S. Army CPL Lee Roy Young Memorial Bridge	2226					2226
75 -	By Delegates A. Evans, Rowan, R. Romine, Hamilton and Howell: PVT George Howell, Continental Army Memorial Highway	1188	3049	3050	3059	3303	1188, 3050
*76 -	By Delegates Rowe, Robinson, Pushkin, Byrd, Lane and White: U. S. Marine Corps LCpl Michael Linn Cooper Memorial Bridge	2227					2227

Number	TITLE OF HOUSE CONCURRENT RESOLUTIONS	Communicated to Senate	Reported from Committee	Amended	Adopted by Senate	Readopted by House	OTHER PROCEEDINGS
77 -	By Delegates R. Miller, Rodighiero, Eldridge and Maynard: Deputy Sheriff Jesse R. Browning Memorial Road	1410	3045		3045		1410, 3046
78 -	By Delegates Kelly, Anderson, Atkinson, Hollen, Deem, Criss, Harshbarger, Cooper, Longstreth, Iaquinta and Hartman: U. S. Marine Corps PFC Danny Marshall Memorial Bridge	1188	3045		3045		1188, 3046
*83 -	By Delegates Cooper, Ambler, Harshbarger, Pack, Hollen, Foster, Maynard, Paynter and Wilson: Vietnam Veterans Memorial Highway	1477					1477
84 -	By Delegates Statler, Maynard, Cooper, Jennings, Sypolt, R. Miller, Fast, Lovejoy, Love, Ambler and Adkins: Requesting the Department of Health and Human Resources and the Bureau for Medical Services review and update Medicaid reimbursement rates for ground and air ambulance services	1477					1477
*85 -	By Delegates Howell, Capito, Criss, Espinosa, A. Evans, Fast, Gearheart, Hamrick, Hill, Martin, Moore, Pack, Rowan, Statler, Storch, Westfall and Overington: Requesting the legislatures and departments of transportation of Maryland, Pennsylvania, and Virginia to endorse and pursue the construction of a new four- lane, limited access highway, extending Interstate Highway 99 from its present terminus at Bedford, Pennsylvania, to Covington, Virginia	2227	3292		3292		2227, 3293
86 -	By Delegates Gearheart and Shott: Bluefield Police Lt. Aaron L. Crook Memorial Road	1477					1478
87 -	By Delegates Gearheart, Ellington and Shott: Constable Joseph H. Davidson Memorial Bridge	1583	1776		1776		1584, 1777
88 -	By Delegate Storch: U. S. Air Force Capt. Clarence Virgil Slack, Jr. Memorial Bridge	1478	3045		3045		1478, 3046



Number	TITLE OF HOUSE CONCURRENT RESOLUTIONS	Communicated to Senate	Reported from Committee	Amended	Adopted by Senate	Readopted by House	OTHER PROCEEDINGS
91 -	By Delegates R. Romine, A. Evans, Hamilton, McGeehan, Jennings, Rowan, Pethel and Ferro: U.S. Navy Capt Homer Leroy Smith Memorial Bridge	1478	1776		1776		1478, 1777
93 -	By Delegates Hamrick, Dean, Folk, Graves, Higginbotham, Howell, Martin, McGeehan, Pack, Queen, Rohrbach, C. Romine, Storch, Westfall and White: Requesting the Joint Committee on Government and Finance study exempting state employees from the payment of state income tax	2227					2227
94 -	By Delegates C. Miller, Foster, Overington, Jennings, Ambler, Butler, Cooper, Dean, Graves, Hamrick, Hanshaw, Harshbarger, Higginbotham, Howell, Kessinger, Maynard, Pack, Paynter, Queen, Rohrbach, R. Romine, Rowan and Storch: Requesting the Joint Committee on Government and Finance to conduct a study comparing West Virginia's asbestos rules with those in other states	2228					2228
99 -	By Delegates Westfall, Rowe, Lovejoy, Hartman, Iaquina, Criss, Bates, A. Evans, Shott, White, Frich and Robinson: Requesting the Joint Committee on Government and Finance to study the feasibility and propriety of requiring liability insurance or other means of security on certain motorboats and personal watercraft in this state	2228					2228
100 -	By Delegates Statler and Frich: Morgantown High School Veterans Bridge	2616			2617		2616-2617
101 -	By Delegates Howell, Blair, Cowles, Espinosa, A. Evans, Folk, Householder, Moore, Overington, Rowan, Upson and Wilson: Requesting the Governor's Task Force on Public Employee Insurance Agency Stability to review means and methods of including medical facilities	2228					2228
102 -	By Delegates Rowe, Robinson and White: U. S. Army PFC Earl Russell Cobb, SPC4 Carl Bradford Goodson, and SSGT George T. Saunders, Jr., Memorial Bridge	2228					2229

JOURNAL  
of  
THE SENATE  
State of West Virginia

EIGHTY-THIRD LEGISLATURE

First Extraordinary Session, 2018

May 20, 2018–May 21, 2018



NOTE: The proceedings of the First Extraordinary Session of the West Virginia Legislature in the year 2018 (convened by the Governor on May 20, 2018, and adjourned *sine die* on May 21, 2018, are shown hereinafter.



WEST VIRGINIA LEGISLATURE  
**SENATE JOURNAL**  
EIGHTY-THIRD LEGISLATURE  
FIRST EXTRAORDINARY SESSION, 2018

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SUNDAY, MAY 20, 2018

Pursuant to the proclamation of His Excellency, the Governor, the Honorable Jim Justice, dated the eighteenth day of May, two thousand eighteen, convening the eighty-third Legislature of West Virginia in extraordinary session today (Sunday, May 20, 2018), under the provisions of section seven, article seven of the Constitution of West Virginia, the Senate assembled in its chamber in the state capitol in the City of Charleston at six o'clock p.m., and was called to order by its President, the Honorable Mitch Carmichael.

Prayer was offered by the Honorable C. Edward Gaunch, a senator from the eighth district.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Charles S. Trump IV, a senator from the fifteenth district.

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

Senators Arvon, Azinger, Baldwin, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Gaunch, Jeffries, Mann, Maynard, Palumbo, Plymale, Prezioso, Romano, Rucker, Stollings, Swope, Sypolt, Trump, Unger, Woelfel, and Carmichael (Mr. President).

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

**Executive Communications**

Senator Carmichael (Mr. President) laid before the Senate the following proclamation from His Excellency, the Governor,

convening the Legislature in extraordinary session, which was read by the Clerk:

**STATE OF WEST VIRGINIA  
EXECUTIVE DEPARTMENT  
Charleston**

**A P R O C L A M A T I O N**

**By the Governor**

**I, JIM JUSTICE**, by virtue of the authority vested in the Governor by Section 7, Article VII, of the Constitution of West Virginia, do hereby call the West Virginia Legislature to convene in Extraordinary Session at six p.m. on the twentieth day of May, Two Thousand Eighteen, in its chambers in the State Capitol, City of Charleston, for the limited purpose of considering and acting upon the following matters:

**FIRST** A bill that continues the Division of Culture and History as the Department of Arts, Culture and History with a Curator of Arts, Culture and History, and that organizes the West Virginia Educational Broadcasting Authority and the State Library Commission within the department; and

**SECOND:** A bill to amend sections contained in Enrolled Committee Substitute for Senate Bill 625 to eliminate the one-payment requirement and provide for a distribution of payments consistent with intestate statutes if there is no beneficiary designated by the decedent, and to provide a retroactive effective date of January 1, 2018; and

**THIRD:** A bill to amend sections contained in Enrolled Committee Substitute of House Bill 4015 to address technical issues, provide clarifying language, and modify rulemaking and reporting requirements; and

**FOURTH:** A bill to amend sections contained in Enrolled Committee Substitute for House Bill 4169 to correct technical issues, provide rulemaking authority, provide clarifying language, and modify criminal penalties; and

**FIFTH:** A bill returning to original introduced language for Section 7. A. 2 and 7.A. 3; 7.C.5; Section 9.A; and Section 10.D.2; all contained in WV Code 30-41-2 in Enrolled Committee Substitute for Senate Bill 456; and

**SIXTH:** A bill to modify dates and deadlines related to the sale of tax delinquent property; and

**SEVENTH:** A supplemental appropriation bill to fund 0407, fiscal year 2019, organization 0506, of the Department of Health and Human Resources — Division of Health — Central Office; and

**EIGHTH:** A surplus supplemental appropriation bill to fund 0433, fiscal year 2018, organization 0603, of the Department of Military Affairs and Public Safety — Adjutant General — State Militia; and to fund 0546, fiscal year 2018, organization 0620, of the Department of Military Affairs and Public Safety — Division of Justice and Community Services; and

**NINTH:** Legislation authorizing and appropriating the expenditure of public funds to pay the expenses for the Extraordinary Session.

**IN WITNESS WHEREOF,** I have hereunto set my hand and caused the Great Seal of the State of West Virginia to be affixed.



**DONE** at the Capitol in the City of Charleston, State of West Virginia, this eighteenth day of May, in the year of our Lord, Two Thousand Eighteen, and in the One Hundred Fifty-Fifth year of the State.

**JIM JUSTICE**  
**GOVERNOR**

**MAC WARNER**  
**SECRETARY OF STATE**

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

**Senate Resolution 101**—Raising a committee to inform the House of Delegates the Senate has assembled in extraordinary session.

*Resolved by the Senate:*

That a committee of three be appointed by the President to inform the House of Delegates that the Senate has assembled in extraordinary session, with a quorum present, and is ready to proceed with the business for which the extraordinary session was called by His Excellency, the Governor.

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

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

Senators Maynard, Sypolt, and Romano.

Subsequently, Senator Maynard, from the committee to notify the House of Delegates the Senate has assembled in extraordinary session, and is ready to proceed with the business of the session, announced that the committee had discharged its duties.

A message from the House of Delegates, by

Delegates Ambler, Sypolt, and Lynch, announced that the House of Delegates has assembled in extraordinary session, with a quorum present, and is ready to proceed with the business stated in the proclamation convening the Legislature.

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

**Senate Resolution 102**—Raising a committee to wait upon the Governor.

*Resolved by the Senate:*

That a committee of three on the part of the Senate, to join with a similar committee on the part of the House of Delegates, be appointed by the President to notify His Excellency, the Governor, that at his call the Legislature has assembled in extraordinary session, with a quorum of each house present; and is ready to receive any communication or message he may be pleased to present under section seven, article seven of the Constitution of West Virginia, which provides that no business except that stated in his proclamation be considered.

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

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

Senators Cline, Swope, and Jeffries.

A message from the House of Delegates, by

Delegates Kelly, Sobonya, and Hicks, announced that the Speaker had appointed them a committee of three to join with a similar committee on the part of the Senate to wait upon the Governor, under the provisions of Senate Resolution 102. Senate and House members of this select committee then proceeded to the executive offices.

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

The Senate proceeded to the third order of business.

### **Executive Communications**

Senator Carmichael (Mr. President) laid before the Senate the following communication from His Excellency, the Governor, consisting of executive nominations for appointees:



**Jim Justice**  
**Governor of West Virginia**

May 20, 2018

**Senate Executive Message No. 1**  
**First Extraordinary Session 2018**

TO: The Honorable Members of the  
West Virginia Senate

Ladies and Gentlemen:

I respectfully submit the following nominations for your advice and consent:

1. For Acting Secretary, Department of Education and the Arts, W. Clayton Burch, Culloden, Cabell County, to serve at the will and pleasure of the Governor.
2. For Member, West Virginia Northern Community and Technical College Board of Governors, Richard Barnabei, Weirton, Hancock County, for the term ending June 30, 2020.
3. For Executive Director, School Building Authority, David L. Roach, Huntington, Cabell County, to serve at the will and pleasure of the Governor.
4. For Acting Executive Director, Human Rights Commission, Cameron S. McKinney, Alum Creek, Lincoln County, to serve at the will and pleasure of the Governor.
5. For Member, Consolidated Public Retirement Board, C. Jeffrey Vallet, Chapmanville, Logan County, for the term ending June 30, 2022.
6. For Member, Consolidated Public Retirement Board, Joseph G. Bunn, Charleston, Kanawha County, for the term ending June 30, 2022.
7. For Member, Environmental Quality Board, Marybeth Winters, Beckley, Raleigh County, for the term ending June 30, 2018.

8. For Member, Higher Education Policy Commission, Donna L. Schulte, Princeton, Mercer County, for the term ending June 30, 2021.
9. For Member, Women's Commission, Michelle Barnes Russell, Martinsburg, Berkeley County, for the term ending June 30, 2020.
10. For Member, Women's Commission, Diana L. Johnson, Charleston, Kanawha County, for the term ending June 30, 2020.
11. For Member, Women's Commission, Beth A. Ross, Daniels, Raleigh County, for the term ending June 30, 2020.
12. For Member, Women's Commission, Gerald Hayden, Beckley, Raleigh County, for the term ending June 30, 2020.
13. For Member, West Virginia Children's Health Insurance Board, Lisa M. Costello, Morgantown, Monongalia County, for the term ending June 30, 2019.
14. For Member, Education Commission of the States, Steven L. Paine, Charleston, Kanawha County, to serve at the will and pleasure of the Governor.
15. For Member, Board of Directors of the West Virginia United Health System, The Honorable Kevin J. Craig, Huntington, Cabell County, for the term ending October 15, 2022.
16. For Member, Board of Directors of the West Virginia United Health System, Bernard P. Twigg, Glen Dale, Marshall County, for the term ending October 15, 2020.
17. For Member, Board of Directors of the West Virginia United Health System, Ellen S. Cappellanti, Charleston, Kanawha County, for the term ending October 15, 2018.
18. For Member, Bluefield State College Board of Governors, Jesse Calloway, Chesterfield, Virginia, for the term ending June 30, 2021.

19. For Member, Driver's Licensing Advisory Board, Kylene Whipp, Morgantown, Monongalia County, for the term ending June 30, 2019.
20. For Member, Driver's Licensing Advisory Board, Jason Peklinsky, Morgantown, Monongalia County, for the term ending June 30, 2018.
21. For Member, National Coal Heritage Area Authority, James C. Gaal, Hinton, Summers County, for the term ending June 30, 2019.
22. For Member, National Coal Heritage Area Authority, William R. Archer, Bluefield, Mercer County, for the term ending June 30, 2020.
23. For Member, National Coal Heritage Area Authority, David W. Hatfield, Matewan, Mingo County, for the term ending June 30, 2021.

Notice of these appointments was previously provided to the appropriate legislative staff at the time the appointments were made.

Sincerely,

Jim Justice  
Governor

cc: Clerk of the Senate  
Assistant Clerk of the Senate  
Senate Confirmations Chair

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

On motion of Senator Boley, consideration of the nominations immediately hereinbefore reported was made a special order of business for Monday, May 21, 2018, at 12 Noon.

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

**Jim Justice**  
**Governor of West Virginia**

May 20, 2018

SENATE EXECUTIVE MESSAGE NO. #2  
 2018 FIRST EXTRAORDINARY SESSION

The Honorable Mitch Carmichael  
 President, West Virginia Senate  
 Building 1, Room M-229  
 1900 Kanawha Boulevard, East  
 Charleston, West Virginia 25305

Dear President Carmichael:

The following amends and replaces the FY 2018 “General Revenue Fund – Statement of Revenues, Expenditures, and Changes in Cash Balance” which I submitted to you on January 10, 2018 as part of my Budget Document for the fiscal year ending June 30, 2019.

General Revenue Fund  
 Statement of Revenues, Expenditures,  
 and Changes in Cash Balance  
 (Nearest Dollar)

Actual Beginning Cash Balance July 1, 2017	\$	398,066,711
Less: 31 Day Disbursements		
(July 1, 2017 - July 31, 2017)		(35,856,031)
Plus: Prior Year Reimbursements		
(July 1, 2017 - July 31, 2017)		20
Less: Prior Year Appropriations Forwarded		(285,143,465)
Less: Cash Balance - Adjustments and Accruals		<u>(1,023,695)</u>
Accumulated Surplus from FY 2017		
@July 31, 2017	\$	76,043,540
Less: Transfer to Revenue Shortfall		
Reserve Fund (Statutory)		(38,021,770)

Less: FY 2018 Surplus Appropriation (FY 2018 Budget Bili)	(38,021,770)
Plus: FY 2018 Surplus Appropriation (2018 Regular Session) SB633 (Expire Special Rev)	1,620,000
Less: FY 2018 Surplus Appropriation (2018 Regular Session) SB633	(1,620,000)
Plus: Prior Year Reimbursements and adjustments (August 1, 2017 – May 16, 2018)	2,586,819
Less: <b>Recommended</b> FY 2018 Surplus Appropriations (2018 1st Special Session)	<u>(1,050,000)</u>
Estimated Unappropriated Surplus Balance @ June 30, 2018	<b>\$ 1,536,819</b>
Plus: FY 2018 Revenue Estimate	\$4,225,050,000
Less: FY 2018 Appropriations	(4,225,050,000)
Plus: FY 2018 Appropriations (FY 2018 Budget Bill) veto	<u>0</u>
Estimated Unappropriated Balance from FY 2018 Activity @ June 30, 2018	<b>\$0</b>
Plus: FY 2019 Revenue Estimate	\$4,439,920,000
Less: FY 2019 Appropriations (FY 2019 Budget Bill) (2018 Regular Session)	(4,381,808,884)
Estimated Unappropriated Balance from FY 2019 Activity @June 30, 2019	<b><u>\$58,111,116</u></b>
Total Estimated Unappropriated Balance @June 30, 2019	<b><u>\$59,647,935</u></b>

Note: General Revenue FY 2019 Surplus Appropriations of up to \$13,765,000 are to be appropriated from any available surplus balance remaining at the end of FY 2018.

Thank you for your cooperation in this matter.

Sincerely,

Jim Justice  
Governor

In compliance with Article VI, Section 51 of the Constitution, the Senate consented to receive the foregoing amendments to the Budget Bill, which were referred to the Committee on Finance.

The Senate proceeded to the sixth order of business.

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

**By Senators Carmichael (Mr. President) and Prezioso (By Request of the Executive):**

**Senate Bill 1001**—A Bill to amend and reenact §5F-2-1 of the Code of West Virginia, 1931, as amended, as contained in Chapter 105, Acts of the Legislature, Regular Session, 2018; and to amend and reenact §29-1-1 and §29-1-2 of said code, all relating to the Division of Culture and History continuing as the Department of Arts, Culture and History; providing that the Library Commission and the West Virginia Educational Broadcasting Authority shall be organized within the Department of Arts, Culture and History for administrative support; providing that any references throughout this code to the “Commissioner of Culture and History” means the “Curator of Arts, Culture and History” and any references throughout this code to the “Division of Culture and History” means the “Department of Arts, Culture and History”; organizing the Department of Arts, Culture and History as a separate independent agency within the Executive Branch; continuing the Commissioner of Culture and History as the Curator of Arts, Culture and History; specifying that the curator reports directly to Governor in furtherance of purposes and duties of the department; specifying the role of the curator; and specifying that the curator is to represent the department as a full participating member in meetings of department secretaries convened by the Governor.

At the request of Senator Trump, unanimous consent being granted, reference of the bill to a committee was dispensed with, and it was taken up for immediate consideration, read a first time, and ordered to second reading.

**By Senators Carmichael (Mr. President) and Prezioso (By Request of the Executive):**

**Senate Bill 1002**—A Bill to amend and reenact §5H-1-2 of the Code of West Virginia, 1931, as amended, as contained in Chapter 211, Acts of the Legislature, Regular Session, 2018, relating to the West Virginia Fire, EMS, and Law-Enforcement Officer Survivor Benefit Act; creating a retroactive effective date; deleting a one-payment requirement for the benefit; requiring benefit distribution be consistent with the intestate statutes when no beneficiary documents are found; requiring the fire, EMS, or law-enforcement program to provide documentation of surviving spouse, descendants, or parents of the decedent; and correcting terms for consistency of requirements.

At the request of Senator Trump, unanimous consent being granted, reference of the bill to a committee was dispensed with, and it was taken up for immediate consideration, read a first time, and ordered to second reading.

**By Senators Carmichael (Mr. President) and Prezioso (By Request of the Executive):**

**Senate Bill 1003**—A Bill to amend and reenact §5A-12-5, §5A-12-6, §5A-12-7, and §5A-12-10 of the Code of West Virginia, 1931, as amended, as contained in Chapter 106, Acts of the Legislature, Regular Session, 2018; and to amend and reenact §17A-3-23, §17A-3-25, and §17A-3-26 of said code, as contained in Chapter 106, Acts of the Legislature, Regular Session, 2018, all relating to the management and inventory of state vehicles; requiring spending units to prepare and maintain a list of all employees provided a state vehicle that sets forth the specific bona fide noncompensatory business reasons for which the state vehicle is being provided to each employee and submit such list to the Fleet Management Division; modifying vehicle log requirements; modifying reporting requirements; eliminating language related to perjury penalties; and eliminating provisions related to traffic citations.

At the request of Senator Trump, unanimous consent being granted, reference of the bill to a committee was dispensed with, and it was taken up for immediate consideration, read a first time, and ordered to second reading.

**By Senators Carmichael (Mr. President) and Prezioso (By Request of the Executive):**

**Senate Bill 1004**—A Bill to amend and reenact §15-9A-4 of the Code of West Virginia, 1931, as amended, as contained in Chapter 216, Acts of the Legislature, Regular Session, 2018, relating to modifying the type of businesses and establishments required to post human trafficking assistance notices; modifying the criminal penalties for failure to comply with posting of notices once given notice of lawful duty to post; providing that a business or establishment that does not correct a violation within 30 days from the receipt of notice is guilty of a misdemeanor and, upon a first conviction thereof, shall be fined not more than \$250; and providing that a second or subsequent conviction is punishable by a fine of not less than \$250 nor more than \$500.

At the request of Senator Trump, unanimous consent being granted, reference of the bill to a committee was dispensed with, and it was taken up for immediate consideration, read a first time, and ordered to second reading.

**By Senators Carmichael (Mr. President) and Prezioso (By Request of the Executive):**

**Senate Bill 1005**—A Bill to amend and reenact §30-41-2 of the Code of West Virginia, 1931, as amended, as contained in Chapter 177, Acts of the Legislature, Regular Session, 2018, related to creating the Physical Therapy Licensure Compact Act; establishing commission rule-making authority; providing for legal enforcement of compact rules and provisions; establishing proper venue; and retaining sovereign immunity.

At the request of Senator Trump, unanimous consent being granted, reference of the bill to a committee was dispensed with, and it was taken up for immediate consideration, read a first time, and ordered to second reading.

**By Senators Carmichael (Mr. President) and Prezioso (By Request of the Executive):**

**Senate Bill 1006**—A Bill to amend and reenact §11A-3-19, §11A-3-20, §11A-3-23, §11A-3-27, §11A-3-55, §11A-3-56, and



§11A-3-59 of the Code of West Virginia, 1931, as amended, all relating generally to purchasers of liens securing a deed; amending dates and time frames for securing deeds; allowing property to be redeemed prior to recording of deed; and amending the time frame for notice to be provided or published.

At the request of Senator Trump, unanimous consent being granted, reference of the bill to a committee was dispensed with, and it was taken up for immediate consideration, read a first time, and ordered to second reading.

**By Senators Carmichael (Mr. President) and Prezioso (By Request of the Executive):**

**Senate Bill 1007**—A Bill supplementing and amending the appropriations of public moneys out of the Treasury in the State Fund, General Revenue, to the Department of Health and Human Resources, Division of Health – Central Office, fund 0407, fiscal year 2019, organization 0506, by supplementing and amending the appropriations for the fiscal year ending June 30, 2019.

At the request of Senator Trump, unanimous consent being granted, reference of the bill to a committee was dispensed with, and it was taken up for immediate consideration, read a first time, and ordered to second reading.

**By Senators Carmichael (Mr. President) and Prezioso (By Request of the Executive):**

**Senate Bill 1008**—A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Military Affairs and Public Safety, Adjutant General – State Militia, fund 0433, fiscal year 2018, organization 0603, and to the Department of Military Affairs and Public Safety, Division of Justice and Community Services, fund 0546, fiscal year 2018, organization 0620, by supplementing and amending the appropriations for the fiscal year ending June 30, 2018.

At the request of Senator Trump, unanimous consent being granted, reference of the bill to a committee was dispensed with,

and it was taken up for immediate consideration, read a first time, and ordered to second reading.

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

On motion of Senator Trump, at 6:33 p.m., the Senate adjourned until tomorrow, Monday, May 21, 2018, at 12 Noon.

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## MONDAY, MAY 21, 2018

The Senate met at 12:24 p.m.

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

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

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Stephen Baldwin, a senator from the tenth district.

Pending the reading of the Journal of Sunday, May 20, 2018,

At the request of Senator Rucker, unanimous consent being granted, the Journal was approved and the further reading thereof dispensed with.

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

The Senate then stood in observance of a moment of silence in recognition of the victims of the Santa Fe High School shooting in Santa Fe, Texas.

The Clerk presented the following communications from various state agencies as required by the provisions of law:

Environmental Protection, Department of (Groundwater Programs and Activities) (§22-12-6)

Environmental Protection, Department of (Integrated Water Quality Monitoring and Assessment) (§22-11-28)

Health and Human Resources, Department of (Sudden Unexplained Infant Deaths) (§16-1-6)

Natural Resources, Division of (§20-1-7)

Senior Services, Bureau of (§16-5P-14)

At the request of Senator Ferns, and by unanimous consent, the Senate proceeded to the fourth order of business.

Senator Boley, from the Committee on Confirmations, submitted the following report, which was received:

Your Committee on Confirmations has had under consideration

**Senate Executive Message 1**, dated May 20, 2018, requesting confirmation by the Senate of the nominations mentioned therein. The following list of names from Executive Message 1 is submitted:

1. For Acting Secretary, Department of Education and the Arts, W. Clayton Burch, Culloden, Cabell County, to serve at the will and pleasure of the Governor.
2. For Member, West Virginia Northern Community and Technical College Board of Governors, Richard Barnabei, Weirton, Hancock County, for the term ending June 30, 2020.
3. For Executive Director, School Building Authority, David L. Roach, Huntington, Cabell County, to serve at the will and pleasure of the Governor.
4. For Acting Executive Director, Human Rights Commission, Cameron S. McKinney, Alum Creek, Lincoln County, to serve at the will and pleasure of the Governor.

5. For Member, Consolidated Public Retirement Board, C. Jeffrey Vallet, Chapmanville, Logan County, for the term ending June 30, 2022.
6. For Member, Consolidated Public Retirement Board, Joseph G. Bunn, Charleston, Kanawha County, for the term ending June 30, 2022.
7. For Member, Environmental Quality Board, Marybeth Winters, Beckley, Raleigh County, for the term ending June 30, 2018.
8. For Member, Higher Education Policy Commission, Donna L. Schulte, Princeton, Mercer County, for the term ending June 30, 2021.
9. For Member, Women's Commission, Michelle Barnes Russell, Martinsburg, Berkeley County, for the term ending June 30, 2020.
10. For Member, Women's Commission, Diana L. Johnson, Charleston, Kanawha County, for the term ending June 30, 2020.
11. For Member, Women's Commission, Beth A. Ross, Daniels, Raleigh County, for the term ending June 30, 2020.
12. For Member, Women's Commission, Gerald Hayden, Beckley, Raleigh County, for the term ending June 30, 2020.
13. For Member, West Virginia Children's Health Insurance Board, Lisa M. Costello, Morgantown, Monongalia County, for the term ending June 30, 2019.
14. For Member, Education Commission of the States, Steven L. Paine, Charleston, Kanawha County, to serve at the will and pleasure of the Governor.

15. For Member, Board of Directors of the West Virginia United Health System, The Honorable Kevin J. Craig, Huntington, Cabell County, for the term ending October 15, 2022.
16. For Member, Board of Directors of the West Virginia United Health System, Bernard P. Twigg, Glen Dale, Marshall County, for the term ending October 15, 2020.
17. For Member, Board of Directors of the West Virginia United Health System, Ellen S. Cappellanti, Charleston, Kanawha County, for the term ending October 15, 2018.
18. For Member, Bluefield State College Board of Governors, Jesse Calloway, Chesterfield, Virginia, for the term ending June 30, 2021.
19. For Member, Driver's Licensing Advisory Board, Kylene Whipp, Morgantown, Monongalia County, for the term ending June 30, 2019.
20. For Member, Driver's Licensing Advisory Board, Jason Peklinsky, Morgantown, Monongalia County, for the term ending June 30, 2018.
21. For Member, National Coal Heritage Area Authority, James C. Gaal, Hinton, Summers County, for the term ending June 30, 2019.
22. For Member, National Coal Heritage Area Authority, William R. Archer, Bluefield, Mercer County, for the term ending June 30, 2020.
23. For Member, National Coal Heritage Area Authority, David W. Hatfield, Matewan, Mingo County, for the term ending June 30, 2021.

And reports the same back with the recommendation that the Senate do advise and consent to all of the nominations listed above.

Respectfully submitted,

Donna J. Boley,  
*Chair.*

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The time having arrived for the special order of business to consider the list of nominees for public office submitted by His Excellency, the Governor, the special order thereon was called by the President.

Thereupon, Senator Carmichael (Mr. President) laid before the Senate the following executive message:

**Senate Executive Message 1**, dated May 20, 2018 (*shown in the Senate Journal of that day, pages 6 through 8, inclusive*).

Senator Boley then moved that the Senate advise and consent to all of the executive nominations referred to in the foregoing report from the Committee on Confirmations.

The question being on the adoption of Senator Boley's aforestated motion.

The roll was then taken; and

On this question, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Mann, Maynard, Palumbo, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Woelfel, and Carmichael (Mr. President)—28.

The nays were: None.

Absent: Arvon, Karnes, Maroney, Ojeda, Plymale, and Weld—6.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared Senator Boley's aforestated motion had prevailed.

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Consideration of executive nominations having been concluded,

The Senate proceeded to the ninth order of business.

**Senate Bill 1001**, Continuing Division of Culture and History as Department of Arts, Culture and History.

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

**Senate Bill 1002**, Creating retroactive effective date within WV Fire, EMS, and Law-Enforcement Officer Survivor Benefit Act.

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

**Senate Bill 1003**, Relating to management and inventory of state vehicles.

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

**Senate Bill 1004**, Modifying types of businesses required to post human trafficking assistance notices.

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

On motion of Senator Ferns, the constitutional rule requiring a bill to be read on three separate days was suspended by a vote of four fifths of the members present, taken by yeas and nays.

On suspending the constitutional rule, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Mann, Maynard, Palumbo, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Woelfel, and Carmichael (Mr. President)—28.

The nays were: None.

Absent: Arvon, Karnes, Maroney, Ojeda, Plymale, and Weld—6.

Engrossed Senate Bill 1004 was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Mann, Maynard, Palumbo, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Woelfel, and Carmichael (Mr. President)—28.

The nays were: None.

Absent: Arvon, Karnes, Maroney, Ojeda, Plymale, and Weld—6.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 1004) passed with its title.

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

**Senate Bill 1005**, Amending sections of Physical Therapy Licensure Compact Act.

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

On motion of Senator Ferns, the constitutional rule requiring a bill to be read on three separate days was suspended by a vote of four fifths of the members present, taken by yeas and nays.

On suspending the constitutional rule, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Mann, Maynard, Palumbo, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Woelfel, and Carmichael (Mr. President)—28.

The nays were: None.

Absent: Arvon, Karnes, Maroney, Ojeda, Plymale, and Weld—6.



Engrossed Senate Bill 1005 was then read a third time and put upon its passage.

Senator Ferns requested a ruling from the Chair as to whether he should be excused from voting under Rule 43 of the Rules of the Senate.

The Chair replied that any impact on Senator Ferns would be as a member of a class of persons and that he would be required to vote.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Mann, Maynard, Palumbo, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Woelfel, and Carmichael (Mr. President)—28.

The nays were: None.

Absent: Arvon, Karnes, Maroney, Ojeda, Plymale, and Weld—6.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 1005) passed with its title.

Senator Ferns moved that the bill take effect June 7, 2018.

On this question, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Mann, Maynard, Palumbo, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Woelfel, and Carmichael (Mr. President)—28.

The nays were: None.

Absent: Arvon, Karnes, Maroney, Ojeda, Plymale, and Weld—6.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 1005) takes effect June 7, 2018.

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

**Senate Bill 1006**, Amending deadlines for securing deeds.

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

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

On pages two through four, by striking out all of section twenty-three;

And,

On pages seven through nine, by striking out all of section fifty-six.

The bill (S. B. 1006), as amended, was ordered to engrossment and third reading.

On motion of Senator Ferns, the constitutional rule requiring a bill to be read on three separate days was suspended by a vote of four fifths of the members present, taken by yeas and nays.

On suspending the constitutional rule, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Mann, Maynard, Palumbo, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Woelfel, and Carmichael (Mr. President)—28.

The nays were: None.

Absent: Arvon, Karnes, Maroney, Ojeda, Plymale, and Weld—6.

Engrossed Senate Bill 1006 was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Mann, Maynard, Palumbo, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Woelfel, and Carmichael (Mr. President)—28.

The nays were: None.

Absent: Arvon, Karnes, Maroney, Ojeda, Plymale, and Weld—6.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 1006) passed.

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

**Eng. Senate Bill 1006**—A Bill to amend and reenact §11A-3-19, §11A-3-20, §11A-3-27, §11A-3-55, and §11A-3-59 of the Code of West Virginia, 1931, as amended, all relating generally to purchasers of property tax liens securing a deed; amending the timeframe during which a lien purchaser must provide certain information and fees to the Auditor to allow service of notice to redeem; amending the date by which a purchaser must provide notice to the Auditor that a lien purchased at a sheriff's sale was subject to an erroneous assessment or was nonexistent; amending the time frame during which the Auditor must execute and deliver deeds; and amending the time frame during which the Auditor must provide or publish notice to redeem a tax lien sold at a commissioner's sale.

Senator Ferns moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Mann, Maynard, Palumbo, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Woelfel, and Carmichael (Mr. President)—28.

The nays were: None.

Absent: Arvon, Karnes, Maroney, Ojeda, Plymale, and Weld—6.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 1006) takes effect from passage.

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

**Senate Bill 1007**, Supplementing and amending appropriations to DHHR, Division of Health.

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

On motion of Senator Ferns, the constitutional rule requiring a bill to be read on three separate days was suspended by a vote of four fifths of the members present, taken by yeas and nays.

On suspending the constitutional rule, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Mann, Maynard, Palumbo, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Woelfel, and Carmichael (Mr. President)—28.

The nays were: None.

Absent: Arvon, Karnes, Maroney, Ojeda, Plymale, and Weld—6.

Engrossed Senate Bill 1007 was then read a third time and put upon its passage.

Pending discussion,

The question being “Shall Engrossed Senate Bill 1007 pass?”

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Mann, Maynard, Palumbo, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Woelfel, and Carmichael (Mr. President)—28.

The nays were: None.

Absent: Arvon, Karnes, Maroney, Ojeda, Plymale, and Weld—6.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 1007) passed with its title.

Senator Ferns moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Mann, Maynard, Palumbo, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Woelfel, and Carmichael (Mr. President)—28.

The nays were: None.

Absent: Arvon, Karnes, Maroney, Ojeda, Plymale, and Weld—6.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 1007) takes effect from passage.

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

**Senate Bill 1008**, Supplementing and amending appropriations to certain divisions within Department of Military Affairs and Public Safety.

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

On motion of Senator Ferns, at 12:54 p.m., the Senate recessed until 1:30 p.m. today.

The Senate reconvened at 2:18 p.m. today and, without objection, returned to the third order of business.

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect June 7, 2018, and requested the concurrence of the Senate in the passage of

**Eng. House Bill 101**—A Bill to amend and reenact §5F-2-1 of the Code of West Virginia, 1931, as amended, as contained in Chapter 105, Acts of the Legislature, Regular Session, 2018; and to amend and reenact §29-1-1 and §29-1-2 of said code, all relating to the Division of Culture and History continuing as the Department of Arts, Culture and History; providing that the Library Commission and the West Virginia Educational Broadcasting Authority shall be organized within the Department of Arts, Culture and History for administrative support; providing that any references throughout this code to the “Commissioner of Culture and History” means the “Curator of Arts, Culture and History” and any references throughout this code to the “Division of Culture and History” means the “Department of Arts, Culture and History”; organizing the Department of Arts, Culture and History as a separate independent agency within the Executive Branch; continuing the Commissioner of Culture and History as the Curator of Arts, Culture and History; specifying that the curator reports directly to Governor in furtherance of purposes and duties of the department; specifying the role of the curator; specifying that the curator is to represent the department as a full participating member in meetings of department secretaries convened by the Governor.

At the request of Senator Ferns, and by unanimous consent, reference of the bill to a committee was dispensed with, and it was taken up for immediate consideration, read a first time, and ordered to second reading.

On motion of Senator Ferns, the constitutional rule requiring a bill to be read on three separate days was suspended by a vote of four fifths of the members present, taken by yeas and nays.

On suspending the constitutional rule, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Mann, Maynard, Palumbo, Prezioso, Romano, Rucker, Smith, Stollings, Swope,

Sypolt, Takubo, Trump, Unger, Woelfel, and Carmichael (Mr. President)—29.

The nays were: None.

Absent: Karnes, Maroney, Ojeda, Plymale, and Weld—5.

The bill was read a second time and ordered to third reading.

Having been engrossed, the bill (Eng. H. B. 101) was then read a third time and put upon its passage.

Pending discussion,

The question being “Shall Engrossed House Bill 101 pass?”

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Jeffries, Mann, Maynard, Palumbo, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Woelfel, and Carmichael (Mr. President)—28.

The nays were: Gaunch—1.

Absent: Karnes, Maroney, Ojeda, Plymale, and Weld—5.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 101) passed with its title.

Senator Ferns moved that the bill take effect June 8, 2018.

On this question, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Jeffries, Mann, Maynard, Palumbo, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Woelfel, and Carmichael (Mr. President)—28.

The nays were: Gaunch—1.

Absent: Karnes, Maroney, Ojeda, Plymale, and Weld—5.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 101) takes effect June 8, 2018.

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

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect June 8, 2018, and requested the concurrence of the Senate in the passage of

**Eng. House Bill 102**—A Bill to amend and reenact §5H-1-2 of the Code of West Virginia, 1931, as amended, as contained in Chapter 211, Acts of the Legislature, Regular Session, 2018, relating to the West Virginia Fire, EMS, and Law-Enforcement Officer Survivor Benefit Act; creating a retroactive effective date; deleting a one-payment requirement for the benefit; requiring benefit distribution be consistent with the intestate statutes when no beneficiary documents are found; requiring the fire, EMS, or law-enforcement program to provide documentation of surviving spouse, descendants or parents of the decedent; and correcting terms for consistency of requirements.

At the request of Senator Ferns, and by unanimous consent, reference of the bill to a committee was dispensed with, and it was taken up for immediate consideration, read a first time, and ordered to second reading.

On motion of Senator Ferns, the constitutional rule requiring a bill to be read on three separate days was suspended by a vote of four fifths of the members present, taken by yeas and nays.

On suspending the constitutional rule, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Mann, Maynard, Palumbo, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Woelfel, and Carmichael (Mr. President)—29.

The nays were: None.



Absent: Karnes, Maroney, Ojeda, Plymale, and Weld—5.

The bill (Eng. H. B. 102) was read a second time.

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

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

#### **CHAPTER 5H. SURVIVOR BENEFITS.**

#### **ARTICLE 1. WEST VIRGINIA FIRE, EMS, AND LAW-ENFORCEMENT OFFICER SURVIVOR BENEFIT ACT.**

##### **§5H-1-2. Death benefit for survivors.**

(a) In the event a firefighter, EMS, or law-enforcement provider dies as a proximate result of the performance of, his or her duties, the department chief, within 30 days from the date of death shall submit certification of the death to the Governor's Office.

(b) This act includes both paid and volunteer fire, EMS, and law-enforcement personnel acting in the performance of his or her duties of any fire, EMS, or law-enforcement department certified by the State of West Virginia.

(c) A firefighter, EMS, or law-enforcement provider is considered to be acting in the performance of his or her duties for the purposes of this act when he or she is participating in any role of a fire, EMS, or law-enforcement department function. This includes training, administration meetings, fire, EMS, or law-enforcement incidents, service calls, apparatus, equipment or station maintenance, fundraisers, and travel to or from such functions.

(d) Travel includes riding upon or in any apparatus or vehicle which is owned or used by the fire, EMS, or law-enforcement department, or any other vehicle going to or directly returning from a firefighter's home, place of business, or other place where he or she shall have been prior to participating in a fire, EMS, or law-

enforcement department function, or upon the authorization of the chief of the department, agency head, or other person in charge.

(e) Certification shall include the name of the certified fire, EMS, or law-enforcement program, the name of the deceased firefighter, EMS, or law-enforcement provider, the name or names and address of the beneficiary or beneficiaries, any documentation designating a beneficiary or beneficiaries, and setting forth the circumstances that qualify the deceased individual for death benefits under this act. Upon receipt of the certification from the certified fire, EMS, or law-enforcement program, the state shall, from moneys from the State Treasury, General Fund, pay to the certified fire, EMS, or law-enforcement program the sum of \$100,000 in the name of the beneficiary or beneficiaries of the death benefit. Within five days of receipt of this sum from the state, the fire, EMS, or law-enforcement program certified by the state shall pay the sum as a benefit to the surviving ~~spouse or~~ designated beneficiary or beneficiaries. If there is no surviving ~~spouse or~~ designated beneficiary, then the sum shall be paid as if the decedent had designated as beneficiaries those persons who are entitled to inherit the decedent's intestate estate, in the proportions established by to the minor children of the firefighter, EMS, or law-enforcement provider who died as a proximate result of the performance of his or her duties. When no spouse, designated beneficiary, or minor children survive, the benefit shall be paid to the parent or parents of the firefighter, EMS, or law-enforcement provider §42-1-3 and §42-1-3a of this Code. It is the responsibility of the certified fire, ~~or~~ EMS, or law-enforcement program to document the ~~surviving spouse or~~ beneficiary or beneficiaries above mentioned for purposes of reporting to the Governor's Office.

(f) Any death ruled by a physician to be a result of an injury sustained during any of the above mentioned performance of fire department, EMS, or law-enforcement duties will be eligible for this benefit, even if this death occurs at a later time.

(g) Those individuals who are covered by this article are eligible for only one state death benefit, paid pursuant to the provisions of this section, payment regardless of the amount.

(h) Every department or agency head employing persons to which this article applies shall provide notice of the benefit provided hereby to such employees and encourage covered employees to provide a written designation of beneficiary to be maintained in the employee's personnel file.

(i) Any person making application for certification as a firefighter to which this section applies shall provide a written designation of beneficiary using forms and procedures prescribed by the State Fire Marshal. Any person making application for emergency medical services personnel certification to which this section applies shall provide a written designation of beneficiary using forms and procedures prescribed by the Commissioner of the Bureau for Public Health.

(j) The operation of the amendments to this section enacted during the 2018 Regular Session and 2018 First Extraordinary Session of the Legislature shall be effective retroactively to January 1, 2018.

The bill, as amended, was ordered to third reading.

Having been engrossed, the bill (Eng. H. B. 102) was then read a third time and put upon its passage.

Pending discussion,

The question being "Shall Engrossed House Bill 102 pass?"

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Mann, Maynard, Palumbo, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Woelfel, and Carmichael (Mr. President)—29.

The nays were: None.

Absent: Karnes, Maroney, Ojeda, Plymale, and Weld—5.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 102) passed with its title.

Senator Ferns moved that the bill take effect June 8, 2018.

On this question, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Mann, Maynard, Palumbo, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Woelfel, and Carmichael (Mr. President)—29.

The nays were: None.

Absent: Karnes, Maroney, Ojeda, Plymale, and Weld—5.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 102) takes effect June 8, 2018.

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

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect June 5, 2018, and requested the concurrence of the Senate in the passage of

**Eng. House Bill 103**—A Bill to amend and reenact §5A-12-5, §5A-12-6, §5A-12-7, and §5A-12-10 of the Code of West Virginia, 1931, as amended, as contained in Chapter 106, Acts of the Legislature, Regular Session, 2018; and to amend and reenact §17A-3-23, §17A-3-25, and §17A-3-26 of said code, as contained in Chapter 106, Acts of the Legislature, Regular Session, 2018, all relating to the management and inventory of state vehicles; requiring spending units to prepare and maintain a list of all employees provided a state vehicle that sets forth the specific bona fide noncompensatory business reasons for which the state vehicle is being provided to each employee and submit such list to the fleet management division; modifying vehicle log requirements; modifying reporting requirements; eliminating language related to

perjury penalties; and eliminating provisions related to traffic citations.

At the request of Senator Ferns, and by unanimous consent, reference of the bill to a committee was dispensed with, and it was taken up for immediate consideration, read a first time, and ordered to second reading.

On motion of Senator Ferns, the constitutional rule requiring a bill to be read on three separate days was suspended by a vote of four fifths of the members present, taken by yeas and nays.

On suspending the constitutional rule, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Mann, Maynard, Palumbo, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Woelfel, and Carmichael (Mr. President)—29.

The nays were: None.

Absent: Karnes, Maroney, Ojeda, Plymale, and Weld—5.

The bill was read a second time and ordered to third reading.

Having been engrossed, the bill (Eng. H. B. 103) was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Mann, Maynard, Palumbo, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Woelfel, and Carmichael (Mr. President)—29.

The nays were: None.

Absent: Karnes, Maroney, Ojeda, Plymale, and Weld—5.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 103) passed with its title.

Senator Ferns moved that the bill take effect June 5, 2018.

On this question, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Mann, Maynard, Palumbo, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Woelfel, and Carmichael (Mr. President)—29.

The nays were: None.

Absent: Karnes, Maroney, Ojeda, Plymale, and Weld—5.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 103) takes effect June 5, 2018.

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

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

**Eng. House Bill 108**—A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Military Affairs and Public Safety, Adjutant General – State Militia, fund 0433, fiscal year 2018, organization 0603, and to the Department of Military Affairs and Public Safety, Division of Justice and Community Services, fund 0546, fiscal year 2018, organization 0620, by supplementing and amending the appropriations for the fiscal year ending June 30, 2018.

At the request of Senator Ferns, and by unanimous consent, reference of the bill to a committee was dispensed with, and it was taken up for immediate consideration, read a first time, and ordered to second reading.

On motion of Senator Ferns, the constitutional rule requiring a bill to be read on three separate days was suspended by a vote of four fifths of the members present, taken by yeas and nays.

On suspending the constitutional rule, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Mann, Maynard, Palumbo, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Woelfel, and Carmichael (Mr. President)—29.

The nays were: None.

Absent: Karnes, Maroney, Ojeda, Plymale, and Weld—5.

The bill was read a second time and ordered to third reading.

Having been engrossed, the bill (Eng. H. B. 108) was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Mann, Maynard, Palumbo, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Woelfel, and Carmichael (Mr. President)—29.

The nays were: None.

Absent: Karnes, Maroney, Ojeda, Plymale, and Weld—5.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 108) passed with its title.

Senator Ferns moved that the bill take effect from passage.

On this question, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Mann, Maynard, Palumbo, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Woelfel, and Carmichael (Mr. President)—29.

The nays were: None.

Absent: Karnes, Maroney, Ojeda, Plymale, and Weld—5.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 108) takes effect from passage.

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

On motion of Senator Ferns, at 2:49 p.m., the Senate recessed until 3:15 p.m. today.

The Senate reconvened at 3:19 p.m. today and resumed business under the third order.

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

**Eng. Senate Bill 1004**, Modifying types of businesses required to post human trafficking assistance notices.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage, to take effect June 7, 2018, of

**Eng. Senate Bill 1005**, Amending sections of Physical Therapy Licensure Compact Act.

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

**Eng. Senate Bill 1006**, Amending deadlines for securing deeds.

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



**Eng. Senate Bill 1007**, Supplementing and amending appropriations to DHHR, Division of Health.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendment to, and the passage as amended, to take effect June 8, 2018, of

**Eng. House Bill 102**, Relating to the West Virginia Fire, EMS, and Law-Enforcement Officer Survivor Benefit Act.

The Senate proceeded to the sixth order of business.

At the request of Senator Ferns, and by unanimous consent, Senator Ferns offered the following pre-adjournalment resolution from the floor:

**Senate Resolution 103**—Raising a committee to notify the House of Delegates the Senate is ready to adjourn *sine die*.

*Resolved by the Senate:*

That the President be authorized to appoint a committee of three to notify the House of Delegates that the Senate has completed its labors and is ready to adjourn *sine die*.

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

Senator Carmichael (Mr. President), under the provisions of the foregoing resolution, appointed the following committee to notify the House of Delegates of impending Senate adjournment:

Senators Azinger, Arvon, and Beach.

Subsequently, Senator Azinger reported that the duties assigned by Senate Resolution 103 had been performed.

Thereafter, a three-member delegation from the House of Delegates, namely

Delegates Ambler, Sypolt, and Lynch, announced that that body also had completed its labors and was ready to adjourn *sine die*.

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

**Senate Resolution 104**—Raising a committee to notify His Excellency, the Governor, that the Legislature is ready to adjourn *sine die*.

*Resolved by the Senate:*

That the President be authorized to appoint a committee of three to join with a similar committee of the House of Delegates to notify His Excellency, the Governor, that the Legislature has completed its labors and is ready to adjourn *sine die*.

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

Under the provisions of the foregoing resolution, Senator Carmichael (Mr. President) appointed the following committee to notify His Excellency, the Governor, that the Senate was ready to adjourn:

Senators Rucker, Cline, and Jeffries.

Delegates Kelly, Sobonya, and Hicks, then announced that they had been appointed by that body to join with the similar committee named by the Senate to wait upon His Excellency and were ready to proceed with this assignment.

Senators Rucker, Cline, and Jeffries, comprising the Senate committee, then joined the House committee and proceeded to the executive offices to notify His Excellency, the Governor, of imminent adjournment of this extraordinary session of the Legislature.

Subsequently, Senator Rucker, from the joint select committee to notify His Excellency, the Governor, that the Legislature had completed the business of this extraordinary session and was ready to adjourn *sine die*, returned to the chamber and was recognized by the President. Senator Rucker then reported this mission accomplished.

At the request of Senator Maynard, unanimous consent being granted, the Joint Committee on Enrolled Bills was granted permission, after it has examined, found truly enrolled and presented to His Excellency, the Governor, for his action, bills passed but not presented to him prior to adjournment of this first extraordinary session of the eighty-third Legislature in the year two thousand eighteen, to file its reports with the Clerk and that the same be included in the Journal of the last day of the session; and also, that any communications from His Excellency, the Governor, as to his action on bills after adjournment of the session, be included in the Journal.

In accordance with the foregoing unanimous consent agreement, the following report of the Joint Committee on Enrolled Bills was filed as follows:

Senator Maynard, from the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 23rd day of May, 2018, 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. 1004)**, Modifying types of businesses required to post human trafficking assistance notices.

**(S. B. 1005)**, Amending sections of Physical Therapy Licensure Compact Act.

**(S. B. 1006)**, Amending deadlines for securing deeds.

(S. B. 1007), Supplementing and amending appropriations to DHHR, Division of Health.

(H. B. 101), Reestablishing the Division of Culture and History as the Department of Arts, Culture and History.

(H. B. 102), Relating to the West Virginia Fire, EMS, and Law-Enforcement Officer Survivor Benefit Act.

(H. B. 103), Relating to the management and inventory of state vehicles.

And,

(H. B. 108), Supplementing and amending the appropriations to the Department of Military Affairs and Public Safety.

Respectfully submitted,

Mark R. Maynard,  
*Chair, Senate Committee.*  
Roger Hanshaw,  
*Chair, House Committee.*

### Executive Communications

Under authorization of Senate approval therefor in prior proceedings today, to include in this day's Journal communications showing the Governor's action on enrolled bills presented to him in post-session reports, the following is inserted hereinafter:

The Clerk then presented communications from His Excellency, the Governor, advising that on May 24, 2018, he had approved **Enr. Senate Bill 1007** and **Enr. House Bill 108**; and on June 7, 2018, he had approved **Enr. Senate Bill 1004**, **Enr. Senate Bill 1005**, **Enr. Senate Bill 1006**, **Enr. House Bill 101**, **Enr. House Bill 102**, and **Enr. House Bill 103**.

On motion of Senator Ferns, at 3:22 p.m., the first extraordinary session of the Senate in the year two thousand eighteen adjourned *sine die*.

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*We hereby certify that the foregoing Senate record of the proceedings of the First Extraordinary Session of the Eighty-Third Legislature, 2018, is the Official Journal of the Senate for said session.*

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*President of the Senate*

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*Clerk of the Senate*

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### SENATE BILLS PASSED LEGISLATURE

1004. By Sen. Carmichael (Mr. President) and Prezioso [By Request of the Executive]  
- **Modifying types of businesses required to post human trafficking assistance notices** (original similar to HB104) - Passed 5/21/2018 - To Governor 5/23/18 - Approved by Governor 6/7/18 - Chapter 7, Acts, 1st Extraordinary Session, 2018
1005. By Sen. Carmichael (Mr. President) and Prezioso [By Request of the Executive]  
- **Amending sections of Physical Therapy Licensure Compact Act** (original similar to HB105) - Passed 5/21/2018; Effective June 7, 2018 - To Governor 5/23/18 - Approved by Governor 6/7/18 - Chapter 5, Acts, 1st Extraordinary Session, 2018
1006. By Sen. Carmichael (Mr. President) and Prezioso [By Request of the Executive]  
- **Amending deadlines for securing deeds** (original similar to HB106) - Passed 5/21/2018; Effective from passage - To Governor 5/23/18 - Approved by Governor 6/7/18 - Chapter 8, Acts, 1st Extraordinary Session, 2018
1007. By Sen. Carmichael (Mr. President) and Prezioso [By Request of the Executive]  
- **Supplementing and amending appropriations to DHHR, Division of Health** (original similar to HB107) - Passed 5/21/2018; Effective from passage - To Governor 5/23/18 - Approved by Governor 5/24/18 - Chapter 2, Acts, 1st Extraordinary Session, 2018

### HOUSE BILLS PASSED LEGISLATURE

101. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive]  
- **Reestablishing the Division of Culture and History as the Department of Arts, Culture and History** - Passed 5/21/2018; Effect June 8, 2018 - To Governor 5/23/18 - Approved by Governor 6/7/18 - Chapter 3, Acts, 1st Extraordinary Session, 2018
102. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive]  
- **Relating to the West Virginia Fire, EMS, and Law-Enforcement Officer Survivor Benefit Act** (original similar to SB1002) - Passed 5/21/2018; Effect June 8, 2018 - To Governor 5/23/18 - Approved by Governor 6/7/18 - Chapter 6, Acts, 1st Extraordinary Session, 2018
103. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive]  
- **Relating to the management and inventory of state vehicles** - Passed 5/21/2018; Effect June 5, 2018 - To Governor 5/23/18 - Approved by Governor 6/7/18 - Chapter 4, Acts, 1st Extraordinary Session, 2018
108. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive]  
- **Supplementing and amending the appropriations to the Department of**

**Military Affairs and Public Safety** - Passed 5/21/2018; Effective from passage - To Governor 5/23/18 - Approved by Governor 5/24/18 - Chapter 1, Acts, 1st Extraordinary Session, 2018

### ALL SENATE BILLS INTRODUCED

1001. By Sen. Carmichael (Mr. President) and Prezioso [By Request of the Executive] - **Continuing Division of Culture and History as Department of Arts, Culture and History** (original similar to HB101) - Introduced 5/20/2018 - Committee reference dispensed - On 3rd reading 5/22/2018
1002. By Sen. Carmichael (Mr. President) and Prezioso [By Request of the Executive] - **Creating retroactive effective date within WV Fire, EMS, and Law-Enforcement Officer Survivor Benefit Act** (original similar to HB102) - Introduced 5/20/2018 - Committee reference dispensed - On 3rd reading 5/22/2018
1003. By Sen. Carmichael (Mr. President) and Prezioso [By Request of the Executive] - **Relating to management and inventory of state vehicles** (original similar to HB103) - Introduced 5/20/2018 - Committee reference dispensed - On 3rd reading 5/22/2018
1004. By Sen. Carmichael (Mr. President) and Prezioso [By Request of the Executive] - **Modifying types of businesses required to post human trafficking assistance notices** (original similar to HB104) - Introduced 5/20/2018 - Committee reference dispensed - Constitutional rule suspended - Passed Senate 5/21/2018 - To House 5/21/2018 - Reference dispensed - Passed House 5/21/2018 - To Governor 5/23/18 - Approved by Governor 6/7/18 - Chapter 7, Acts, 1st Extraordinary Session, 2018
1005. By Sen. Carmichael (Mr. President) and Prezioso [By Request of the Executive] - **Amending sections of Physical Therapy Licensure Compact Act** (original similar to HB105) - Introduced 5/20/2018 - Committee reference dispensed - Constitutional rule suspended - Passed Senate 5/21/2018 - Effective June 7, 2018 - To House 5/21/2018 - Reference dispensed - Passed House 5/21/2018 - Effect June 7, 2018 - To Governor 5/23/18 - Approved by Governor 6/7/18 - Chapter 5, Acts, 1st Extraordinary Session, 2018
1006. By Sen. Carmichael (Mr. President) and Prezioso [By Request of the Executive] - **Amending deadlines for securing deeds** (original similar to HB106) - Introduced 5/20/2018 - Committee reference dispensed - Amended - Constitutional rule suspended - Passed Senate with amended title 5/21/2018 - Effective from passage - To House 5/21/2018 - Reference dispensed - Passed House 5/21/2018 - Effective from passage - To Governor 5/23/18 - Approved by Governor 6/7/18 - Chapter 8, Acts, 1st Extraordinary Session, 2018
1007. By Sen. Carmichael (Mr. President) and Prezioso [By Request of the Executive] - **Supplementing and amending appropriations to DHHR, Division of Health** (original similar to HB107) - Introduced 5/20/2018 - Committee reference dispensed - Constitutional rule suspended - Passed Senate 5/21/2018 - Effective from passage - To House 5/21/2018 - Reference dispensed - Passed



House 5/21/2018 - Effective from passage - To Governor 5/23/185 - Approved by Governor 5/24/18 - Chapter 2, Acts, 1st Extraordinary Session, 2018

1008. By Sen. Carmichael (Mr. President) and Prezioso [By Request of the Executive] - **Supplementing and amending appropriations to certain divisions within Department of Military Affairs and Public Safety** (original similar to HB108) - Introduced 5/20/2018 - Committee reference dispensed - On 3rd reading 5/22/2018

### ALL SENATE RESOLUTIONS OFFERED

101. By Sen. Trump - **Notifying House of Delegates Senate has assembled in extraordinary session** - Introduced 5/20/2018 - Committee reference dispensed - Adopted 5/20/2018
102. By Sen. Trump - **Notifying Governor Legislature has assembled in extraordinary session** - Introduced 5/20/2018 - Committee reference dispensed - Adopted 5/20/2018
103. By Sen. Ferns - **Notifying House of Delegates Senate is ready to adjourn sine die** - Introduced 5/21/2018 - Committee reference dispensed - Adopted 5/21/2018
104. By Sen. Ferns - **Notifying Governor Legislature is ready to adjourn sine die** - Introduced 5/21/2018 - Committee reference dispensed - Adopted 5/21/2018

### HOUSE BILLS COMMUNICATED TO SENATE

101. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Reestablishing the Division of Culture and History as the Department of Arts, Culture and History** - Introduced 5/20/2018 - Reference dispensed - Amended - Passed House 5/21/2018 - Effect June 8, 2018 - To Senate 5/21/2018 - Committee reference dispensed - Constitutional rule suspended - Passed Senate 5/21/2018 - Effective June 8, 2018 - To Governor 5/23/18 - Approved by Governor 6/7/18 - Chapter 3, Acts, 1st Extraordinary Session, 2018
102. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Relating to the West Virginia Fire, EMS, and Law-Enforcement Officer Survivor Benefit Act** (original similar to SB1002) - Introduced 5/20/2018 - Reference dispensed - Amended - Passed House 5/21/2018 - Effective June 8, 2018 - To Senate 5/21/2018 - Committee reference dispensed - Constitutional rule suspended - Amended - Passed Senate 5/21/2018 - Effective June 8, 2018 - House concurred in Senate amendment and passed 5/21/2018 - Effective June 8, 2018 - To Governor 5/23/18 - Approved by Governor 6/7/18 - Chapter 6, Acts, 1st Extraordinary Session, 2018
103. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Relating to the management and inventory of state vehicles** - Introduced 5/20/2018 - Reference dispensed - Passed House 5/21/2018 - Effective June 5, 2018 - To Senate 5/21/2018 - Committee reference dispensed - Constitutional

rule suspended - Passed Senate 5/21/2018 - Effective June 5, 2018 - To Governor 5/23/18 - Approved by Governor 6/7/18 - Chapter 4, Acts, 1st Extraordinary Session, 2018

108. By Mr. Speaker (Mr. Armstead) and Del. Miley [By Request of the Executive] - **Supplementing and amending the appropriations to the Department of Military Affairs and Public Safety** - Introduced 5/20/2018 - Reference dispensed - Passed House 5/21/2018 - Effective from passage - To Senate 5/21/2018 - Committee reference dispensed - Constitutional rule suspended - Passed Senate 5/21/2018 - Effective from passage - To Governor 5/23/18 - Approved by Governor 5/24/18 - Chapter 1, Acts, 1st Extraordinary Session, 2018

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# JOURNAL of THE SENATE State of West Virginia

**EIGHTY-THIRD LEGISLATURE**

Second Extraordinary Session, 2018

June 26, 2018–December 10, 2018



NOTE: The proceedings of the Second Extraordinary Session of the West Virginia Legislature in the year 2018 (convened by the Governor on June 26, 2018, and adjourned *sine die* on December 10, 2018) and the proceedings of the State of West Virginia vs the Various Justices of the Supreme Court of Appeals of the State of West Virginia (September 11, 2018–December 10, 2018) are shown hereinafter.



WEST VIRGINIA LEGISLATURE  
**SENATE JOURNAL**  
EIGHTY-THIRD LEGISLATURE  
SECOND EXTRAORDINARY SESSION, 2018

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TUESDAY, JUNE 26, 2018

Pursuant to the proclamation of His Excellency, the Governor, the Honorable Jim Justice, dated the twenty-fifth day of June, two thousand eighteen, convening the eighty-third Legislature of West Virginia in extraordinary session today (Tuesday, June 26, 2018), under the provisions of section seven, article seven of the Constitution of West Virginia, the Senate assembled in its chamber in the state capitol in the City of Charleston at 12 Noon, and was called to order by its President, the Honorable Mitch Carmichael.

Prayer was offered by the Honorable Charles S. Trump IV, a senator from the fifteenth district.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Roman W. Prezioso, Jr., a senator from the thirteenth district.

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

Senators Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Gaunch, Jeffries, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Stollings, Swope, Sypolt, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President).

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

### **Executive Communications**

Senator Carmichael (Mr. President) laid before the Senate the following proclamation from His Excellency, the Governor, convening the Legislature in extraordinary session, which was read by the Clerk:

**STATE OF WEST VIRGINIA  
EXECUTIVE DEPARTMENT  
Charleston**

**A P R O C L A M A T I O N**

**By the Governor**

**I, JIM JUSTICE**, by virtue of the authority vested in the Governor by Section 7, Article VII, of the Constitution of West Virginia, do hereby call the West Virginia Legislature to convene in Extraordinary Session at noon on the twenty-sixth day of June, Two Thousand Eighteen, in its chambers in the State Capitol, City of Charleston, for the limited purpose of considering and acting upon the following matters:

**FIRST:** Matters relating to the removal of one or more Justices of the Supreme Court of Appeals of West Virginia, including, but not limited to, censure, impeachment, trial, conviction, and disqualification; and

**SECOND:** Legislation authorizing and appropriating the expenditure of public funds to pay the expenses for the Extraordinary Session.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Great Seal of the State of West Virginia to be affixed.



**DONE** at the Capitol in the City of Charleston, State of West Virginia, this twenty-fifth day of June, in the year of our Lord, Two Thousand Eighteen, and in the One Hundred Fifty-Sixth year of the State.

**JIM JUSTICE**  
**GOVERNOR**

**By the Governor**

**MAC WARNER**  
**SECRETARY OF STATE**

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

**Senate Resolution 201**—Raising a committee to inform the House of Delegates the Senate has assembled in extraordinary session.

*Resolved by the Senate:*

That a committee of three be appointed by the President to inform the House of Delegates that the Senate has assembled in extraordinary session, with a quorum present, and is ready to proceed with the business for which the extraordinary session was called by His Excellency, the Governor.

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

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

Senators Cline, Arvon, and Beach.

Subsequently, Senator Cline, from the committee to notify the House of Delegates the Senate has assembled in extraordinary

session, and is ready to proceed with the business of the session, announced that the committee had discharged its duties.

A message from the House of Delegates, by

Delegates Ambler, Sypolt, and Lynch, announced that the House of Delegates has assembled in extraordinary session, with a quorum present, and is ready to proceed with the business stated in the proclamation convening the Legislature.

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

**Senate Resolution 202**—Raising a committee to wait upon the Governor.

*Resolved by the Senate:*

That a committee of three on the part of the Senate, to join with a similar committee on the part of the House of Delegates, be appointed by the President to notify His Excellency, the Governor, that at his call the Legislature has assembled in extraordinary session, with a quorum of each house present; and is ready to receive any communication or message he may be pleased to present under section seven, article seven of the Constitution of West Virginia, which provides that no business except that stated in his proclamation be considered.

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

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

Senators Rucker, Clements, and Woelfel.

A message from the House of Delegates, by

Delegates Kelly, Sobonya, and Hicks, announced that the Speaker had appointed them a committee of three to join with a



similar committee on the part of the Senate to wait upon the Governor, under the provisions of Senate Resolution 202. Senate and House members of this select committee then proceeded to the executive offices.

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

At the request of Senator Weld, and by unanimous consent, Senator Weld offered the following resolution from the floor:

**Senate Concurrent Resolution 201**—Authorizing adjournments of the Senate and House of Delegates.

*Resolved by the Legislature of West Virginia:*

That during this Second Extraordinary Session of the Legislature in 2018, both the Senate and House of Delegates are hereby authorized to adjourn, as needed, for more than three days, pursuant to Section 23, Article VI of the Constitution of the State of West Virginia.

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

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

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

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

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

**Senate Concurrent Resolution 201,** Authorizing adjournments of Senate and House of Delegates.

Under authority of Senate Concurrent Resolution 201, hereinbefore adopted,

On motion of Senator Weld, at 12:21 p.m., the Senate adjourned until called back into session by the presiding officer.

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## MONDAY, AUGUST 20, 2018

Pursuant to the call of the President of the Senate, under the authority of Senate Concurrent Resolution 201, adopted June 26, 2018, the Senate reassembled in extraordinary session in its chamber in the state capitol in the City of Charleston, at 12:30 p.m., and was called to order by its President, the Honorable Mitch Carmichael.

Prayer was offered by Bishop Joe Thomas, Nondenominational Fellowship Pentecostal Ministries, Charleston, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Roman W. Prezioso, Jr., a senator from the thirteenth district.

Pending the reading of the Journal of Tuesday, June 26, 2018,

At the request of Senator Weld, unanimous consent being granted, the Journal was approved and the further reading thereof dispensed with.

At the request of Senator Ferns, and by unanimous consent, the Senate proceeded to the sixth order of business.

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

**By Senators Unger, Prezioso, Jeffries, Romano, Stollings, Facemire, Woelfel, Plymale, Palumbo, Beach, and Ojeda:**

**Senate Bill 2001**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §3-10-10, relating to requiring a special election following removal of

one or more justices of the Supreme Court of Appeals of West Virginia under certain circumstances; stating circumstances under which a special election is required; requiring the Governor to appoint a temporary replacement from a list provided by the Judicial Vacancy Advisory Commission; setting process for special election, including special filing periods and special election date; clarifying that each vacancy is filled separately; requiring the Governor to issue a proclamation setting the election and including a filing period; detailing certain aspects of declaring, publicizing, and conducting the election; and defining terms.

Referred to the Committee on the Judiciary.

**By Senators Woelfel, Unger, Baldwin, Beach, and Stollings:**  
**Senate Joint Resolution 201**—Proposing an amendment to the Constitution of the State of West Virginia, amending section two, article VIII thereof, relating to the term length of Supreme Court justices; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

Referred to the Committee on the Judiciary.

At the request of Senator Trump, and by unanimous consent, Senator Trump offered the following resolution from the floor:

**Senate Resolution 203**—Adopting rules of the Senate while sitting as a court of impeachment.

*Resolved by the Senate:*

That the following rules be adopted to govern the proceedings of the Senate while sitting as a court of impeachment during the Eighty-Third Legislature:

**RULES OF THE WEST VIRGINIA SENATE  
WHILE SITTING AS A COURT OF IMPEACHMENT  
DURING THE EIGHTY-THIRD LEGISLATURE**

**1. Definitions**

(a) “Articles of Impeachment” or “Articles” means one or more charges adopted by the House of Delegates against a public official

and communicated to the Senate to initiate a trial of impeachment pursuant to Article IV, Section 9 of the Constitution of West Virginia.

(b) “Board of Managers” or “Managers” means a group of members of the House of Delegates authorized by that body to serve as prosecutors before the Senate in a trial of impeachment.

(c) “Conference of Senators” means a private meeting of the Court of Impeachment, including an executive session authorized by W. Va. Code §6-9A-4.

(d) “Counsel” means a member of the Board of Managers or an attorney, licensed to practice law in this state, representing the Board of Managers or a Respondent in a trial of impeachment.

(e) “Court of Impeachment” or “Court” means all Senators participating in a trial of impeachment.

(f) “Parties” means the Board of Managers and its counsel and the Respondent and his or her counsel.

(g) “Presiding Officer” means the Chief Justice of the West Virginia Supreme Court of Appeals or other Justice, pursuant to the provisions of Article IV, Section 9 or Article VIII, Section 8 of the Constitution of West Virginia.

(h) “Respondent” means a person against whom the House of Delegates has adopted and communicated Articles of Impeachment to the Senate.

(i) “Trial” means the trial of impeachment.

(j) “Two thirds of the Senators elected” means at least 23 Senators.

## **2. Pre-Trial Proceedings**

(a) Whenever the Senate receives notice from the House of Delegates that Managers have been appointed by the House of Delegates to prosecute a trial of impeachment against a person or persons and are directed to carry Articles of Impeachment to the

Senate, the Clerk of the Senate shall immediately inform the House of Delegates that the Senate is ready to receive the Managers for the reporting of such Articles.

(b) When the Board of Managers for the House of Delegates is introduced at the bar of the Senate and signifies that the Managers are ready to communicate Articles of Impeachment, the President of the Senate shall direct the Sergeant at Arms to make the following proclamation: “All persons are commanded to keep silence, on pain of imprisonment, while the House of Delegates is reporting to the Senate Articles of Impeachment”; after which the Board of Managers shall report the Articles. Thereupon, the President of the Senate shall inform the Managers that the Senate will notify the House of Delegates of the date and time on which the Senate will proceed to consider the Articles.

(c) Upon the reporting of Articles of Impeachment to the Senate, the Senate shall adjourn until a date and time directed by the President of the Senate when the Senate will proceed to consider the Articles and shall notify the House of Delegates and the Supreme Court of Appeals of the same. Before proceeding to consider evidence, the Clerk shall administer the oaths provided in these Rules to the Presiding Officer; to the members of the Senate then present; and to any other members of the Senate as they shall appear.

(d) If the Board of Managers reports Articles of Impeachment against more than one person, the Senate shall conduct a separate trial of each Respondent individually as required by Rule 19 of these Rules.

### **3. Pre-Trial Conference**

The Presiding Officer shall hold a pre-trial conference with the parties in the presence of the Court to stipulate to facts and exhibits and address procedural issues.

### **4. Clerk of the Court of Impeachment; Duties**

The Clerk of the Senate, or his or her designee, shall serve as the Clerk of the Court of Impeachment, administer all oaths, keep

the Journal of the Court of Impeachment, and perform all other duties usually performed by the clerk of a court of record in this state. The Clerk of the Senate may designate other Senate personnel to assist in carrying out the Clerk's duties. The Clerk shall promulgate all forms necessary to carry out the requirements of these Rules.

### **5. Marshal of the Court of Impeachment; Duties**

The Sergeant at Arms of the Senate, or other person designated by the President of the Senate, shall serve as the Marshal of the Court of Impeachment. The Marshal of the Court of Impeachment shall keep order in accordance with these Rules under the direction of the Presiding Officer.

### **6. Trial to be Recorded in Journal of the Court of Impeachment**

(a) All trial proceedings, not including transcripts of the trial and copies of documentary evidence required to be appended to the bound Journal of the Court of Impeachment by section (c) of this Rule, shall be recorded in the Journal of the Court of Impeachment. The Journal of the Court of Impeachment shall be read, corrected, and approved the succeeding day. It shall be published under the supervision of the Clerk and made available to the members without undue delay.

(b) After the Journal of the Court of Impeachment has been approved and fully marked for corrections, the Journal of the Court of Impeachment so corrected shall be bound in the Journal of the Senate. The bound volume shall, in addition to the imprint required by Rule 49 of the Rules of the Senate, 2017, reflect the inclusion of the official Journal of the Court of Impeachment.

(c) When available, transcripts of the trial and copies of any documentary evidence presented therein shall be printed and bound as an appendix to the Journal of the Court of Impeachment.

### **7. Site of Trial**

The trial shall be held in the Senate Chamber of the West Virginia State Capitol Complex. All necessary preparations in the

Senate Chamber shall be made under the direction of the President of the Senate.

### **8. Floor Privileges**

Only the following persons may enter the floor of the Senate Chamber during the trial: Members of the Court of Impeachment; designated personnel of the Court of Impeachment; the parties; the Presiding Officer; a law clerk of the Presiding Officer; witnesses and their counsel while testifying; and authorized media, who shall be located in an area of the chamber designated by the Clerk.

### **9. Representation of Parties**

The House of Delegates shall be represented by its Board of Managers and its counsel. The Respondent may appear in person or by counsel.

### **10. Method of Address**

Senators shall address the Presiding Officer as “Madam (or Mr.) Chief Justice” or “Madam (or Mr.) Justice”.

### **11. Oaths**

(a) The following oath, or affirmation, shall be taken and subscribed by the Presiding Officer: “Do you solemnly swear [or affirm] that you will support the Constitution of the United States and the Constitution of the State of West Virginia and that you will faithfully discharge the duties of Presiding Officer of the Court of Impeachment in all matters that come before this Court to the best of your skill and judgment?”

(b) The following oath, or affirmation, shall be taken and subscribed by every Senator before sitting as a Court of Impeachment: “Do each of you solemnly swear [or affirm] that you will do justice according to law and evidence while sitting as a Court of Impeachment?”

(c) The following oath, or affirmation, shall be taken and subscribed by every witness before providing testimony: “Do you

solemnly swear [or affirm] that the testimony you shall give shall be the truth, the whole truth, and nothing but the truth?"

## **12. Service of Process**

(a) The Respondent shall be served with a summons for the appearance of the Respondent or his or her counsel before the Court of Impeachment and provided with a copy of the Articles of Impeachment and a copy of these Rules. The summons shall be signed by the Clerk of the Court of Impeachment, bear the Seal of the Senate, identify the nature of proceedings and the parties, and be directed to the Respondent. It shall also state the date and time at which the Respondent shall appear to answer the Articles of Impeachment and notify the Respondent that if he or she fails to appear without good cause, the allegations contained in the Articles of Impeachment shall be uncontested and that the Senate shall proceed to vote on whether to sustain such Articles pursuant to Rule 15 of these Rules.

(b) The notice required by this Rule shall be served on the Respondent in the manner required by Rule 4 of the West Virginia Rules of Civil Procedure. All process shall be served by the Sergeant at Arms of the Senate, unless otherwise ordered by the President of the Senate. A copy of the summons to the Respondent, upon its issuance, along with a copy of the Articles of Impeachment and a copy of these Rules, shall be provided by the Clerk of the Court of Impeachment to the Clerk of the West Virginia House of Delegates. Upon service of the same upon the Respondent, a copy of the return of service shall be provided by the Clerk of the Court of Impeachment to the Clerk of the West Virginia House of Delegates.

## **13. Dismissal of Articles Upon Resignation of Respondent; Termination of Trial**

(a) Any Senator may move to dismiss the Articles of Impeachment against a Respondent if at any time before the presentation of evidence commences in his or her trial of impeachment the Respondent has resigned or retired from his or her public office. Upon motion of any Senator to dismiss the



Articles pursuant to this Rule, all Senators not excused shall vote on the question of whether to dismiss the Articles against the Respondent. If a majority of Senators elected vote to dismiss the Articles against the Respondent, a judgment of dismissal shall be pronounced and entered upon the Journal of the Court of Impeachment or the Journal of the Senate, whichever is convened at the time such vote is taken.

(b) A vote pursuant to this Rule shall be taken by yeas and nays.

(c) Upon dismissal of the Articles of Impeachment against a Respondent pursuant to this Rule, all pre-trial and trial proceedings regarding said Respondent shall immediately cease.

(d) If the House of Delegates adopts and communicates Articles of Impeachment that name more than one Respondent in one or more of the Articles, a dismissal pursuant to this Rule shall not dismiss the articles as to any Respondent who has not resigned or retired.

#### **14. Commencement of Trial; Answer to Articles of Impeachment**

At the time and date fixed and upon proof of service of the summons directed to the Respondent, the Respondent shall be called to answer the Articles of Impeachment. If the Respondent appears in person or by counsel, the appearance shall be recorded. If the Respondent does not appear, either personally or by counsel, then the failure of the Respondent to appear shall be recorded. While the Court of Impeachment is in session, the business of the Senate shall be suspended except as otherwise ordered by the President of the Senate.

#### **15. Failure of Respondent to Appear and Contest**

(a) If the Respondent fails to appear personally or by counsel without good cause at the time and date specified in the notice required by Rule 12 of these Rules, the allegations contained in the Articles of Impeachment shall be uncontested.

(b) If the allegations contained in the Articles of Impeachment are determined to be uncontested under section (a) of this Rule, the

Presiding Officer shall then call upon the Board of Managers to deliver a summary of the evidence of the allegations contained in such Articles.

(c) After the summary of evidence delivered by the Managers, the Court of Impeachment shall vote on the question of whether to sustain one or more of the Articles of Impeachment in accordance with the requirements of Rule 31 of these Rules.

### **16. Entry of Plea or Pleas; Procedures Based on Plea or Pleas**

If the Respondent appears and pleads not guilty to each article, the trial shall proceed. If the Respondent appears and pleads guilty to one or more articles, the Court of Impeachment shall immediately vote on the question of whether to sustain the Articles of Impeachment to which a plea of guilty has been entered in accordance with the requirements of Rule 31 of these Rules.

### **17. Subpoenas**

A subpoena shall be issued by the Clerk of the Court of Impeachment for a witness on application of a party.

### **18. Procedure in a Contested Matter**

(a) After preliminary motions are heard and decided, the Board of Managers or its counsel may make an opening statement. Following the opening statement by the Managers, the Respondent or his or her counsel may then make an opening statement.

(b) The trial shall be a daily special order of business following the Third Order of Business of the Senate, unless otherwise ordered by the President of the Senate. When the hour shall arrive for the special order of business, the President of the Senate shall so announce. The Presiding Officer shall cause proclamation to be made, and the business of the trial shall proceed. The trial may be recessed or adjourned and continued from day to day, or to specific dates and times, by majority vote of the Senators present and voting. The adjournment of the trial shall not operate as an adjournment of the Senate, but upon such adjournment, the Senate shall resume.

(c) After the presentation of all evidence to the Court of Impeachment, the Board of Managers shall present a closing argument, after which the Respondent shall present a closing argument. Following the Respondent's closing argument, the Board of Managers may offer a rebuttal.

(d) The Board of Managers shall have the burden of proof as to all factual allegations. The Presiding Officer shall direct the order of the presentation of evidence.

### **19. Separate Trials of Multiple Respondents; Order of Trials**

(a) If the House of Delegates communicates Articles of Impeachment against more than one Respondent, the Senate shall schedule and conduct a separate trial of each Respondent.

(b) The Presiding Officer, in consultation with the parties, shall determine the order in which multiple Respondents shall be tried.

### **20. Witnesses**

(a) All witnesses shall be examined by the party producing them and shall be subject to cross-examination by the opposing party. Only one designee of each party may examine each witness. The Presiding Officer may permit redirect examination and recross-examination.

(b) After completion of questioning by the parties, any Senator desiring to question a witness shall reduce his or her question to writing and present it to the Presiding Officer who shall pose the question to the witness without indicating the name of the Senator presenting the question. If objection to a Senator's question is raised by a party, the objection shall be decided in the manner provided in Rule 23 of these Rules.

(c) It shall not be in order for any Senator to directly question a witness.

### **21. Discovery Procedures**

(a) Within five days after service upon the Respondent of the Articles of Impeachment, the Respondent may request, and the

Board of Managers shall disclose to the Respondent and make available for inspection, copy, or photograph, the following:

(1) Any written or recorded statement of the Respondent in the Managers' possession which the Managers intend to introduce into evidence in their case-in-chief during the trial;

(2) Any books, papers, documents, data, photographs, tangible objects, buildings or places, or copies of portions of such items in the Managers' possession that the Managers intend to use in their case-in-chief as to one or more Articles of Impeachment;

(3) A list of the persons the Board of Managers intends to call as witnesses in its case-in-chief during the trial; and

(4) A written summary of any expert testimony the Managers intend to use during their case-in-chief. Any summary provided must describe the witness' opinions, the bases and reasons for the opinions, and the witness's qualifications.

(b) The Board of Managers shall make its response to the Respondent's written requests within 10 days of service of the requests.

(c) If the Respondent makes a request pursuant to this Rule, he or she shall be required to provide the same information to the Managers, reciprocally, within 10 days following his or her request.

(d) A copy of all requests pursuant to this section shall be provided to the Clerk. The parties shall provide to the Clerk, in a format or in formats directed by the Clerk, copies of all items disclosed pursuant to this Rule.

(e) The Clerk may require parties to number or Bates stamp any trial exhibits or other information provided to the Clerk. The Clerk may hold a meeting with the parties to organize trial exhibits.

## **22. Court Reporters; Transcripts**

(a) All proceedings shall be reported by an official court reporter or certified court reporter: *Provided*, That if the services of an official court reporter or certified court reporter are

unavailable on one or more days of the trial, the proceedings shall be digitally recorded and copies of the recording made available to the parties.

(b) Upon request of a party, the Presiding Officer, or any Senator, the Clerk shall provide a copy of the transcript of any portion of the trial, when such transcripts are available.

### **23. Motions, Objections, and Procedural Questions**

(a) All motions, objections, and procedural questions made by the parties shall be addressed to the Presiding Officer, who shall decide the motion, objection, or procedural question: *Provided*, That a vote to overturn the Presiding Officer's decision on any motion, objection, or procedural question shall be taken, without debate, on the demand of any Senator sustained by one tenth of the Senators present, and an affirmative vote of a majority of the Senators present and voting shall overturn the Presiding Officer's decision on the motion, objection, or procedural question.

(b) On the demand of any Senator or at the direction of the Presiding Officer, the movant shall reduce the motion to writing.

### **24. Qualification to Sit as Court of Impeachment**

Every Senator is qualified to participate on the Court of Impeachment, unless he or she has been excused pursuant to Rule 43 of the Rules of the Senate, 2017.

### **25. Members as Witnesses**

The parties may not call as witnesses, nor subpoena the personal records of, the Senators, members of the Board of Managers, personnel of the Court of Impeachment, the Presiding Officer, or counsel for the parties.

### **26. Attendance of Members**

Every Senator is required to attend the trial unless he or she has been granted a leave of absence, pursuant to Rule 50 of the Rules of the Senate, 2017, or has been excused from voting on the

Articles, pursuant to Rule 43 of the Rules of the Senate, 2017. Any Senator who has been granted a leave of absence shall be provided an opportunity to review the exhibits, video or audio recordings, and transcripts for the date or dates he or she is absent and may participate in the vote on verdict and judgment as provided in Rule 31 of these Rules.

### **27. Notetaking**

Senators may take notes during the trial and such notes are not subject to the provisions of W. Va. Code §29B-1-1 *et seq.*

### **28. Applicability of Rules of the Senate**

Except as otherwise provided herein, the Rules of the Senate shall apply to proceedings of the trial and the President of the Senate retains the authority to invoke such rules.

### **29. Applicability of Rules of Evidence**

When not in conflict with these Rules or the Rules of the Senate, the Presiding Officer shall rule on the admissibility of evidence in accordance with West Virginia Rules of Evidence: *Provided*, That a vote to overturn the Presiding Officer's ruling on the admissibility of evidence shall be taken, without debate, on demand of any Senator sustained by one tenth of the members present, and an affirmative vote of the majority of Senators present shall overturn the ruling.

### **30. Instruction**

At any time, the Presiding Officer may, *sua sponte*, or on motion of a party or upon request of a Senator, instruct the Senators on procedural or legal matters.

### **31. Verdict and Judgment**

(a) After closing arguments, the Court may enter into a Conference of Senators for deliberation. After conclusion of said conference and return to open proceedings, or pursuant to Rule 15 or Rule 16 of these Rules, all Senators not excused shall vote on the

question of whether to sustain one or more Articles of Impeachment: *Provided*, That any vote of the Senators on the question of whether or not to sustain an Article of Impeachment shall decide only that Article, and no single vote of the Senate shall sustain more than one Article of Impeachment. The Presiding Officer shall have no vote in the verdict or judgment of the Court of Impeachment.

(b) If two thirds of the Senators elected vote to sustain one or more Articles of Impeachment, a judgment of conviction and removal from office shall be pronounced and entered upon the Journal of the Court of Impeachment. If the Respondent is acquitted of any Article of Impeachment, a judgment of acquittal as to such Article or Articles shall be pronounced and entered upon the Journal.

(c) If two thirds of the Senators elected vote to sustain one or more Article of Impeachment, a vote shall then be taken on the question of whether the Respondent shall also be disqualified to hold any office of honor, trust, or profit under the state. If two thirds of the Senators elected vote to disqualify, a judgment of disqualification to hold any office of honor, trust, or profit under the state shall be pronounced and entered upon the Journal of the Court of Impeachment.

(d) Each vote pursuant to this Rule shall be taken by yeas and nays.

(e) A copy of all judgments entered shall be deposited in the office of the Secretary of State.

### **32. Conference of Senators**

(a) On motion of any Senator and by a vote of the majority of the members present and voting, there shall be an immediate Conference of Senators. No Senator or any other person may photograph, record, or broadcast a Conference of Senators. Any motion made pursuant to this Rule shall be nondebatable.

(b) The President of the Senate, or his or her designee, shall preside over a Conference of Senators and the Rules of the Senate shall apply during said conference except as otherwise provided herein.

### **33. Contempt; Powers of Presiding Officer**

The following powers shall be exercised by the Presiding Officer:

- (1) The power to compel the attendance of witnesses subpoenaed by the parties;
- (2) The power to enforce obedience to the Court's orders;
- (3) The power to preserve order;
- (4) The power to punish contempt of the Court's authority; and
- (5) The power to make all orders that may be necessary and that are not inconsistent with these Rules or the laws of this state.

### **34. Prohibited Conduct; Sanctions**

The Court of Impeachment shall have the power to provide for its own safety and the undisturbed transaction of its business, as provided in Article VI, Section 26 of the Constitution of West Virginia.

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

On motion of Senator Baldwin, the following amendments to the resolution (S. R. 203) were reported by the Clerk and considered simultaneously:

On page four, Rule 9, line twenty-two, by striking out the words "The Respondent may appear in person or by counsel." and inserting in lieu thereof the following: The Respondent shall appear in person, and may appear with counsel, at the time and date specified in the notice required by Rule 12 of these rules. Thereafter, the Respondent may appear with counsel or by counsel.;

On page six, Rule 14, line twenty-two, by striking out the words "or by counsel";



On page six, Rule 14, line twenty-three, after the word “appear” by striking out the comma and the words “either personally or by counsel,”;

And,

On page seven, Rule 15, line one, by striking out the words “or by counsel”.

Following discussion,

The question being on the adoption of Senator Baldwin’s amendments to the resolution, and on this question, Senator Baldwin demanded the yeas and nays.

The roll being taken, the yeas were: Baldwin, Beach, Facemire, Jeffries, Ojeda, Palumbo, Plymale, Prezioso, Romano, Stollings, Unger, and Woelfel—12.

The nays were: Arvon, Azinger, Blair, Boley, Boso, Clements, Cline, Drennan, Ferns, Gaunch, Karnes, Mann, Maroney, Maynard, Rucker, Smith, Swope, Sypolt, Takubo, Trump, Weld, and Carmichael (Mr. President)—22.

Absent: None.

So, a majority of those present and voting not having voted in the affirmative, the President declared Senator Baldwin’s amendments to the resolution rejected.

On motion of Senator Woelfel, the following amendment to the resolution (S. R. 203) was next reported by the Clerk:

On page twelve, Rule 33, line twenty-six, after the word “witnesses” by inserting a comma and the words “including the Respondent,”.

Following discussion,

Senator Woelfel withdrew his foregoing amendment to the resolution.

On motion of Senator Woelfel, the following amendment to the resolution (S. R. 203) was next reported by the Clerk:

On page eight, Rule 19, lines twelve and thirteen, by striking out all of section (b) and inserting in lieu thereof a new section, designated section (b), to read as follows:

(b) If multiple Respondents are to be tried, the order of trials shall be held pursuant to the order of Articles communicated by the House of Delegates, such that the Respondent in the first Article shall be tried first on all Articles against that Respondent and any subsequent trials shall be upon subsequent Respondents as determined by the order they appear in subsequent Articles.

Following extended discussion,

The question being on the adoption of Senator Woelfel's amendment to the resolution, and on this question, Senator Woelfel demanded the yeas and nays.

The roll being taken, the yeas were: Baldwin, Beach, Facemire, Jeffries, Ojeda, Palumbo, Plymale, Prezioso, Romano, Stollings, Unger, and Woelfel—12.

The nays were: Arvon, Azinger, Blair, Boley, Boso, Clements, Cline, Drennan, Ferns, Gaunch, Karnes, Mann, Maroney, Maynard, Rucker, Smith, Swope, Sypolt, Takubo, Trump, Weld, and Carmichael (Mr. President)—22.

Absent: None.

So, a majority of those present and voting not having voted in the affirmative, the President declared Senator Woelfel's amendment to the resolution rejected.

The question now being on the adoption of the resolution (S. R. 203), the same was put and prevailed.

At the request of Senator Ferns, and by unanimous consent, the Senate returned to the third order of business.

A message from the Clerk of the House of Delegates announced the appointment of the following committee of five to act as Managers on the part of the House of Delegates pursuant to House Resolution 205 (*Providing for the appointment of a committee of five on the part of the House of Delegates to go before the Senate to deliver the articles of impeachment*):

Delegates Shott, Hanshaw, Hollen, Byrd, and Miller.

Which communication was received.

*Ordered*, That the Clerk communicate to the House of Delegates that the Senate is ready to receive the Managers on the part of the House of Delegates for the purpose of delivering the Articles of Impeachment against the various justices of the Supreme Court of Appeals of West Virginia.

The Chair announced the presence at the bar of the Senate Chamber of the Managers appointed by the House of Delegates to conduct the impeachment against Robin Jean Davis, Justice of the Supreme Court of Appeals; Allen H. Loughry II, Justice of the Supreme Court of Appeals; Elizabeth D. Walker, Justice of the Supreme Court of Appeals; and Margaret L. Workman, Chief Justice of the Supreme Court of Appeals.

Senator Carmichael (Mr. President) then directed the Sergeant at Arms to make proclamation, and the Sergeant at Arms, having made proclamation in the following words: All persons are commanded to keep silence, on pain of imprisonment, while the House of Delegates is reporting to the Senate Articles of Impeachment.

Delegate Shott then read the following articles:

### **Article I**

That the said Justice Allen Loughry, being a Justice of the Supreme Court of Appeals of West Virginia, unmindful of the duties of his high office, and contrary to the oaths taken by him to support the Constitution of the State of West Virginia and faithfully discharge the duties of his office as such Justice, while in the

exercise of the functions of the office of Justice, in violation of his oath of office, then and there, with regard to the discharge of the duties of his office, did waste state funds with little or no concern for the costs to be borne by the tax payer for unnecessary and lavish spending in the renovation and remodeling of his personal office, to the sum of approximately \$363,000, which sum included the purchase of a \$31,924 couch, a \$33,750 floor with medallion, and other such wasteful expenditure not necessary for the administration of justice and the execution of the duties of the Court, which represents a waste of state funds.

### **Article II**

That the said Justice Robin Davis, being a Justice of the Supreme Court of Appeals of West Virginia, unmindful of the duties of her high office, and contrary to the oaths taken by her to support the Constitution of the State of West Virginia and faithfully discharge the duties of her office as such Justice, while in the exercise of the functions of the office of Justice, in violation of her oath of office, then and there, with regard to the discharge of the duties of her office, did waste state funds with little or no concern for the costs to be borne by the tax payer for unnecessary and lavish spending in the renovation and remodeling of her personal office, to the sum of approximately \$500,000, which sum included, but is not limited to, the purchase of an oval rug that cost approximately \$20,500, a desk chair that cost approximately \$8,000 and over \$23,000 in design services, and other such wasteful expenditure not necessary for the administration of justice and the execution of the duties of the Court, which represents a waste of state funds.

### **Article III**

That the said Justice Allen Loughry, being a Justice of the Supreme Court of Appeals of West Virginia, unmindful of the duties of his high office, and contrary to the oaths taken by him to support the Constitution of the State of West Virginia and faithfully discharge the duties of his office as such Justice, while in the exercise of the functions of the office of Justice, in violation of his oath of office, then and there, with regard to the discharge of the duties of his office, did on or about June 20, 2013, cause a certain

desk, of a type colloquially known as a “Cass Gilbert” desk, to be transported from the State Capitol to his home, and did maintain possession of such desk in his home, where it remained throughout his term as Justice for approximately four and one-half years, in violation of the provisions of W.Va. Code §29-1-7 (b), prohibiting the removal of original furnishings of the state capitol from the premises; further, the expenditure of state funds to transport the desk to his home, and refusal to return the desk to the state, constitute the use of state resources and property for personal gain in violation of the provisions of W.Va. Code §6B-2-5, the provisions of the West Virginia State Ethics Act, and constitute a violation of the provisions of Canon I of the West Virginia Code of Judicial Conduct.

#### **Article IV**

That the said Chief Justice Margaret Workman, and Justice Robin Davis, being at all times relevant Justices of the Supreme Court of Appeals of West Virginia, and at various relevant times individually each Chief Justice of the Supreme Court of Appeals of West Virginia unmindful of the duties of their high offices, and contrary to the oaths taken by them to support the Constitution of the State of West Virginia and faithfully discharge the duties of their offices as such Justices, while in the exercise of the functions of the office of Justices, in violation of their oaths of office, then and there, with regard to the discharge of the duties of their offices, commencing in or about 2012, did knowingly and intentionally act, and each subsequently oversee in their capacity as Chief Justice, and did in that capacity as Chief Justice severally sign and approve the contracts necessary to facilitate, at each such relevant time, to overpay certain Senior Status Judges in violation of the statutory limited maximum salary for such Judges, which overpayment is a violation of Article VIII, §7 of the West Virginia Constitution, stating that Judges “shall receive the salaries fixed by law” and the provisions of W.Va. Code §51-2-13 and W.Va. Code §51-9-10, and, in violation of an Administrative Order of the Supreme Court of Appeals, in potential violation of the provisions of W.Va. Code §61-3-22, relating to the crime of falsification of accounts with intent to enable or assist any person

to obtain money to which he was not entitled, and, in potential violation of the provisions set forth in W.Va. Code §61-3-24, relating to the crime of obtaining money, property and services by false pretenses, and, all of the above are in violation of the provisions of Canon I and Canon II of the West Virginia Code of Judicial Conduct.

### **Article V**

That the said Justice Robin Davis, being at all times relevant a Justice of the Supreme Court of Appeals of West Virginia, and at certain relevant times individually Chief Justice of the Supreme Court of Appeals of West Virginia, unmindful of the duties of her high offices, and contrary to the oaths taken by her to support the Constitution of the State of West Virginia and faithfully discharge the duties of his office as such Justice, while in the exercise of the functions of the office of Justice, in violation of her oath of office, then and there, with regard to the discharge of the duties of her office, did in the year 2014, did in her capacity as Chief Justice, sign certain Forms WV 48, to retain and compensate certain Senior Status Judges the execution of which forms allowed the Supreme Court of Appeals to overpay those certain Senior Status Judges in violation of Article VIII, § 7 of the West Virginia Constitution, stating that Judges “shall receive the salaries fixed by law” and the statutorily limited maximum salary for such Judges, which overpayment is a violation of the provisions of W.Va. Code §51-2-13 and W.Va. Code §51-9-10; her authorization of such overpayments was a violation of the clear statutory law of the state of West Virginia, as set forth in those relevant Code sections, and, was an act in potential violation of the provisions set forth in W.Va. Code §61-3-22, relating to the crime of falsification of accounts with intent to enable or assist any person to obtain money to which he was not entitled, and, in potential violation of the provisions set forth in W.Va. Code §61-3-24, relating to the crime of obtaining money, property and services by false pretenses, and all of the above are in violation of the provisions of Canon I and Canon II of the West Virginia Code of Judicial Conduct.

### **Article VI**

That the said Justice Margaret Workman, being at all times relevant a Justice of the Supreme Court of Appeals of West Virginia, and at certain relevant times individually Chief Justice of the Supreme Court of Appeals of West Virginia, unmindful of the duties of her high offices, and contrary to the oaths taken by her to support the Constitution of the State of West Virginia and faithfully discharge the duties of his office as such Justice, while in the exercise of the functions of the office of Justice, in violation of her oath of office, then and there, with regard to the discharge of the duties of her office, did in the year 2015, did in her capacity as Chief Justice, sign certain Forms WV 48, to retain and compensate certain Senior Status Judges the execution of which forms allowed the Supreme Court of Appeals to overpay those certain Senior Status Judges in violation of the statutorily limited maximum salary for such Judges, which overpayment is a violation of Article VIII, § 7 of the West Virginia Constitution, stating that Judges “shall receive the salaries fixed by law” and the provisions of W.Va. Code §51-2-13 and W.Va. Code §51-9-10; her authorization of such overpayments was a violation of the clear statutory law of the state of West Virginia, as set forth in those relevant Code sections, and, was an act in potential violation of the provisions set forth in W.Va. Code §61-3-22, relating to the crime of falsification of accounts with intent to enable or assist any person to obtain money to which he was not entitled, and, in potential violation of the provisions set forth in W.Va. Code §61-3-24, relating to the crime of obtaining money, property and services by false pretenses, and all of the above are in violation of the provisions of Canon I and Canon II of the West Virginia Code of Judicial Conduct.

### **Article VII**

That the said Justice Allen Loughry, being at all times relevant a Justice of the Supreme Court of Appeals of West Virginia, and at that relevant time individually Chief Justice of the Supreme Court of Appeals of West Virginia, unmindful of the duties of his high offices, and contrary to the oaths taken by him to support the

Constitution of the State of West Virginia and faithfully discharge the duties of his office as such Justices, while in the exercise of the functions of the office of Justice, in violation of his oath of office, then and there, with regard to the discharge of the duties of his office, did on or about May 19, 2017, did in his capacity as Chief Justice, draft an Administrative Order of the Supreme Court of Appeals, bearing his signature, authorizing the Supreme Court of Appeals to overpay certain Senior Status Judges in violation of the statutorily limited maximum salary for such Judges, which overpayment is a violation of Article VIII, § 7 of the West Virginia Constitution, stating that Judges “shall receive the salaries fixed by law” and the provisions of W.Va. Code §51-2-13 and W.Va. Code §51-9-10; his authorization of such overpayments was a violation of the clear statutory law of the state of West Virginia, as set forth in those relevant Code sections, and, was an act in potential violation of the provisions set forth in W.Va. Code §61-3-22, relating to the crime of falsification of accounts with intent to enable or assist any person to obtain money to which he was not entitled, and, in potential violation of the provisions set forth in W.Va. Code §61-3-24, relating to the crime of obtaining money, property and services by false pretenses, and all of the above are in violation of the provisions of Canon I and Canon II of the West Virginia Code of Judicial Conduct.

### **Article VIII**

That the said Justice Allen Loughry, being a Justice of the Supreme Court of Appeals of West Virginia, unmindful of the duties of his high office, and contrary to the oaths taken by him to support the Constitution of the State of West Virginia and faithfully discharge the duties of his office as such Justice, while in the exercise of the functions of the office of Justice, in violation of his oath of office, then and there, with regard to the discharge of the duties of his office, did beginning in or about December 2012, and continuing thereafter for a period of years, intentionally acquire and use state government vehicles for personal use; including, but not limited to, using a state vehicle and gasoline purchased utilizing a state issued fuel purchase card to travel to the Greenbrier on one or more occasions for book signings and sales, which such acts



enriched his family and which acts constitute the use of state resources and property for personal gain in violation of the provisions of W.Va. Code §6B-2-5, the provisions of the West Virginia State Ethics Act, and constitute a violation of the provisions of Canon I of the West Virginia Code of Judicial Conduct.

### **Article IX**

That the said Justice Allen Loughry, being a Justice of the Supreme Court of Appeals of West Virginia, unmindful of the duties of his high office, and contrary to the oaths taken by him to support the Constitution of the State of West Virginia and faithfully discharge the duties of his office as such Justice, while in the exercise of the functions of the office of Justice, in violation of his oath of office, then and there, with regard to the discharge of the duties of his office, did beginning in or about December 2012, intentionally acquired and used state government computer equipment and hardware for predominately personal use—including a computer not intended to be connected to the court’s network, utilized state resources to install computer access services at his home for predominately personal use, and utilized state resources to provide maintenance and repair of computer services for his residence resulting from predominately personal use; all of which acts constitute the use of state resources and property for personal gain in violation of the provisions of W.Va. Code §6B-2-5, the provisions of the West Virginia State Ethics Act, and constitute a violation of the provisions of Canon I of the West Virginia Code of Judicial Conduct.

### **Article X**

That the said Justice Allen Loughry, being a Justice of the Supreme Court of Appeals of West Virginia, unmindful of the duties of his high office, and contrary to the oaths taken by him to support the Constitution of the State of West Virginia and faithfully discharge the duties of his office as such Justice, while in the exercise of the functions of the office of Justice, in violation of his oath of office, then and there, with regard to the discharge of the duties of his office, made statements while under oath before the

West Virginia House of Delegates Finance Committee, with deliberate intent to deceive, regarding renovations and purchases for his office, asserting that he had no knowledge and involvement in these renovations, where evidence presented clearly demonstrated his in-depth knowledge and participation in those renovations, and, his intentional efforts to deceive members of the Legislature about his participation and knowledge of these acts, while under oath.

#### **Article XIV**

That the said Chief Justice Margaret Workman, Justice Allen Loughry, Justice Robin Davis, and Justice Elizabeth Walker, being at all times relevant Justices of the Supreme Court of Appeals of West Virginia, unmindful of the duties of their high offices, and contrary to the oaths taken by them to support the Constitution of the State of West Virginia and faithfully discharge the duties of their offices as such Justices, while in the exercise of the functions of the office of Justices, in violation of their oaths of office, then and there, with regard to the discharge of the duties of their offices, did, in the absence of any policy to prevent or control expenditure, waste state funds with little or no concern for the costs to be borne by the tax payers for unnecessary and lavish spending for various purposes including, but without limitation, to certain examples, such as: to remodel state offices, for large increases in travel budgets—including unaccountable personal use of state vehicles, for unneeded computers for home use, for regular lunches from restaurants, and for framing of personal items and other such wasteful expenditure not necessary for the administration of justice and the execution of the duties of the Court; and, did fail to provide or prepare reasonable and proper supervisory oversight of the operations of the Court and the subordinate courts by failing to carry out one or more of the following necessary and proper administrative activities:

- A) To prepare and adopt sufficient and effective travel policies prior to October of 2016, and failed thereafter to properly effectuate such policy by excepting the Justices from said policies, and subjected subordinates and employees to a greater burden than the Justices;

- B) To report taxable fringe benefits, such as car use and regular lunches, on Federal W-2s, despite full knowledge of the Internal Revenue Service Regulations, and further subjected subordinates and employees to a greater burden than the Justices, in this regard, and upon notification of such violation, failed to speedily comply with requests to make such reporting consistent with applicable law;
- C) To provide proper supervision, control, and auditing of the use of state purchasing cards leading to multiple violations of state statutes and policies regulating the proper use of such cards, including failing to obtain proper prior approval for large purchases;
- D) To prepare and adopt sufficient and effective home office policies which would govern the Justices' home computer use, and which led to a lack of oversight which encouraged the conversion of property;
- E) To provide effective supervision and control over record keeping with respect to the use of state automobiles, which has already resulted in an executed information upon one former Justice and the indictment of another Justice.
- F) To provide effective supervision and control over inventories of state property owned by the Court and subordinate courts, which led directly to the undetected absence of valuable state property, including, but not limited to, a state-owned desk and a state-owned computer;
- G) To provide effective supervision and control over purchasing procedures which directly led to inadequate cost containment methods, including the rebidding of the purchases of goods and services utilizing a system of large unsupervised change orders, all of which encouraged waste of taxpayer funds.

The failure by the Justices, individually and collectively, to carry out these necessary and proper administrative activities constitute a violation of the provisions of Canon I and Canon II of the West Virginia Code of Judicial Conduct.

We, John Overington, Speaker Pro Tempore of the House of Delegates of West Virginia, and Stephen J. Harrison, Clerk thereof, do certify that the above and foregoing Articles of Impeachment against Justices of the Supreme Court of Appeals of West Virginia, were adopted by the House of Delegates on the Thirteenth day of August, 2018.

In Testimony Whereof, we have signed our names hereunto this Fourteenth day of August, 2018.

John Overington,  
Speaker Pro Tempore of the  
House of Delegates

Stephen J. Harrison,  
Clerk of the House of Delegates

The reading of the Articles of Impeachment having been concluded,

Senator Carmichael (Mr. President) informed the Managers that the Senate would take proper order on the subject of the impeachments of which due notice would be given to the House of Delegates.

The Managers, led by Delegate Shott, then delivered the Articles of Impeachment at the Clerk's table and withdrew.

### **Executive Communications**

Senator Carmichael (Mr. President) laid before the Senate the following communication from His Excellency, the Governor, which was read by the Clerk:

**Jim Justice**  
**Governor of West Virginia**

August 17, 2018

The Honorable Mitch Carmichael, President  
West Virginia Senate  
Room 229M, Building 1  
State Capitol Complex  
Charleston, WV 25305

RE: Acknowledgement of Justice Robin Davis' Retirement

Dear President Carmichael:

My office received a letter from Justice Robin Jean Davis retiring her position of West Virginia Supreme Court Justice effective August 13, 2018.

Sincerely,

Jim Justice  
Governor

Which communication was received and filed with the Court of Impeachment.

Under authority of Senate Concurrent Resolution 201, adopted June 26, 2018,

On motion of Senator Ferns, at 1:52 p.m., the Senate adjourned until subsequently called back into session by the presiding officer.

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**TUESDAY, SEPTEMBER 11, 2018**

Pursuant to the call of the President of the Senate, under the authority of Senate Concurrent Resolution 201, adopted June 26, 2018, the Senate reassembled in extraordinary session in its chamber in the state capitol in the City of Charleston, at 10:12 a.m., and was called to order by its President, the Honorable Mitch Carmichael.

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

The Senate then stood in observance of a moment of silence in recognition of the seventeenth anniversary of the September 11, 2001, terrorist attacks on the United States.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Donna J. Boley, a senator from the third district.

Pending the reading of the Journal of Monday, August 20, 2018,

At the request of Senator Romano, unanimous consent being granted, the Journal was approved and the further reading thereof dispensed with.

The Senate proceeded to the third order of business.

The Clerk then presented the following communication from the House of Delegates, which was received:

HOUSE OF DELEGATES  
WEST VIRGINIA LEGISLATURE  
Building 1, Room 242-M  
1900 Kanawha Blvd., East  
Charleston, WV 25305-0470  
Messages 1-877-565-3447  
Capitol Office Phone (304) 340-3148

September 10, 2018

The Honorable Lee Cassis  
Clerk  
West Virginia Senate  
Building 1, Room 211M  
1900 Kanawha Boulevard, East  
Charleston, West Virginia 25305

Dear Mr. Clerk:

Pursuant to the provisions of House Resolution 205, I hereby remove The Honorable Roger Hanshaw as a member to act as a manager on the part of the House of Delegates to go before the West Virginia Senate to conduct the impeachment against the various justices of the Supreme Court of Appeals of West Virginia and appoint The Honorable Geoff Foster to fill the vacancy created by this action.

If you have any questions or need additional information, please do not hesitate to contact me.

Sincerely,

John Overington  
Speaker Pro Tempore

cc: The Honorable Mitch Carmichael  
The Honorable Stephen J. Harrison

The following communication was reported by the Clerk:

The Senate of West Virginia  
Charleston

September 11, 2018

The Honorable Mitch B. Carmichael  
President of the Senate

And

The Honorable Members of the West Virginia Senate

Dear Mr. President and Members:

Pursuant to Rule 4 of the Rules of the Senate While Sitting as a Court of Impeachment, I have this day designated Kristin Canterbury, the Assistant Clerk of the Senate, to serve as Clerk of the Court of Impeachment in my absence. This designation will be filed in the Journal of the Senate and the Journal of the Court of Impeachment.

Sincerely,

Lee Cassis  
Clerk of the Senate

At the request of Senator Ferns, and by unanimous consent, the Senate resolved itself into a Court of Impeachment to consider proceedings against the various justices of the Supreme Court of Appeals of the State of West Virginia and, after proceedings had therein, as stated in the record, the Senate resumed its session.

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

Without objection, at 10:55 a.m., the Senate recessed until 2:30 p.m. today.

The Senate reconvened at 2:50 p.m. today and proceeded to the sixth order of business.

At the request of Senator Trump, and by unanimous consent, Senator Trump (By Request of the House Managers and Counsel for Chief Justice Workman and Justice Walker) introduced the following resolution from the floor:

**Senate Resolution 204**—Publicly reprimanding and censuring Chief Justice Margaret L. Workman and Justice Elizabeth D. Walker of the Supreme Court of Appeals of West Virginia.

Whereas, Chief Justice Margaret Workman was named in Articles IV and VI of the Articles of Impeachment, which allege overpayment of senior status judges; and

Whereas, Chief Justice Workman and Justice Walker were named in Article of Impeachment XIV, which alleges that the Justices of the Supreme Court of Appeals generally and collectively failed to provide or prepare policies and reasonable supervisory oversight of the operations of the Court and in the absence of such policies and oversight, wasted state funds on unnecessary renovations, travel, computers for home use, lunches, and the framing of personal items; and



Whereas, The House of Delegates also adopted House Resolution 203 censuring all then-sitting Justices related to their conduct concerning, among other things, the spending on their personal offices; and

Whereas, Chief Justice Workman and Justice Walker have accepted full responsibility for all spending on renovations to their personal offices over which they exercised or should've exercised spending oversight and approval; and

Whereas, Chief Justice Workman and Justice Walker have previously and publicly acknowledged indefensible spending by the Court and the absence of appropriate policies and practices that likely would have prevented that indefensible spending; and

Whereas, Chief Justice Workman and Justice Walker have publicly acknowledged the need for changed policies and practices to rebuild public trust in the Court; and

Whereas, Chief Justice Workman and Justice Walker have begun and will continue to implement reforms to improve the administration of the Court and prevent future inappropriate expenditures and to ensure compliance with all applicable laws and regulations governing the conduct of the Court; and

Whereas, Justice Walker has not served as Chief Justice over the Court or Judicial Branch in the time that she has served on the Supreme Court of Appeals; and

Whereas, Chief Justice Workman and Justice Walker support increased legislative oversight, transparency, and accountability of the Supreme Court of Appeals; and

Whereas, Chief Justice Workman and Justice Walker accept personal and institutional responsibility for the Court's failure to enact certain specific policies as described in Article XIV in the Articles of Impeachment; therefore, be it

*Resolved by the Senate:*

That the Senate hereby publicly reprimands and censures Chief Justice Margaret L. Workman and Justice Elizabeth D. Walker of the Supreme Court of Appeals of West Virginia; and, be it

*Further Resolved*, That the Clerk is hereby directed to forward a copy of this resolution to Chief Justice Workman and Justice Walker.

Senator Ferns arose to a point of order questioning whether or not it is proper for the Senate to consider a resolution that presupposes any innocence or guilt with Articles of Impeachment pending without having heard any evidence.

Which point of order, the President ruled well taken and the resolution offered by Senator Trump (By Request of the House Managers and Counsel for Chief Justice Workman and Justice Walker) was out of order.

At the request of Senator Ferns, and by unanimous consent, the Senate resolved itself into a Court of Impeachment to consider proceedings against the various justices of the Supreme Court of Appeals of the State of West Virginia and, after proceedings had therein, as stated in the record, the Senate resumed its session.

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

The Senate proceeded to the twelfth order of business.

Remarks were made by Senator Weld.

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

Remarks were made by Senator Ojeda.

At the request of Senator Ojeda, unanimous consent being granted, the Senate stood in observance of a moment of silence in recognition of Command Sergeant Major Timothy Bolyard who was killed in the line of duty.

At the request of Senator Prezioso, and by unanimous consent, the remarks by Senator Ojeda were ordered printed in the Appendix to the Journal.

Under authority of Senate Concurrent Resolution 201, adopted June 26, 2018,

On motion of Senator Ferns, at 3:40 p.m., the Senate adjourned until Monday, October 1, 2018, at 9 a.m.

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## MONDAY, OCTOBER 1, 2018

Pursuant to the adjournment of September 11, 2018, under authority of

**Senate Concurrent Resolution 201,** Authorizing adjournments of Senate and House of Delegates.

The Senate reassembled in extraordinary session in its chamber in the state capitol in the City of Charleston, at 9 a.m., and was called to order by its President, the Honorable Mitch Carmichael.

Prayer was offered by the Honorable C. Edward Gaunch, a senator from the eighth district.

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

Pending the reading of the Journal of Tuesday, September 11, 2018,

At the request of Senator Clements, unanimous consent being granted, the Journal was approved and the further reading thereof dispensed with.

The time having arrived for the special order of business for the Senate to resolve itself into a Court of Impeachment, the special order thereon was called by the President.

On motion of Senator Ferns, the Senate resolved itself into a Court of Impeachment to consider proceedings against Elizabeth D. Walker, Justice of the Supreme Court of Appeals of the State of West Virginia, and, after proceedings had therein, as stated in the record, the Senate resumed its session.

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

Senator Ferns then moved that the Senate adjourn until tomorrow, Tuesday, October 2, 2018, at 9 a.m.

The question being on the adoption of Senator Ferns' aforesaid motion, and on this question, Senator Ferns demanded the yeas and nays.

The roll being taken, the yeas were: Arvon, Azinger, Baldwin, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Beach and Weld—2.

So, a majority of those present and voting having voted in the affirmative, the President declared Senator Ferns' motion had prevailed.

In accordance with the foregoing motion, at 3:20 p.m., the Senate adjourned until tomorrow, Tuesday, October 2, 2018, at 9 a.m.

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## TUESDAY, OCTOBER 2, 2018

The Senate met at 9:03 a.m.

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

Prayer was offered by the Honorable Patricia Puertas Rucker, a senator from the sixteenth district.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Michael A. Woelfel, a senator from the fifth district.

Pending the reading of the Journal of Monday, October 1, 2018,

At the request of Senator Trump, unanimous consent being granted, the Journal was approved and the further reading thereof dispensed with.

The time having arrived for the special order of business for the Senate to resolve itself into a Court of Impeachment to consider proceedings against Elizabeth D. Walker, Justice of the Supreme Court of Appeals of the State of West Virginia, the special order thereon was called by the President and, after proceedings had therein, as stated in the record, the Senate resumed its session.

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

On motion of Senator Ferns, at 1:05 p.m., the Senate recessed for 15 minutes.

The Senate reconvened at 1:39 p.m. and proceeded to the sixth order of business.

At the request of Senator Ferns, and by unanimous consent, Senators Carmichael (Mr. President), Boso, Ferns, Gaunch, Rucker, Maroney, Blair, Cline, Takubo, Drennan, Maynard, Clements, Mann, Boley, Palumbo, Woelfel, Jeffries, Prezioso, Beach, Stollings, Facemire, Baldwin, Unger, Plymale, Trump, Ojeda, Smith, Sypolt, and Romano offered the following resolution from the floor:

**Senate Resolution 205**—Publicly reprimanding and censuring Justice Elizabeth D. Walker of the Supreme Court of Appeals of West Virginia.

Whereas, Justice Walker was named in Article of Impeachment XIV, which alleges that the Justices of the Supreme Court of Appeals generally and collectively failed to provide or prepare policies and reasonable supervisory oversight of the operations of the Court and in the absence of such policies and oversight, wasted

state funds on unnecessary renovations, travel, computers for home use, lunches, and the framing of personal items; and

Whereas, The House of Delegates also adopted House Resolution 203 censuring all then-sitting Justices related to their conduct concerning, among other things, the spending on their personal offices; and

Whereas, Justice Walker has publicly acknowledged the need for changed policies and practices to rebuild public trust in the Court; and

Whereas, The West Virginia Senate believes that Justice Walker should work to implement reforms to improve the administration of the Court and prevent future inappropriate expenditures and to ensure compliance with all applicable laws and regulations governing the conduct of the Court; and

Whereas, Justice Walker supports increased legislative oversight, transparency, and accountability of the Supreme Court of Appeals; therefore, be it

*Resolved by the Senate:*

That the Senate hereby publicly reprimands and censures Justice Elizabeth D. Walker of the Supreme Court of Appeals of West Virginia; and, be it

*Further Resolved,* That the Clerk is hereby directed to forward a copy of this resolution to Justice Walker.

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

Under authority of Senate Concurrent Resolution 201, adopted June 26, 2018,

On motion of Senator Ferns, at 1:41 p.m., the Senate adjourned until Monday, October 15, 2018, at 9 a.m.

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## MONDAY, OCTOBER 15, 2018

Pursuant to the adjournment of October 2, 2018, under authority of

**Senate Concurrent Resolution 201,** Authorizing adjournments of Senate and House of Delegates.

The Senate reassembled in extraordinary session in its chamber in the state capitol in the City of Charleston, at 9:20 a.m., and was called to order by its President, the Honorable Mitch Carmichael.

Prayer was offered by the Honorable C. Edward Gaunch, a senator from the eighth district.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Patricia Puertas Rucker, a senator from the sixteenth district.

Pending the reading of the Journal of Tuesday, October 2, 2018,

At the request of Senator Palumbo, unanimous consent being granted, the Journal was approved and the further reading thereof dispensed with.

The time having arrived for the special order of business for the Senate to resolve itself into a Court of Impeachment to consider proceedings against Margaret L. Workman, Chief Justice of the Supreme Court of Appeals of the State of West Virginia, the special order thereon was called by the President.

The following letter from the Honorable Paul T. Farrell, Acting Chief Justice of the Supreme Court of Appeals of the State of West Virginia, is inserted into the Senate Journal as follows:



**SUPREME COURT OF APPEALS**  
CHARLESTON, WEST VIRGINIA

**PAUL T. FARRELL**  
JUSTICE

**RECEIVED**  
CLERK OF THE SENATE  
DATE: 10-15-18 TIME: 10:01am  
By: LC

October 15, 2018

The Honorable Lee Cassis  
Clerk of the Senate  
State Capitol, Room M-211  
Charleston, WV 25305-0800

Dear Mr. Clerk:

Per your request, I am informing you based on the decision in the case of *SER Workman v. Carmichael et al* (No. 18-0816) that I will not appear to preside over the impeachment matter against Justice Workman set to begin on October 15, 2018.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul T. Farrell".

Paul T. Farrell  
Justice

PTF:ram



The Presiding Officer of the Court of Impeachment being absent, Senator Carmichael (Mr. President) declared the Court of Impeachment to remain adjourned until its Presiding Officer is present.

The order of the Supreme Court of Appeals of the State of West Virginia, issued on Thursday, October 11, 2018, prohibiting the Senate from sitting as a Court of Impeachment to consider proceedings against Margaret L. Workman, Chief Justice of the Supreme Court of Appeals of the State of West Virginia, is inserted into the Senate Journal as follows:

**IN THE SUPREME COURT OF APPEALS OF WEST VIRGINIA**

**SEPTEMBER 2018 TERM**

\_\_\_\_\_  
**No. 18-0816**  
\_\_\_\_\_

**FILED**  
**October 11, 2018**

released at 3:00 p.m.  
EDYTHE NASH GAISER, CLERK  
SUPREME COURT OF APPEALS  
OF WEST VIRGINIA

**STATE OF WEST VIRGINIA ex rel. MARGARET L. WORKMAN,**  
**Petitioner**

**V.**

**MITCH CARMICHAEL, as President of the Senate; DONNA J. BOLEY, as**  
**President Pro Tempore of the Senate; RYAN FERNS, as Senate Majority Leader,**  
**LEE CASSIS, Clerk of the Senate; and the WEST VIRGINIA SENATE,**  
**Respondents**

\_\_\_\_\_  
**WRIT OF PROHIBITION GRANTED**  
\_\_\_\_\_

**Filed: October 11, 2018**

**Marc E. Williams**  
**Melissa Foster Bird**  
**Thomas M. Hancock**  
**Christopher D. Smith**  
**Nelson Mullins Riley & Scarborough**  
**Huntington, West Virginia**  
**Attorneys for Petitioner**

**J. Mark Adkins**  
**Floyd E. Boone, Jr.**  
**Richard R. Heath, Jr.**  
**Lara Brandfass**  
**Bowles Rice**  
**Charleston, West Virginia**  
**Attorneys for Respondents**

**ACTING CHIEF JUSTICE JAMES A. MATISH delivered the Opinion of the Court.**

**ACTING JUSTICE LOUIS H. BLOOM concurs in part and dissents in part and reserves the right to file a separate opinion.**

**ACTING JUSTICE JACOB E. REGER concurs in part and dissents in part and reserves the right to file a separate opinion.**

**CHIEF JUSTICE WORKMAN is disqualified.**

**JUSTICE ALLEN H. LOUGHRY II suspended, therefore not participating**

**JUSTICE ELIZABETH WALKER is disqualified.**

**JUSTICE PAUL T. FARRELL sitting by temporary assignment is disqualified.**

**JUSTICE TIM ARMSTEAD did not participate.**

**JUSTICE EVAN JENKINS did not participate.**

**ACTING JUSTICE RUDOLPH J. MURENSKY, II, and ACTING JUSTICE RONALD E. WILSON sitting by temporary assignment.**

## SYLLABUS BY THE COURT

1. In the absence of legislation providing for an appeal in an impeachment proceeding under Article IV, § 9 of the Constitution of West Virginia, this Court does not have jurisdiction over an appeal of a final decision by the Court of Impeachment.

2. An officer of the state who has been impeached under Article IV, § 9 of the Constitution of West Virginia, may seek redress for an alleged violation of his or her constitutional rights in the impeachment proceedings, by filing a petition for an extraordinary writ under the original jurisdiction of this Court.

3. To the extent that syllabus point 3 of *State ex rel. Holmes v. Clawges*, 226 W. Va. 479, 702 S.E.2d 611 (2010) may be interpreted as prohibiting this Court from exercising its constitutional authority to issue an extraordinary writ against the Legislature when the law requires, it is disapproved.

4. West Virginia Code § 51-9-10 (1991) violates the Separation of Powers Clause of Article V, § 1 of the West Virginia Constitution, insofar as that statute seeks to regulate judicial appointment matters that are regulated exclusively by this Court

pursuant to Article VIII, § 3 and § 8 of the West Virginia Constitution. Consequently, W.Va. Code § 51-9-10, in its entirety, is unconstitutional and unenforceable.

5. This Court has exclusive authority and jurisdiction under Article VIII, § 8 of the West Virginia Constitution and the rules promulgated thereunder, to sanction a judicial officer for a violation of a Canon of the West Virginia Code of Judicial Conduct. Therefore, the Separation of Powers Clause of Article V, § 1 of the West Virginia Constitution prohibits the Court of Impeachment from prosecuting a judicial officer for an alleged violation of the Code of Judicial Conduct.

6. The Due Process Clause of Article III, § 10 of the Constitution of West Virginia requires the House of Delegates follow the procedures that it creates to impeach a public officer. Failure to follow such rules will invalidate all Articles of Impeachment that it returns against a public officer.

Matish, Acting Chief Justice:

The Petitioner, the Honorable Margaret L. Workman, Chief Justice of the Supreme Court of Appeals of West Virginia, brought this proceeding under the original jurisdiction of this Court as a petition for a writ of mandamus that seeks to halt impeachment proceedings against her. The Respondents named in the petition are the Honorable Mitch Carmichael, President of the Senate; the Honorable Donna J. Boley, President Pro Tempore of the Senate; the Honorable Ryan Ferns, Senate Majority Leader; the Honorable Lee Cassis, Clerk of the Senate; and the West Virginia Senate.<sup>1</sup> The Petitioner seeks to have this Court prohibit the Respondents from prosecuting her under three Articles of Impeachment returned against her by the West Virginia House of Delegates. The Petitioner has briefed the following issues to support her contention that

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<sup>1</sup> It will be noted that the Petitioner failed to name as a respondent the Acting Chief Justice, the Honorable Justice Paul T. Farrell, that is presiding over the impeachment proceeding that she seeks to halt. Ordinarily the judicial officer presiding over a proceeding that is being challenged is named as a party in a proceeding in this Court. However, the omission of Acting Chief Justice Farrell as a named party in this matter is not fatal to the relief that is being requested. Pursuant to rules adopted by the Senate to govern the impeachment proceedings, the Acting Chief Justice was stripped of his judicial authority over motions, objections and procedural questions. This authority was removed under Rule 23(a) of Senate Resolution 203 as follows:

All motions, objections, and procedural questions made by the parties shall be addressed to the Presiding Officer [Acting Chief Justice], who shall decide the motion, objection, or procedural question: Provided, That a vote to overturn the Presiding Officer's decision on any motion, objection, or procedural question shall be taken, without debate, on the demand of any Senator sustained by one tenth of the Senators present, and an affirmative vote of a majority of the Senators present and voting shall overturn the Presiding Officer's decision on the motion, objection, or procedural question.

As a result of Rule 23(a) Acting Chief Justice Farrell is not an indispensable party to this proceeding.

she is entitled to the relief sought. The Petitioner has alleged several issues which we have distilled to the essence as alleging that the Articles of Impeachment against her violate the Constitution of West Virginia because (1) an administrative rule promulgated by the Supreme Court supersede statutes in conflict with them; (2) the determination of a violation of the West Virginia Code of Judicial Conduct rests exclusively with the Supreme Court; (3) the Articles of Impeachment were filed in violation of provisions of House Resolution 201. Upon careful review of the briefs, the appendix record, and the applicable legal authority, we grant relief as outlined in this opinion.<sup>2</sup>

#### INTRODUCTION

Although the Petitioner in this matter requested oral argument under Rule 20 of the Rules of Appellate Procedure, and even though this case presents issues of first impression, raises constitutional issues, and is of fundamental public importance, the Respondents, however, waived that right as follows:

Oral argument is unnecessary because no rule to show cause is warranted. This case presents the straightforward application of unambiguous provisions of the Constitution of West Virginia that, under governing precedent of this Court, the Supreme Court of the United States and courts across the nation unquestionably affirm the West Virginia Senate's role as the Court of Impeachment.

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<sup>2</sup> We are compelled at the outset to note that this Court takes umbrage with the tone of the Respondents brief, insofar as it asserts "that a constitutional crisis over the separation of powers between the Legislature and Judicial Branches" would occur if this Court ruled against them. This Court is the arbiter of the law. Our function is to keep the scales of justice balanced, not tilted in favor of a party out of fear of retribution by that party. We resolve disputes based upon an unbiased application of the law.

This Court further notes that the Respondents declined to address the merits of the Petitioner's arguments. The Respondents stated the following:

At the outset, it important to note that Respondents take no position with respect to facts as laid out by Petitioner, or the substantive merits of the legal arguments raised in the Petition. In fact, it is constitutionally impermissible for Respondents to do so, as they are currently sitting as a Court of Impeachment in judgment of Petitioner for the allegations made in the Articles adopted by the House.

The Respondents have not cited to any constitutional provision which prevents them from responding directly or through the Board of Managers (the prosecutors), to the merits of the Petitioner's arguments. It is expressly provided in Rule 16(g) of the Rules of Appellate Procedure that "[i]f the response does not contain an argument in response to a question presented by the petition, the Court will assume that the respondent agrees with the petitioner's view of the issue." In light of the Respondent's waiver of oral argument and refusal to address the merits of the Petitioner's arguments, this Court exercises its discretion to not require oral argument and will rule upon the written Petition, Response, Reply, and various appendices.<sup>3</sup>

Our forefathers in establishing this Country, as well as the leaders who established the framework for our State, had the forethought to put a procedure in place to address issues that could arise in the future; in the ensuing years that system has served us well. What our forefathers did not envision is the fact that subsequent leaders would not have

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<sup>3</sup> This Court is aware that transparency is important. However, the Respondents have closed the door on themselves by declining to have oral arguments and taking the untenable position of not responding to the merits of the arguments. This Court would have appreciated well-researched arguments from the Respondents on the merits of the issues.

the ability or willingness to read, understand, or to follow those guidelines. The problem we have today is that people do not bother to read the rules, or if they read them, they decide the rules do not apply to them.

There is no question that a governor, if duly qualified and serving, can call a special session of the Legislature. There is no question that the House of Delegates has the right to adopt a Resolution and Articles of a Bill of Impeachment. There is no question that the Senate is the body which conducts the trial of impeachment and can establish its own rules for that trial and that it must be presided over by a member of this Court. This Court should not intervene with any of those proceedings because of the separation of powers doctrine, and no one branch may usurp the power of any other co-equal branch of government. However, when our constitutional process is violated, this Court must act when called upon.

Fundamental fairness requires this Court to review what has happened in this state over the last several months when all of the procedural safeguards that are built into this system have not been followed. In this case, there has been a rush to judgment to get to a certain point without following all of the necessary rules. This case is not about whether or not a Justice of the Supreme Court of Appeals of West Virginia can or should be impeached; but rather it is about the fact that to do so, it must be done correctly and constitutionally with due process. We are a nation of laws and not of men, and the rule of law must be followed.

By the same token, the separation of powers doctrine works six ways. The Courts may not be involved in legislative or executive acts. The Executive may not interfere



with judicial or legislative acts. So the Legislature should not be dealing with the Code of Judicial Conduct, which authority is limited to the Supreme Court of Appeals.

The greatest fear we should have in this country today is ourselves. If we do not stop the infighting, work together, and follow the rules; if we do not use social media for good rather than use it to destroy; then in the process, we will destroy ourselves.

## I.

### FACTUAL AND PROCEDURAL HISTORY

The Petitioner was appointed as a judge to the Circuit Court of Kanawha County, by former Governor John D. Rockefeller, IV, on November 16, 1981. She was later elected in 1982 by the voters to fill out the remainder of the unexpired term of her appointment. She was subsequently elected again in 1984 for a full term. In 1988, the Petitioner was elected by the voters to fill a vacancy on the West Virginia Supreme Court of Appeals. She served a full term and left office in 2000. The Petitioner ran again for a position on the Supreme Court in 2008 and won.

In late 2017, the local media began publicizing reports of their investigations into the costs for renovating the offices of the Supreme Court Justices. Those publicized reports led to an investigation by the Legislative Auditor into the spending practices of the Supreme Court in general. The Auditor's office issued a report in April of 2018. This report was focused on the conduct of Justice Allen Loughry and Justice Menis Ketchum. The report concluded that both Justices may have used state property for personal gain in violation of the state Ethics Act. The report indicated that the matter was referred to the

West Virginia Ethics Commission for further investigation.<sup>4</sup> In June of 2018 the Judicial Investigation Commission charged Justice Loughry with 32 violations of the Code of Judicial Conduct and the Rules of Professional Conduct. Justice Loughry was subsequently indicted by the federal government on 22 charges.<sup>5</sup>

On June 25, 2018, Governor Jim Justice issued a Proclamation calling the Legislature to convene in a second extraordinary session to consider the following:

First: Matters relating to the removal of one or more Justices of the Supreme Court of Appeals of West Virginia, including, but not limited to, censure, impeachment, trial, conviction, and disqualification; and

Second: Legislation authorizing and appropriating the expenditure of public funds to pay the expenses for the Extraordinary Session.

Pursuant to this Proclamation, the Legislature convened on June 26, 2018, to carry out the task outlined therein.

The record indicates that on June 26, 2018, the House of Delegates adopted House Resolution 201. This Resolution empowered the House Committee on the Judiciary to investigate impeachable offenses against the Petitioner and the other four Justices of the Supreme Court.<sup>6</sup> Under the Resolution, the Judiciary Committee was required to report to the House of Delegates its findings of facts and any recommendations consistent with

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<sup>4</sup> The Auditor's office issued a second report involving the Petitioner, Justice Robin Davis and Justice Elizabeth Walker. That report did not recommend an ethics investigation of those Justices.

<sup>5</sup> Additional charges were later brought against Justice Loughry. He was suspended from office.

<sup>6</sup> On July 11, 2018 Justice Ketchum resigned/retired effective July 27, 2018. As a result of his decision the Judiciary Committee did not consider impeachment offenses against him.

those findings of fact; and, if the recommendation was that of impeachment of any of the Justices, the Committee had to present to the House of Delegates a proposed resolution of impeachment and proposed articles of impeachment. Upon receipt of a proposed Resolution of Impeachment and Articles of Impeachment by the House of Delegates, Resolution 201 authorized the House to adopt a Resolution of Impeachment and formal articles of impeachment as prepared by the Judiciary Committee, and deliver the same to the Senate for consideration.

The Judiciary Committee conducted impeachment hearings between July 12, 2018 and August 6, 2018. On August 7, 2018, the Judiciary Committee adopted fourteen Articles of Impeachment. The Petitioner was named in four of the Articles of Impeachment. On August 13, 2018, the House of Delegates voted to approve only eleven of the Articles of Impeachment. The Petitioner was impeached on three of the Articles of Impeachment.<sup>7</sup> First, the Petitioner and Justice Davis were named in Article IV,<sup>8</sup> which alleged that they improperly authorized the overpayment of senior-status judges.<sup>9</sup> Second, the Petitioner was named exclusively in Article VI, which alleged that she improperly authorized the overpayment of senior-status judges.<sup>10</sup> Third, the Petitioner was named, along with three other justices, in Article XIV, which set out numerous allegations

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<sup>7</sup> Justice Walker was named in 1 Article; Justice Davis was named in 4 Articles; and Justice Loughry was named in 7 Articles.

<sup>8</sup> Justice Davis retired from office on August 13.

<sup>9</sup> The text of the Article is set out in the Discussion section of the opinion.

<sup>10</sup> The text of the Article is set out in the Discussion section of the opinion.

against them which included charges that they failed to implement various administrative policies and procedures.<sup>11</sup>

Subsequent to the House of Delegates' adoption of the Articles of Impeachment they were submitted to the Senate for the purpose of conducting a trial. On August 20, 2018 the Senate adopted Senate Resolution 203, which set forth the rules of procedure for the impeachment trial. A pre-trial conference was held on September 11, 2018. At that conference the Petitioner, Justice Walker, and the Board of Managers submitted a "Proposed Stipulation and Agreement of Parties" that would have required the charges against both of them be dismissed.<sup>12</sup> The Senate voted to reject the settlement offer. Thereafter Acting Chief Justice Farrell set a separate trial date for the Petitioner on October 15, 2018. The Petitioner subsequently filed this proceeding to have the Articles of Impeachment against her dismissed.

## II.

### **THIS COURT'S JURISDICTION TO ADDRESS CONSTITUTIONAL ISSUES ARISING FROM THE COURT OF IMPEACHMENT**

Before we examine the merits of the issues presented we must first determine whether this Court has jurisdiction over issues arising out of a legislative impeachment

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<sup>11</sup> The text of the Article is set out in the Discussion section of the opinion.

<sup>12</sup> The Board of Managers are "a group of members of the House of Delegates authorized by that body to serve as prosecutors before the Senate in a trial of impeachment." Rule 1, Senate Resolution 203.

proceeding. The Respondents contend that this Court does not have jurisdiction over the impeachment proceeding.<sup>13</sup> This is an issue of first impression for this Court.

Resolution of this issue requires an analysis of constitutional principles. In undertaking our analysis we are reminded that the United States Supreme Court stated in *Baker v. Carr*, 369 U.S. 186, 211, 82 S.Ct. 691, 706, 7 L.Ed.2d 663 (1962), that the determination of whether a matter is exclusively committed by the constitution to another branch of government “is itself a delicate exercise in constitutional interpretation and is a responsibility of this Court as ultimate interpreter of the Constitution.” We are also guided by the principle that

A constitution is the fundamental law by which all people of the state are governed. It is the very genesis of government. Unlike ordinary legislation, a constitution is enacted by the people themselves in their sovereign capacity and is therefore the paramount law.

*State ex rel. Smith v. Gore*, 150 W.Va. 71, 77, 143 S.E.2d 791, 795 (1965). Further,

<sup>13</sup> One of the arguments made by the Respondents is that this Court should not address the merits of the Petitioner’s arguments, because she has raised a similar challenge to the Articles of Impeachment in the proceeding pending before them that has not been ruled upon. Ordinarily this Court would defer to a lower tribunals ruling on a matter before this Court will address it. However, we have carved out a narrow exception to this general rule. In this regard, we have held that “[a] constitutional issue that was not properly preserved at the trial court level may, in the discretion of this Court, be addressed on appeal when the constitutional issue is the controlling issue in the resolution of the case.” Syl. pt. 2, *Louk v. Cormier*, 218 W.Va. 81, 622 S.E.2d 788 (2005). See *Simpson v. W. Virginia Office of Ins. Com’r*, 223 W. Va. 495, 504, 678 S.E.2d 1, 10 (2009) (“Nevertheless, we may consider this constitutional issue for the first time on appeal because it is central to our resolution of this case.”); *State v. Allen*, 208 W. Va. 144, 151 n.12, 539 S.E.2d 87, 94 n.12 (1999) (“this Court may, under the appropriate circumstances, consider an issue initially presented for consideration on appeal.”). We exercise our discretion to address the merits of the constitutional issues presented in this matter. See also, *State ex rel. Bd. of Educ. of Kanawha Cty. v. Casey*, 176 W. Va. 733, 735, 349 S.E.2d 436, 438 (1986) (recognizing that exhaustion of an alternative remedy is not required “where resort to available procedures would be an exercise in futility.”).

It is axiomatic that our Constitution is a living document that must be viewed in light of modern realities. Reasonable construction of our Constitution ... permits evolution and adjustment to changing conditions as well as to a varied set of facts.... The solution [to problems of constitutional interpretation] must be found in a study of the specific provision of the Constitution and the best method [under current conditions] to further advance the goals of the framers in adopting such a provision.

*State ex rel. McGraw v. Burton*, 212 W. Va. 23, 36, 569 S.E.2d 99, 112 (2002) (internal quotation marks and citation omitted).

As an initial matter, we observe that “[q]uestions of constitutional construction are in the main governed by the same general rules applied in statutory construction.” Syl. pt. 1, *Winkler v. State Sch. Bldg. Auth.*, 189 W.Va. 748, 434 S.E.2d 420 (1993). We have held that “[t]he object of construction, as applied to written constitutions, is to give effect to the intent of the people in adopting it.” Syl. pt. 3, *Diamond v. Parkersburg–Aetna Corp.*, 146 W.Va. 543, 122 S.E.2d 436 (1961). This Court held in syllabus point 3 of *State ex rel. Smith v. Gore*, 150 W. Va. 71, 143 S.E.2d 791 (1965) that “[w]here a provision of a constitution is clear in its terms and of plain interpretation to any ordinary and reasonable mind, it should be applied and not construed.” Therefore, “[i]f a constitutional provision is clear in its terms, and the intention of the electorate is clearly embraced in the language of the provision itself, this Court must apply and not interpret the provision.” Syl. pt. 1, *State ex rel. Trent v. Sims*, 138 W.Va. 244, 77 S.E.2d 122 (1953). On the other hand, “if the language of the constitutional provision is ambiguous, then the ordinary principles employed in statutory construction must be applied to ascertain such intent.” *State ex rel. Forbes v. Caperton*, 198 W.Va. 474, 480, 481 S.E.2d 780, 786 (1996) (internal quotations and citations omitted). An ambiguous provision in a

constitution “requires interpretation consistent with the intent of both the drafters and the electorate.” *State ex rel. Brotherton v. Blankenship*, 157 W. Va. 100, 127, 207 S.E.2d 421, 436-437 (1973). Although we are empowered with the authority “to construe, interpret and apply provisions of the Constitution, ... [we] may not add to, distort or ignore the plain mandates thereof.” *State ex rel. Bagley v. Blankenship*, 161 W.Va. 630, 643, 246 S.E.2d 99, 107 (1978).

It is axiomatic that “in every case involving the application or interpretation of a constitutional provision, analysis must begin with the language of the constitutional provision itself.” *State ex rel. Mountaineer Park, Inc. v. Polan*, 190 W.Va. 276, 283, 438 S.E.2d 308, 315 (1993). The framework for impeaching and removing an officer of the state is set out under Article IV, § 9 of the Constitution of West Virginia. The full text of Section 9 provides as follows:

Any officer of the state may be impeached for maladministration, corruption, incompetency, gross immorality, neglect of duty, or any high crime or misdemeanor. The House of Delegates shall have the sole power of impeachment. The Senate shall have the sole power to try impeachments and no person shall be convicted without the concurrence of two thirds of the members elected thereto. When sitting as a court of impeachment, the president of the supreme court of appeals, or, if from any cause it be improper for him to act, then any other judge of that court,<sup>14</sup> to be designated by it, shall preside; and the senators shall be on oath or affirmation, to do justice according to law and evidence. Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold any office of honor, trust or profit, under the state; but the party convicted shall be liable to indictment, trial judgment, and punishment according to law. The Senate may sit during the recess of the Legislature, for the trial of impeachments.

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<sup>14</sup> “Prior to the Judicial Reorganization Amendment [of 1974], the Justices of the Court were referred to as ‘Judges’ and the Chief Justice was referred to as ‘President.’” *State v. McKinley*, 234 W. Va. 143, 150 n.3, 764 S.E.2d 303, 310 n.3 (2014).

Pursuant to Section 9 “[t]he House of Delegates has the sole power of impeachment, and the Senate the sole power to try impeachments.” *Slack v. Jacob*, 1875 W.L. 3439, 8 W. Va. 612, 664 (1875). To facilitate the trial of an impeachment proceeding Section 9 created a Court of Impeachment.

It is clear from the text of Section 9 that it does not provide this Court with jurisdiction over an appeal of a final decision by the Court of Impeachment.<sup>15</sup> Consequently, and we so hold, in the absence of legislation providing for an appeal in an impeachment proceeding under Article IV, § 9 of the Constitution of West Virginia, this Court does not have jurisdiction over an appeal of a final decision by the Court of Impeachment.

Although it is clear that an appeal is not authorized from a decision by the Court of Impeachment, we do find under the plain language of Section 9, the actions or inactions of the Court of Impeachment may be subject to a proceeding under the original jurisdiction of this Court.<sup>16</sup> The authority for this proposition is contained in the Law and Evidence Clause found in Section 9, which states: “the senators shall ... do justice according to law and evidence.” The Law and Evidence Clause of Section 9 uses the word “shall” in requiring the Court of Impeachment to follow the law. We have

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<sup>15</sup> The Constitution of West Virginia grants authority to the Legislature to provide appellate jurisdiction to this Court for areas of law that are not set out in the constitution. See W. Va. Const. Art. VIII, § 3 ([The Supreme Court] “shall have such other appellate jurisdiction, in both civil and criminal cases, as may be prescribed by law.”).

<sup>16</sup> Article VIII, § 3 of the Constitution of West Virginia provides that “[t]he supreme court of appeals shall have original jurisdiction of proceedings in habeas corpus, mandamus, prohibition and certiorari.”



recognized that “[t]he word ‘shall,’ ... should be afforded a mandatory connotation[,] and when used in constitutions and statutes, [it] leaves no way open for the substitution of discretion.” *Silveti v. Ohio Valley Nursing Home, Inc.*, 240 W. Va. 468, 813 S.E.2d 121, 125 (2018) (internal quotation marks and citations omitted). See Syl. pt. 3, *State ex rel. Trent v. Sims*, 138 W.Va. 244, 77 S.E.2d 122 (1953) (“As used in constitutional provisions, the word ‘shall’ is generally used in the imperative or mandatory sense.”). Insofar as the Law and Evidence Clause imposes a mandatory duty on the Court of Impeachment to follow the law, there is an implicit right of an impeached official to have access to the courts to seek redress, if he or she believes actions or inactions by the Court of Impeachment violate his or her rights under the law.<sup>17</sup>

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<sup>17</sup> It must be clearly understood that the Law and Evidence Clause is not superfluous language. Under the 1863 Constitution of West Virginia the impeachment provision was set out in Article III, § 10. The original version of the impeachment provision did not contain a Law and Evidence Clause. The 1863 version of the impeachment provision read as follows:

Any officer of the State may be impeached for maladministration, corruption, incompetence, neglect of duty, or any high crime or misdemeanor. The house of delegates shall have the sole power of impeachment. The senate shall have the sole power to try impeachments. When sitting for that purpose, the senators shall be on oath or affirmation; and no persons shall be convicted without the concurrence of two-thirds of the members present. Judgment in cases of impeachment shall not extend further than to removal from office and disqualification to hold any office of honor, trust or profit, under the State; but the party convicted shall, nevertheless, be liable and subject to indictment, trial judgment, and punishment according to law. The Senate may sit during the recess of the legislature, for the trial of impeachments.

The Law and Evidence Clause was specifically added to the impeachment provision in the constitution of 1872. The affirmative creation and placement of the Law and Evidence Clause in the new constitution supports the significance this Court has given to that clause. A similar Law and Evidence Clause appears in the impeachment laws of 11

The implicit right of redress in the courts found in the Law and Evidence Clause, is expressly provided for in Article III, § 17 of the Constitution of West Virginia. Section 17 provides as follows:

The courts of this state shall be open, and every person, for an injury done to him, in his person, property or reputation, shall have remedy by due course of law; and justice shall be administered without sale, denial or delay.

The Certain Remedy Clause of Section 17 has been found to mean that “[t]he framers of the West Virginia Constitution provided citizens who have been wronged with rights to pursue a remedy for that wrong in the court system.” *Bias v. E. Associated Coal Corp.*, 220 W. Va. 190, 204, 640 S.E.2d 540, 554 (2006) (Starcher, J., dissenting). See *O’Neil v. City of Parkersburg*, 160 W.Va. 694, 697, 237 S.E.2d 504, 506 (1977) (“[T]he concept of American justice ... pronounces that for every wrong there is a remedy. It is incompatible with this concept to deprive a wrongfully injured party of a remedy[.]”); *Gardner v. Buckeye Sav. & Loan Co.*, 108 W.Va. 673, 680, 152 S.E. 530, 533 (1930) (“It is the proud boast of all lovers of justice that for every wrong there is a remedy.”); *Lambert v. Brewster*, 97 W.Va. 124, 138, 125 S.E. 244, 249 (1924) (“As for public policy, the

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states. See *Ariz. Const. Art. VIII, Pt. 2 § 1* (1910); *Colo. Const. Art. XIII, § 1* (1876); *Kan. Const. Art. II, § 27* (1861); *Md. Const. Art. III, § 26* (1867); *Miss. Const. Art. 4, § 49* (1890); *Nev. Const. Art. VII, § 1* (1864); *N.D. Cent. Code Ann. § 44-09-02* (1943); *Ohio Const. Art. II, § 23* (1851); *Utah Const. Art. VI, § 18* (1953); *Wash. Const. Art. V, § 1* (1889); *Wyo. Const. Art. III, § 17* (2016). There does not appear to be any judicial decisions from those jurisdictions addressing the application of the Law and Evidence Clause. It is also worth noting that under the 1863 Constitution of West Virginia there was no provision for a presiding judicial officer. The 1872 Constitution of West Virginia added the provision requiring a judicial officer preside over an impeachment proceeding. This requirement is further evidence that an impeachment proceeding was not beyond the jurisdiction of this Court, insofar as it solidified the quasi-judicial nature of the proceeding.

strongest policy which appeals to us is that fundamental theory of the common law that for every wrong there should be a remedy.”). In the leading treatise on the Constitution of West Virginia, the following is said,

The second clause of section 17, providing that all persons “shall have remedy by due course of law” ... limits ... the ability of the government to constrict an individual’s right to invoke the judicial process[.]

Robert M. Bastress, *The West Virginia State Constitution*, at 124 (2011).

This Court has held that “enforcement of rights secured by the Constitution of this great State is engrained in this Court’s inherent duty to neutrally and impartially interpret and apply the law.” *State ex rel. Biafore v. Tomblin*, 236 W. Va. 528, 544, 782 S.E.2d 223, 239 (2016). That is, “[c]ourts are not concerned with the wisdom or expediencies of constitutional provisions, and the duty of the judiciary is merely to carry out the provisions of the plain language stated in the constitution.” Syl. pt. 3, *State ex rel. Casey v. Pauley*, 158 W. Va. 298, 210 S.E.2d 649 (1975).

Insofar as an officer of the state facing impeachment in the Court of Impeachment has a constitutional right to seek redress for an alleged violation of his or her rights by that court, we now hold that an officer of the state who has been impeached under Article IV, § 9 of the Constitution of West Virginia, may seek redress for an alleged violation of his or her constitutional rights in the impeachment proceedings, by filing a petition for an extraordinary writ under the original jurisdiction of this Court.<sup>18</sup> See *Kinsella v. Jaekle*,

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<sup>18</sup> The Respondents have argued in a footnote of their brief that “the Impeachment Clause vests absolute discretion in the context of impeachment in the Legislature.” The Respondents cite to the decision in *Goff v. Wilson*, 32 W. Va. 393, 9 S.E. 26 (1889) as support for that proposition. *Goff* does not support the proposition and is not remotely

192 Conn. 704, 723, 475 A.2d 243, 253 (1984) (“A court acting under the judicial power of ... the constitution may exercise jurisdiction over a controversy arising out of impeachment proceedings only if the legislature’s action is clearly outside the confines of its constitutional jurisdiction to impeach any executive or judicial officer; or egregious and otherwise irreparable violations of state or federal constitutional guarantees are being or have been committed by such proceedings.”); *Smith v. Brantley*, 400 So. 2d 443, 449 (Fla. 1981) (“The issue of subject matter jurisdiction for impeachment is properly determined by the judiciary, of course. Our conclusion on this question is that one must be such an officer to be impeachable.”); *Dauphin County Grand Jury Investigation Proceedings*, 332 Pa. 342, 345, 2 A.2d 802, 803 (1938) (“the courts have no jurisdiction in impeachment proceedings, and no control over their conduct, *so long as actions taken are within constitutional lines.*”) (emphasis added); *People ex rel. Robin v. Hayes*, 82 Misc. 165, 172–73, 143 N.Y.S. 325, 330 (Sup. Ct. 1913) (“[A court] has no jurisdiction to inquire into the sufficiency of charges for which a Governor may be impeached, nor, I take it, whether the proceedings looking to that end were properly conducted, *unless at their foundation, in their exercise, constitutional guaranties are broken down or limitations ignored.*”) (emphasis added).<sup>19</sup>

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relevant to this case. In *Goff* the petitioner wanted this Court to declare that he received the highest number of votes for the office of governor, before the Legislature carried out its duties in certifying the results of the election. We declined to intervene because no authority permitted this Court to intervene. Contrary to the Respondents’ assertion, that the Legislature has absolute discretion in impeachment matters, the Law and Evidence Clause of the constitution strips the Legislature of “absolute” discretion in such matters.

<sup>19</sup> This is not the first time that we have permitted access to this Court, under our original jurisdiction, when no right of appeal existed from a quasi-judicial proceeding. For

It will be noted that this Court held in syllabus point 3 of *State ex rel. Holmes v. Clawges*, 226 W. Va. 479, 702 S.E.2d 611 (2010) that “[u]nder the Separation of Powers doctrine, Article V, Section 1 of the Constitution of West Virginia, courts have no authority—by mandamus, prohibition, contempt or otherwise—to interfere with the proceedings of either house of the Legislature.” This holding is not applicable to the issue under consideration in the instant matter.<sup>20</sup> In *Holmes* the Court was called upon to address the issue of a circuit court issuing an order that required the Clerk of the Senate and the Clerk of the House of Delegates remove references to a pardon by the Governor in the official journals of the Senate and the House of Delegates. When the Clerks refused to obey the order, the circuit court issued a rule to show cause as to why they should not

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example, a litigant in the former Court of Claims had no right to appeal a decision from that tribunal. However, this Court found that constitutional principles permitted access to this Court under our original jurisdiction:

[T]his Court obviously may review decisions of the court of claims under the original jurisdiction granted by article VIII, section 2 of our Constitution, through proceedings in mandamus, prohibition, or certiorari. Review in this fashion is necessary because the court of claims is not a judicial body, but an entity created by and otherwise accountable only to the Legislature, and judicial recourse must be available to protect basic principles of separation of powers.

*G.M. McCrossin, Inc. v. W. Virginia Bd. of Regents*, 177 W. Va. 539, 541 n.3, 355 S.E.2d 32, 33 n.3 (1987). See Syl. pt. 3, *City of Morgantown v. Ducker*, 153 W. Va. 121, 121, 168 S.E.2d 298, 299 (1969) (“Mandamus is the proper remedy to require the State Court of Claims to assume jurisdiction of a monetary claim against the Board of Governors of West Virginia University.”). The Court of Claims was renamed in 2017 and is now called the “West Virginia Legislative Claims Commission.” See W. Va. Code § 14-2-4 (2017).

<sup>20</sup> The Respondents cited to this case three times in their brief, but did not provide any discussion of the case.

be held in contempt. This Court determined that the judicial order encroached on the exclusive authority of the Legislature to maintain journals:

[T]he Clerks argue that it is beyond the authority of a circuit court to compel them to alter the Journals, whether in their printed form or in their electronic form published on the internet. The Clerks generally assert that the circuit court exceeded its jurisdiction, because the Journals are a protected legislative function under the Constitution of West Virginia. The Constitution of West Virginia vests the State's legislative power in a Senate and a House of Delegates. W.Va. Const., Art. VI, § 1. Each house of the Legislature is charged with determining its own internal rules for its proceedings and with choosing its own officers. W.Va. Const., Art. VI, § 24.

The Constitution mandates that each house must keep and publish a "journal of its proceedings." Article VI, Section 41 states:

Each house shall keep a journal of its proceedings, and cause the same to be published from time to time, and all bills and joint resolutions shall be described therein, as well by their title as their number, and the yeas and nays on any question, if called for by one tenth of those present shall be entered on the journal.

A variation of this mandate has been in our Constitution since the founding of our State in 1863. The founding fathers indicated during the constitutional convention that there are two goals underlying this provision: to ensure that the votes of legislators are correctly recorded, and to make a public record of the actions of legislators.

*Holmes*, 226 W. Va. at 483–84, 702 S.E.2d at 615–16. The facts giving rise to syllabus point 3 in *Holmes* clearly establish the limitations of that syllabus point. That is, the facts of the case concerned a trial court interfering in legislative administrative matters when no legal authority permitted such interference. Neither the opinion nor syllabus point 3 were intended to limit the authority of this Court to entertain an extraordinary writ against the Legislature when the law permits. For example, the case of *State ex rel. Cooper v. Tennant*, 229 W. Va. 585, 730 S.E.2d 368 (2012) involved several consolidated actions for prohibition and mandamus against the Speaker of the House of Delegates and

government officials concerning the constitutionality of redistricting. This Court denied the writs and in doing so held that

In the absence of constitutional infirmity, as the precedent evaluated above irrefutably establishes, the development and implementation of a legislative redistricting plan in the State of West Virginia are entirely within the province of the Legislature. The role of this Court is limited to a determination of whether the Legislature's actions have violated the West Virginia Constitution.

*Cooper*, 229 W. Va. at 614, 730 S.E.2d at 397. See *State ex rel. W. Virginia Citizen Action Grp. v. Tomblin*, 227 W. Va. 687, 715 S.E.2d 36 (2011) (granting mandamus in part against the Governor, Speaker of the House of Delegates and other government officials requiring a special election be called); *State ex rel. League of Women Voters of W. Virginia v. Tomblin*, 209 W. Va. 565, 578, 550 S.E.2d 355, 368 (2001) (finding that mandamus would be issued against the President of the Senate, Speaker of the House of Delegates and other government officials that required “the Legislature to only include as part of the budget digest information that has been the subject of discussion, debate, and decision prior to final legislative enactment of the budget bill.”); *State ex rel. Meadows v. Hechler*, 195 W. Va. 11, 19, 462 S.E.2d 586, 594 (1995) granting mandamus against the President of the Senate and Speaker of the House of Delegates that required “the Legislature to promptly draft legislation to replace the unconstitutional section of article 29A and additionally, to consider passage of legislation that would exempt certain administrative regulations from conformance with APA implementation requirements, such as where compliance with federal law is mandated.”). In view of the foregoing, we hold that to the extent that syllabus point 3 of *State ex rel. Holmes v. Clawges*, 226 W.

Va. 479, 702 S.E.2d 611 (2010) may be interpreted as prohibiting this Court from exercising its constitutional authority to issue an extraordinary writ against the Legislature when the law requires, it is disapproved.

The Respondents have cited to the decision in *Nixon v. United States*, 506 U.S. 224, 113 S. Ct. 732, 122 L. Ed. 2d 1 (1993) as authority for the proposition that the judiciary does not have jurisdiction over impeachment proceedings. In *Nixon*, a federal district judge was impeached and removed from office, in a proceeding in which the United States Senate allowed a committee to take testimony and gather evidence. The former judge filed a declaratory judgment action in a district court seeking a ruling that the Senate's failure to hold a full evidentiary hearing before the entire Senate violated its constitutional duty to "try" all impeachments. The District Court denied relief and dismissed the case. The Court of Appeals affirmed. The United States Supreme Court granted certiorari to determine whether the constitutional requirement that the Senate "try" cases of impeachment precludes the use of a committee to hear evidence. The opinion held that the issue presented could not be brought in federal court. The Court reasoned as follows:

We agree with the Court of Appeals that opening the door of judicial review to the procedures used by the Senate in trying impeachments would "expose the political life of the country to months, or perhaps years, of chaos." This lack of finality would manifest itself most dramatically if the President were impeached. The legitimacy of any successor, and hence his effectiveness, would be impaired severely, not merely while the judicial process was running its course, but during any retrial that a differently constituted Senate might conduct if its first judgment of conviction were invalidated. Equally uncertain is the question of what relief a court may give other than simply setting aside the judgment of conviction. Could it



order the reinstatement of a convicted federal judge, or order Congress to create an additional judgeship if the seat had been filled in the interim?

*Nixon*, 506 U.S. at 236, 113 S. Ct. at 739.

The decision in *Nixon* is not controlling and is distinguishable. See *Peters v. Narick*, 165 W. Va. 622, 628 n.13, 270 S.E.2d 760, 764 n.13 (1980), modified on other grounds by *Israel by Israel v. W. Virginia Secondary Sch. Activities Comm'n*, 182 W. Va. 454, 388 S.E.2d 480 (1989) (“States have the power to interpret state constitutional guarantees in a manner different than the United States Supreme Court has interpreted comparable federal constitutional guarantees.”). The narrowly crafted text of the impeachment provision found in the Constitution of the United States prevented the Supreme Court from finding a basis for allowing a constitutional challenge to the impeachment procedure adopted by the Senate. The text of the federal impeachment provision is found in Article I, § 3 of the Constitution of the United States and provides the following:

The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no Person shall be convicted without the Concurrence of two thirds of the Members present.

Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law.

It is clear that Article I, § 3 does not contain the Law and Evidence Clause that is found in Article IV, § 9 of the Constitution of West Virginia. Therefore, our constitution

provides greater impeachment protections than the Constitution of the United States.<sup>21</sup> See *State ex rel. K.M. v. W. Virginia Dep't of Health & Human Res.*, 212 W. Va. 783, 794 n.15, 575 S.E.2d 393, 404 n.15 (2002) (“it is clear that our Constitution may offer greater protections than its federal counterpart.”); *State ex rel. Carper v. W. Virginia Parole Bd.*, 203 W. Va. 583, 590 n.6, 509 S.E.2d 864, 871 n.6 (1998) (“This Court has determined repeatedly that the West Virginia Constitution may be more protective of individual rights than its federal counterpart.”); *State v. Bonham*, 173 W. Va. 416, 418, 317 S.E.2d 501, 503 (1984) (“[T]he United States Supreme Court has also recognized that a state supreme court may set its own constitutional protections at a higher level than that accorded by the federal constitution. There are a number of cases where state supreme courts have set a higher level of protection under their own constitutions.”); Syl. pt.2, *Pauley v. Kelly*, 162 W. Va. 672, 255 S.E.2d 859 (1979) (“The provisions of the Constitution of the State of West Virginia may, in certain instances, require higher standards of protection than afforded by the Federal Constitution.”). Moreover, *Nixon* was not called upon to address the substantive type of issues presented in this case. The case was focused upon the right of the Senate to craft rules of procedure for impeachment.

The Respondents have cited to the decision in *In re Judicial Conduct Comm.*, 145 N.H. 108, 111, 751 A.2d 514, 516 (2000). In that case the New Hampshire House Judiciary Committee began an impeachment investigation into conduct by the state

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<sup>21</sup> Even the Respondents have conceded in their brief that “West Virginia’s Impeachment Clause is significantly broader than its counterpart in the United States Constitution.”

Supreme Court chief justice and other members of that court. The state Supreme Court Committee on Judicial Conduct filed a motion seeking an order requiring the House Committee to allow it to attend any House Committee deposition of any Judicial Conduct member or employee. The state Supreme Court held that the issue presented was a nonjusticiable political question and therefore denied relief. However, the opinion was clear in holding that the judiciary had authority to intervene in an impeachment proceeding:

The [House Judiciary Committee] first argues that the judicial branch lacks jurisdiction over any matter related to a legislative impeachment investigation. We disagree.

The investigative power of the Legislature, however penetrating and persuasive its scope, is not an absolute right but, like any right, is “limited by the neighborhood of principles of policy which are other than those on which [that] right is founded, and which become strong enough to hold their own when a certain point is reached.” *United States v. Rumely*, 345 U.S. 41, 44 [73 S.Ct. 543, 97 L.Ed. 770]; *Hudson Water Co. v. McCarter*, 209 U.S. 349, 355 [28 S.Ct. 529, 52 L.Ed. 828]. The contending principles involved here are those underlying the power of the Legislature to investigate on the one hand and those upon which are based certain individual rights guaranteed to our citizens by the State and National Constitutions.

*Nelson v. Wyman*, 99 N.H. 33, 41, 105 A.2d 756, 764 (1954).

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The court system is available for adjudication of issues of constitutional or other fundamental rights.... In such circumstances, Part I, Article 17 of the New Hampshire Constitution does not deprive persons whose rights are violated from seeking judicial redress simply because the violation occurs in the course of an impeachment investigation.

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The constitutional authority of the House of Representatives to conduct impeachment proceedings without interference from the judicial branch is extensive, but not so extensive as to preclude this court's jurisdiction to hear matters arising from legislative impeachment proceedings. “It is the role of this court in our co-equal, tripartite form of government to interpret the

Constitution and to resolve disputes arising under it.” *Petition of Mone*, 143 N.H. at 133, 719 A.2d at 631 (quoting *Monier*, 122 N.H. at 476, 446 A.2d at 455; citing *Merrill v. Sherburne*, 1 N.H. 199, 201-02 (1818)). However, upon briefing and argument, it is apparent that the specific issue raised by the JCC is nonjusticiable. Accordingly, the JCC’s request for its special counsel to attend HJC depositions of JCC members and employees is denied.

*In re Judicial Conduct*, 145 N.H. at 110-113, 751 A.2d at 515. Although the Respondents cited to the decision in *In re Judicial Conduct*, it is clear that the constitutional principles of law discussed in the case are consistent with this Court’s ruling, i.e., the judiciary may intervene in an impeachment proceeding to protect constitutional rights.

The Respondents cited to the decision in *Larsen v. Senate of Pennsylvania*, 166 Pa. Cmwlth. 472, 646 A.2d 694 (1994) without any discussion. In *Larsen* a former justice on the state Supreme Court was sentenced to removal from office by a trial court after he was found guilty of an infamous crime. The former justice filed for a preliminary injunction to prevent a senate impeachment trial and asserted numerous grounds for relief, that included: (1) he was no longer in office and could not be removed by the senate, (2) senate rules were unconstitutional, (3) the senate could not permit a committee to hear the case, and (4) he was denied sufficient time to prepare. The court, relying on the decision in *Nixon*, found that the state’s impeachment clause was similar to the federal clause and therefore denied relief. However, the opinion noted that the decision by the state Supreme Court decision in *Dauphin County Grand Jury Investigation Proceedings*, 332 Pa. 342, 345, 2 A.2d 802, 803 (1938) held that “the courts have no jurisdiction in impeachment proceedings and no control over their conduct, so long as actions taken are within constitutional lines...” *Larsen*, 166 Pa. Cmwlth. at 482. 646 A.2d

at 699. The opinion limited *Dauphin's* qualification on judicial intervention to impeachment proceedings that had ended. The decision in *Larsen* is distinguishable because that state's impeachment clause was aligned with the federal impeachment clause, and did not have a Law and Evidence Clause like the Constitution of West Virginia. Moreover, *Larsen* recognized that it could not overrule the state Supreme Court's ruling in *Dauphin*, which left open the door for intervention in an impeachment proceeding for "actions [not] taken within constitutional lines." *Larsen* limited intervention to post-impeachment.

The Respondents have also cited to the decision in *Mecham v. Arizona House of Representatives*, 162 Ariz. 267, 782 P.2d 1160 (1989). In that case the state Governor filed a petition for injunctive relief with the state Supreme Court, to prevent the state senate from conducting an impeachment trial against him until his criminal trial was over. The Governor also challenged the impeachment procedures. The state Supreme Court denied relief as follows:

[W]e can only conclude that the power of impeachment is exclusively vested in the House of Representatives and the power of trial on articles of impeachment belongs solely to the Senate. The Senate's task is to determine if the Governor should be removed from office. Aside from disqualification from holding any other state position of "honor, trust, or profit," the Senate can impose no greater or lesser penalty than removal and can impose no criminal punishment. Trial in the Senate is a uniquely legislative and political function. It is not judicial.

*Mecham*, 156 Ariz. at 302, 751 P.2d at 962. The decision in *Mecham* is factually distinguishable because it did not involve allegations of a violation of substantive constitutional rights. More importantly, even though the court in *Mecham* denied the

requested relief, it made clear that the judiciary could intervene in an impeachment proceeding to protect the constitutional rights of an impeached official:

This Court does have power to ensure that the legislature follows the constitutional rules on impeachment. For instance, should the Senate attempt to try a state officer without the House first voting articles of impeachment, we would not hesitate to invalidate the results.

*Mecham*, 156 Ariz. at 302-303, 751 P.2d at 962-963. See *Mecham v. Gordon*, 162 Ariz. 267, 782 P.2d 1160 (1989) (declining to review impeachment of state Governor because constitutional requirements were met).

In the instant proceeding the Petitioner has alleged that the impeachment charges brought against her are unlawful and violate her constitutional rights. In view of the above analysis, we have jurisdiction to consider the validity of these allegations.<sup>22</sup>

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<sup>22</sup> The Respondents have argued that intervention in the impeachment proceeding violates the Guarantee Clause of the federal constitution. This clause provides as follows: "The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence." U.S. Const. Art. IV, § 4. The Respondents contend that the Guarantee Clause requires that a state have "separate and coequal branches" of government. In a convoluted manner the Respondents contend that this Court's intervention in this matter would destroy the "separate and coequal branches" of government. The Respondents have not cited to an opinion by any court in the country that supports the proposition that issuance of a writ against another branch of government violates the Guarantee Clause. See *New York v. United States*, 505 U.S. 144, 184, 112 S. Ct. 2408, 2432, 120 L. Ed. 2d 120 (1992) ("In most of the cases in which the Court has been asked to apply the [Guarantee] Clause, the Court has found the claims presented to be nonjusticiable under the 'political question' doctrine."). We find no merit in the contention. Further, the issue of the separation of powers doctrine is fully addressed in the Discussion section of this opinion.

### III.

#### STANDARD OF REVIEW

The Petitioner filed this matter seeking a writ of mandamus to prohibit enforcement of the Articles of Impeachment filed against her. This Court has explained that the function of mandamus is “the enforcement of an established right and the enforcement of a corresponding imperative duty created or imposed by law.” *State ex rel. Ball v. Cummings*, 208 W. Va. 393, 398, 540 S.E.2d 917, 922 (1999). It was held in syllabus point two of *State ex rel. Kucera v. City of Wheeling*, 153 W. Va. 538, 170 S.E.2d 367 (1969) that

A writ of mandamus will not issue unless three elements coexist—(1) a clear legal right in the petitioner to the relief sought; (2) a legal duty on the part of respondent to do the thing which the petitioner seeks to compel; and (3) the absence of another adequate remedy.

In our review of the type of relief the Petitioner seeks we do not believe that mandamus is the appropriate remedy. “In appropriate situations, this Court has chosen to treat petitions for extraordinary relief according to the nature of the relief sought rather than the type of writ pursued.” *State ex rel. TermNet Merch. Servs., Inc. v. Jordan*, 217 W. Va. 696, 699, 619 S.E.2d 209, 212 (2005). See *State ex rel. Potter v. Office of Disciplinary Counsel of State*, 226 W. Va. 1, 2 n.1, 697 S.E.2d 37, 38 n.1 (2010) (“this Court has, in past cases, treated a request for relief in prohibition as a petition for writ of mandamus if so warranted by the facts. Accordingly, we consider the present petition as a request for mandamus relief.”); *State ex rel. Beirne v. Smith*, 214 W. Va. 771, 774, 591 S.E.2d 329, 332 (2003) (“Although Mr. Bradley brought his case as a petition for a writ

of prohibition, while Mr. Beirne requested a writ of mandamus, we choose to treat each as a petition for a writ of mandamus, because both petitioners wish to compel the Commissioner to do an affirmative act, i.e., pay benefits.”); *State ex rel. Wyatt v. Broiherton*, 214 W. Va. 434, 437, 589 S.E.2d 812, 815 (2003) (“Because we find this case to be in the nature of prohibition as opposed to mandamus, we will henceforth treat it as a petition for writ of prohibition.”); *State ex rel. Riley v. Rudloff*, 212 W. Va. 767, 771–72, 575 S.E.2d 377, 381–82 (2002) (“This case was initially brought as a petition for writ of habeas corpus and/or mandamus. We granted the writ of habeas corpus, leaving for resolution only issues related to mandamus. Upon further consideration of the issues herein raised, however, we choose (as we have done in many appropriate cases) to treat this matter as a writ of prohibition.”); *State ex rel. Sandy v. Johnson*, 212 W. Va. 343, 346, 571 S.E.2d 333, 336 (2002) (“Although this case was brought and granted as a petition for a writ of prohibition, we choose to treat it as a writ of mandamus action.”); *State ex rel. Conley v. Hill*, 199 W. Va. 686, 687 n. 1, 487 S.E.2d 344, 345 n. 1 (1997) (“Although this case was brought and granted as a petition for mandamus, we choose to treat this matter as a writ of prohibition.”).

In light of the issues raised by the Petitioner, we find that the more appropriate relief lies in a writ of prohibition. As a quasi-judicial body the Court of Impeachment is subject to the writ of prohibition. See *State ex rel. York v. W. Virginia Office of Disciplinary Counsel*, 231 W. Va. 183, 187 n.5, 744 S.E.2d 293, 297 n.5 (2013) (“prohibition lies against only judicial and ‘quasi-judicial tribunals’[.]”); *Lewis v. Ho-Chunk Nation Election Bd.*, No. CV 06-109, 2007 WL 5297075 (Ho-Chunk Trial Ct.



Apr. 17, 2007) (“Therefore, the House may institute a case against a sitting president after determining probable cause of official wrongdoing, and, through designated managers, present the matter before the Senate, which assumes a quasi-judicial role in hearing and deliberating the charges.”); *Mayor & City Council of Baltimore ex rel. Bd. of Police of City of Baltimore*, 1860 WL 3363, 15 Md. 376, 459 (1860) (“the present Constitution, invested the Legislature with quasi judicial functions, in exercising the power of impeachment and punishment, as therein provided.”). The purpose of the writ is “to restrain inferior courts from *proceeding in causes over which they have no jurisdiction*[.]” Syl. pt. 1, in part, *Crawford v. Taylor*, 138 W.Va. 207, 75 S.E.2d 370 (1953) (emphasis added). “The writ [of prohibition] lies as a matter of right whenever the inferior court (a) has not jurisdiction or (b) has jurisdiction but exceeds its legitimate powers and it matters not if the aggrieved party has some other remedy adequate or inadequate.” *State ex rel. Nelson v. Frye*, 221 W. Va. 391, 394, 655 S.E.2d 137, 140 (2007) (internal citation and quotation marks omitted). See W. Va. Code § 53-1-1 (1923) (“The writ of prohibition shall lie as a matter of right in all cases of usurpation and abuse of power, when the inferior court has not jurisdiction of the subject matter in controversy, or, having such jurisdiction, exceeds its legitimate powers.”).

In syllabus point 4 of *State ex rel. Hoover v. Berger*, 199 W.Va. 12, 483 S.E.2d 12 (1996), we set forth the following guideline for issuance of a writ of prohibition that does not involve lack of jurisdiction:

In determining whether to entertain and issue the writ of prohibition for cases not involving an absence of jurisdiction but only where it is claimed that the lower tribunal exceeded its legitimate powers, this Court will

examine five factors: (1) whether the party seeking the writ has no other adequate means, such as direct appeal, to obtain the desired relief; (2) whether the petitioner will be damaged or prejudiced in a way that is not correctable on appeal; (3) whether the lower tribunal's order is clearly erroneous as a matter of law; (4) whether the lower tribunal's order is an oft-repeated error or manifests persistent disregard for either procedural or substantive law; and (5) whether the lower tribunal's order raises new and important problems or issues of law of first impression. These factors are general guidelines that serve as a useful starting point for determining whether a discretionary writ of prohibition should issue. Although all five factors need not be satisfied, it is clear that the third factor, the existence of clear error as a matter of law, should be given substantial weight.

With the foregoing in mind, we turn to the merits of the case.

#### IV.

#### DISCUSSION

The Petitioner has presented several issues that she contends ultimately require the dismissal of the impeachment charges against her.<sup>23</sup> All of the arguments presented by the Petitioner have one common thread: they expressly or implicitly contend that the charges are brought in violation of the separation of powers doctrine. Because this common theme permeates all of her arguments, we will provide a separate discussion of that doctrine before we address the merits of each individual issue.

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<sup>23</sup> It was previously noted in this opinion that the Respondents chose not to address the merits of the issues presented. Even though the Respondents have not presented any sufficiently briefed legal arguments against the merits of Petitioner's arguments, they have referenced in general as to why certain claims by the Petitioner are not valid.

## A.

**The Separation of Powers Doctrine**

“[T]he separation of powers doctrine [is] set forth in our State Constitution.” *Erie Ins. Prop. & Cas. Co. v. King*, 236 W. Va. 323, 329, 779 S.E.2d 591, 597 (2015). The doctrine is set out in Article V, § 1 of the Constitution of West Virginia as follows:

The legislative, executive and judicial departments shall be separate and distinct, so that neither shall exercise the powers properly belonging to either of the others; nor shall any person exercise the powers of more than one of them at the same time, except that justices of the peace shall be eligible to the legislature.<sup>24</sup>

With regard to this provision, this Court has stated:

The separation of these powers; the independence of one from the other; the requirement that one department shall not exercise or encroach upon the powers of the other two, is fundamental in our system of Government, State and Federal. Each acts, and is intended to act, as a check upon the others, and thus a balanced system is maintained. No theory of government has been more loudly acclaimed.

*State ex rel. W. Virginia Citizen Action Grp. v. Tomblin*, 227 W. Va. 687, 695, 715 S.E.2d 36, 44 (2011), quoting *State v. Huber*, 129 W. Va. 198, 209, 40 S.E.2d 11, 18 (1946). It has been held that “Article V, section 1 of the Constitution ... is not merely a suggestion; it is part of the fundamental law of our State and, as such, it must be strictly

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<sup>24</sup> Under the 1863 Constitution of West Virginia the separation of powers doctrine was found in Article I, § 4. The doctrine was worded slightly differently in its original form as follows:

The legislative, executive and judicial departments of the government shall be separate and distinct. Neither shall exercise the powers properly belonging to either of the others. No person shall be invested with or exercise the powers of more than one of them at the same time.

The 1872 Constitution of West Virginia rewrote the separation of powers doctrine and placed it in its present location.

construed and closely followed.” Syl. pt. 1, in part, *State ex rel. Barker v. Manchin*, 167 W. Va. 155, 279 S.E.2d 622 (1981). We have observed that

The separation of powers doctrine implies that each branch of government has inherent power to “keep its own house in order,” absent a specific grant of power to another branch.... This theory recognizes that each branch of government must have sufficient power to carry out its assigned tasks and that these constitutionally assigned tasks will be performed properly within the governmental branch itself.

*State v. Clark*, 232 W. Va. 480, 498, 752 S.E.2d 907, 925 (2013). Further, the “separation of powers doctrine ensures that the three branches of government are distinct unto themselves and that they, exclusively, exercise the rights and responsibilities reserved unto them.” *Simpson v. W. Virginia Office of Ins. Com’r*, 223 W. Va. 495, 505, 678 S.E.2d 1, 11 (2009). It has also been observed that

The Separation of Powers Clause is not self-executing. Standing alone the doctrine has no force or effect. The Separation of Powers Clause is given life by each branch of government working exclusively within its constitutional domain and not encroaching upon the legitimate powers of any other branch of government. This is the essence and longevity of the doctrine.

*State ex rel. Affiliated Constr. Trades Found. v. Vieweg*, 205 W.Va. 687, 702, 520 S.E.2d 854, 869 (1999) (Davis, J., concurring). Professor Bastress has pointed out the purpose and application of the separation of powers doctrine as follows:

A system of divided powers advances several purposes. First, it helps to prevent government tyranny. By allocating the powers among the three branches and establishing a system of checks and balances, the constitution ensures that no one person or institution will become too powerful and allow ambition to supersede the public good....

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Thus, under the current doctrine, the court’s role is to apply Article V to ensure that the system of government in the state remains balanced and that no one branch assumes powers specifically delegated to another, or

imposes burdens on another, or passes on its own responsibilities to another branch in such a manner as to threaten the balance of power, facilitate tyranny, or weaken the system of government.

Bastress, *West Virginia State Constitution*, at 141-144. See Syl. pt. 2, *Appalachian Power Co. v. Public Serv. Comm'n of West Virginia*, 170 W.Va. 757, 296 S.E.2d 887 (1982) (“Where there is a direct and fundamental encroachment by one branch of government into the traditional powers of another branch of government, this violates the separation of powers doctrine contained in Section 1 of Article V of the West Virginia Constitution.”).

The decision in *State ex rel. Brotherton v. Blankenship*, 157 W. Va. 100, 207 S.E.2d 421 (1973) summarized the development of the separation of powers doctrine as follows:

From the time of its adherence to by Montesquieu, the author or at least an early supporter of the concept of separation of powers, the political merit of that design of government has not been seriously questioned. *Hodges v. Public Service Commission*, 110 W.Va. 649, 159 S.E. 834; *Kilbourn v. Thompson*, 103 U.S. 168, 26 L.Ed. 377. That concept was invoked in the early consideration of the formulation of our federal Constitution. Reflecting the import which he attributed to the concept of separation of powers in government, James Madison, in support of the proposed Constitution, wrote: ‘The accumulation of all powers, legislative, executive, and judiciary, in the same hands, whether of one, a few, or many, and whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny. \* \* \* where the Whole power of one department is exercised by the same hands which possess the Whole \*114 power of another department, the fundamental principles of a free constitution are subverted.’ Speaking of the judiciary, Madison, quoting Montesquieu, wrote: “Were it (judicial power) joined to the executive power. The judge might behave with all the violence of An oppressor.” *The Federalist Papers*, Hamilton, Madison and Jay (Rossiter, 1961). Commenting on the relationship between the three recognized branches of government and the urgency of maintaining a wholly independent judiciary, Alexander Hamilton, in Essay No. 78 of *The Federalist Papers*, noted: ‘The

executive not only dispenses the honors but holds the sword of the community. The legislature not only commands the purse but prescribes the rules by which the duties and rights of every citizen are to be regulated. The judiciary, on the contrary, has no influence over either the sword or the purse; no direction either of the strength or of the wealth of the society, and can take no active resolution whatever. It may truly be said to have neither FORCE nor WILL but merely judgment; and must ultimately depend upon the aid of the executive arm even for the efficacy of its judgments.’ With the real affirmative powers of government reposing in the hands of the executive and legislative branches, it becomes urgent that the judiciary department, one function of which under our fundamental law is to prevent encroachment by the other two branches, remains free and completely independent. As noted by Montesquieu in *Spirit of Laws*, Vol. 1, page 181: ‘\* \* \* there is no liberty if the power of judging be not separated from the legislative and executive powers.’ Thus, judicial independence is essential to liberty—lest the executive sword become a ‘Sword of Damocles’, precariously and intimidatingly suspended over the judicial head and the legislative law making power be used to usurp the rights granted by the Constitution to the people.

*Brotherton*, 157 W. Va. at 113–14, 207 S.E.2d at 430.

We have recognized that “[t]he system of ‘checks and balances’ provided for in American state and federal constitutions and secured to each branch of government by ‘Separation of Powers’ clauses theoretically and practically compels courts, when called upon, to thwart any unlawful actions of one branch of government which impair the constitutional responsibilities and functions of a coequal branch.” Syl. pt. 1, *State ex rel. Frazier v. Meadows*, 193 W. Va. 20, 454 S.E.2d 65 (1994). We have also determined that “the role of this Court is vital to the preservation of the constitutional separation of powers of government where that separation, delicate under normal conditions, is jeopardized by the usurpatory actions of the executive or legislative branches of government.” *State ex rel. Steele v. Kopp*, 172 W. Va. 329, 337, 305 S.E.2d 285, 293 (1983). See *State ex rel. W. Virginia Citizens Action Grp. v. W. Virginia Econ. Dev.*

*Grant Comm.*, 213 W. Va. 255, 264, 580 S.E.2d 869, 878 (2003) (“Underlying any encroachment of power by one branch of government is the paramount concern that such action will impermissibly foster[ ] ... dominance and expansion of power.”). Moreover, this Court has never “hesitated to utilize the doctrine where we felt there was a direct and fundamental encroachment by one branch of government into the traditional powers of another branch of government.” *Appalachian Power Co. v. PSC*, 170 W.Va. 757, 759, 296 S.E.2d 887, 889 (1982). See, e.g., *State ex rel. West Virginia Citizens Action Group v. West Virginia Economic Dev. Grant Comm.*, 213 W.Va. 255, 580 S.E.2d 869 (2003) (finding statute that gave legislature a role in appointing members of the West Virginia Economic Grant Committee violated Separation of Powers Clause); *State ex rel. Meadows v. Hechler*, 195 W.Va. 11, 462 S.E.2d 586 (1995) (finding statute which permitted administrative regulations to die if legislature failed to take action violated Separation of Powers Clause); *State ex rel. State Bldg. Comm'n v. Bailey*, 151 W.Va. 79, 150 S.E.2d 449 (1966) (finding statute naming legislative officers to State Building Commission violated Separation of Powers Clause).

The United States Supreme Court in *O'Donoghue v. United States*, 289 U.S. 516, 53 S.Ct. 740, 77 L.Ed. 1356 (1933) articulated the need for separating the powers of government into three distinct branches:

The Constitution, in distributing the powers of government, creates three distinct and separate departments—the legislative, the executive, and the judicial. This separation is not merely a matter of convenience or of governmental mechanism. Its object is basic and vital, *Springer v. Government of Philippine Islands*, 277 U.S. 189, 201, 48 S.Ct. 480, 72 L.Ed. 845; namely, to preclude a commingling of these essentially different powers of government in the same hands....

If it be important thus to separate the several departments of government and restrict them to the exercise of their appointed powers, it follows, as a logical corollary, equally important, that each department should be kept completely independent of the others—independent not in the sense that they shall not cooperate to the common end of carrying into effect the purposes of the Constitution, *but in the sense that the acts of each shall never be controlled by, or subjected, directly or indirectly, to, the coercive influence of either of the other departments.* James Wilson, one of the framers of the Constitution and a justice of this court, in one of his law lectures said that the independence of each department required that its proceedings “should be free from the remotest influence, direct or indirect, of either of the other two powers.” 1 Andrews, *The Works of James Wilson* (1896), Vol. 1, p. 367. And the importance of such independence was similarly recognized by Mr. Justice Story when he said that in reference to each other, neither of the departments “ought to possess, directly or indirectly, an overruling influence in the administration of their respective powers.” 1 Story on the Constitution, 4th ed. s 530.

*O'Donoghue*, 289 U.S. at 530–31, 53 S.Ct. at 743 (emphasis added).<sup>25</sup>

It must also be understood that this Court “has long recognized that it is not possible that division of power among the three branches of government be so precise and exact that there is no overlapping whatsoever.” *State ex rel. Sahley v. Thompson*, 151 W.Va. 336, 341, 151 S.E.2d 870, 873 (1966), overruled in part by *State ex rel. Hill v. Smith*, 172 W. Va. 413, 305 S.E.2d 771 (1983). See *Appalachian Power Co. v. Public Serv. Comm'n of West Virginia*, 170 W. Va. 757, 759, 296 S.E.2d 887, 889 (1982) (“we have recognized the need for some flexibility in interpreting the separation of powers doctrine in order to meet the realities of modern day government[.]”). “While the Constitution contemplates the independent operation of the three fields of government as to all matters within their respective fields, there can be no doubt that the people, through

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<sup>25</sup> Although federal courts recognize the separation of powers doctrine, “the federal Constitution has no specific provision analogous to [Article V, § I].” Bastress, *West Virginia State Constitution*, at 141.



their Constitution, may authorize one of the departments to exercise powers otherwise rightfully belonging to another department.” *State ex rel. Thompson v. Morton*, 140 W.Va. 207, 223, 84 S.E.2d 791, 800–801 (1954).

With these general principles of the separation of powers doctrine guiding our analysis, we now turn to the merits of the issues presented.

## B.

### **An Administrative Rule Promulgated by the Supreme Court Supersede Statutes in Conflict with Them**

The first issue we address is the Petitioner’s contention that two of the Articles of Impeachment against her are invalid, because they can only be maintained by violating the constitutional authority of the Supreme Court to promulgate rules that have the force of law and supersede any statute that conflicts with them. The two Articles of Impeachment in question are Article IV<sup>26</sup> and Article VI.<sup>27</sup> Both of those Articles charge

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<sup>26</sup> The text of Article IV was set out as follows:

That the said Chief Justice Margaret Workman, and Justice Robin Davis, being at all times relevant Justices of the Supreme Court of Appeals of West Virginia, and at various relevant times individually each Chief Justice of the Supreme Court of Appeals of West Virginia unmindful of the duties of their high offices, and contrary to the oaths taken by them to support the Constitution of the State of West Virginia and faithfully discharge the duties of their offices as such Justices, while in the exercise of the functions of the office of Justices, in violation of their oaths of office, then and there, with regard to the discharge of the duties of their offices, commencing in or about 2012, did knowingly and intentionally act, and each subsequently oversee in their capacity as Chief Justice, and did in that capacity as Chief Justice severally sign and approve the contracts necessary to facilitate, at each such relevant time, to overpay certain Senior Status Judges in violation of the statutory limited maximum salary for such Judges, which overpayment is a violation of Article VIII, §7 of the West Virginia Constitution, stating that Judges “shall receive the salaries fixed by law”

the Petitioner with improperly overpaying senior-status judges. The Petitioner argues that the statute relied upon by Article IV and Article VI is in conflict with an administrative order promulgated by the Chief Justice.

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and the provisions of W.Va. Code §51-2-13 and W.Va. Code §51-9-10, and, in violation of an Administrative Order of the Supreme Court of Appeals, in potential violation of 15 the provisions of W.Va. Code §61-3-22, relating to the crime of falsification of accounts with intent to enable or assist any person to obtain money to which he was not entitled, and, in potential violation of the provisions set forth in W.Va. Code §61-3-24, relating to the crime of obtaining money, property and services by false pretenses, and, all of the above are in violation of the provisions of Canon I and Canon II of the West Virginia Code of Judicial Conduct.

<sup>27</sup> The text of Article VI was set out as follows:

That the said Justice Margaret Workman, being at all times relevant a Justice of the Supreme Court of Appeals of West Virginia, and at certain relevant times individually Chief Justice of the Supreme Court of Appeals of West Virginia, unmindful of the duties of her high offices, and contrary to the oaths taken by her to support the Constitution of the State of West Virginia and faithfully discharge the duties of her office as such Justice, while in the exercise of the functions of the office of Justice, in violation of her oath of office, then and there, with regard to the discharge of the duties of her office, did in the year 2015, did in her capacity as Chief Justice, sign certain Forms WV 48, to retain and compensate certain Senior Status Judges the execution of which forms allowed the Supreme Court of Appeals to overpay those certain Senior Status Judges in violation of the statutorily limited maximum salary for such Judges, which overpayment is a violation of Article VIII, § 7 of the West Virginia Constitution, stating that Judges "shall receive the salaries fixed by law" and the provisions of W.Va. Code §51-2-13 and W.Va. Code §51-9-10; her authorization of such overpayments was a violation of the clear statutory law of the state of West Virginia, as set forth in those relevant Code sections, and, was an act in potential violation of the provisions set forth in W.Va. Code §61-3-22, relating to the crime of falsification of accounts with intent to enable or assist any person to obtain money to which he was not entitled, and, in potential violation of the provisions set forth in W.Va. Code §61-3-24, relating to the crime of obtaining money, property and services by false pretenses, and all of the above are in violation of the provisions of Canon I and Canon II of the West Virginia Code of Judicial Conduct.

We begin by observing that the 1974 Judicial Reorganization Amendment of the Constitution of West Virginia centralized the administration of the state's judicial system and placed the administrative authority of the courts in the hands of this Court.<sup>28</sup> See *State ex rel. Casey v. Pauley*, 158 W. Va. 298, 300, 210 S.E.2d 649, 651 (1975) (“The Judicial Reorganization Amendment was ratified by a large majority throughout the state.”). The Amendment rewrote Article VIII, substituting §§ 1 to 15 for former §§ 1 to 30, amended § 13 of Article III, and added §§ 9 to 13 to Article IX. Justice Cleeckley made the following observations regarding the changes:

These changes include the entirety of the Reorganization Amendment and its concept of a unified court system administered by this Court and not the legislature. More specifically, that same amendment altered Section 1 of Article VIII to provide that the judicial power of the State “shall be vested solely” in this Court and its inferior courts. The predecessor provision to Section 1, though similarly worded, did not include the limiting adverb “solely.” In addition, the Modern Budget Amendment insulated the judiciary from political retaliation by preventing the governor and legislature from reducing the judiciary's budget submissions. W. Va. Const., art. V, § 51; *State ex rel. Bagley v. Blankenship*, 161 W. Va. 630, 246 S.E.2d 99 (1978); *State ex rel. Brotherton v. Blankenship*, 157 W. Va. 100, 207 S.E.2d 421 (1973). Taken together, these amendments create a strong and independent judiciary that can concentrate on delivering a high quality, fair, and efficient system of justice to the citizens of West Virginia. Such measures are particularly useful in a State such as ours that continues, and appropriately so, to elect judges to fixed terms of office. That is, because judges remain ultimately beholden to the electorate, the need is even greater to insulate the judiciary from the more routine politics of the annual budget process and legislative or executive manipulation.

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[A]ltering the administrative structure did not negate all prior laws that are tangentially related to administrative matters. To the contrary, the Reorganization Amendment provides us with a hierarchy to be used in resolving administrative conflicts and problems. As we explained in

<sup>28</sup> “The Judicial Reorganization Amendment was ratified on November 5, 1974.” *State ex rel. Dunbar v. Stone*, 159 W. Va. 331, 333, 221 S.E.2d 791, 792 (1976).

*Rutledge*, this Court's "exclusive authority over the administration, and primary responsibility for establishing rules of practice and procedure, secures businesslike management for the courts and promotes simplified and more economical judicial procedures." 175 W.Va. at 379, 332 S.E.2d at 834. Under the Amendment, the Judiciary, not the executive branch, is vested with the authority to resolve any substantial, genuine, and irreconcilable administrative conflicts regarding court personnel. The judicial system was revised, among other things, to simplify the administrative process and to complement prior nonconflicting statutory and case law. Clearly, the administrative structure requires that if there is a conflict, we must not only consider the concerns of the parties, but also look at the hierarchy of the court system. The administration of the court is very important to the unobstructed flow of court proceedings and business. Court actions are complicated enough without adding to their complexity a struggle over every administrative decision to be made. The purpose of judicial administrative authority is to enhance and simplify our court system and not to burden it.

*State ex rel. Frazier v. Meadows*, 193 W. Va. 20, 26-28, 454 S.E.2d 65, 71-73 (1994).

Professor Bastress has compared the general authority of the Supreme Court before and after the Reorganization Amendment as follows:

The third and fourth paragraphs, added by the Judicial Reorganization Amendment of 1974, establish the unitary judicial system in West Virginia. The first of those grants the court the power to promulgate rules of procedure relating to all aspects of judicial proceedings in the state. Although the court had previously asserted that as an inherent power, it also conceded that the legislature retained the ultimate authority. After the 1974 amendment, however, the court has ruled, in justifiable reliance on the language of section 3, that the court's rules supersede any legislation in conflict with a court-promulgated rule.

Bastress, *West Virginia State Constitution*, at 227. See *Foster v. Sakhai*, 210 W. Va. 716, 724 n.3, 559 S.E.2d 53, 61 n.3 (2001) ("the constitutional power and inherent power of the judiciary prevent another branch of government from usurping the Court's authority.").

One of the most important changes that the Reorganization Amendment made was to provide this Court with the exclusive constitutional authority to promulgate administrative rules for the effective management of the judicial system, that “have the force and effect of statutory law and operate to supersede any law that is in conflict with them.” Syl. pt. 1, in part, *Stern Brothers, Inc. v. McClure*, 160 W.Va. 567, 236 S.E.2d 222 (1977). This authority is found in Article VIII, § 3 of the Constitution of West Virginia. We will address the relevant text of both provisions separately.<sup>29</sup>

To begin, we will look at the Rule-Making Clause of Section 3. The relevant text of the Rule-Making Clause of Section 3 provides as follows:

The court shall have power to promulgate rules for all cases and proceedings, civil and criminal, for all of the courts of the state relating to writs, warrants, process, practice and procedure, which shall have the force and effect of law.

Section 3 unquestionably provides this Court with the sole constitutional authority to promulgate rules for the judicial system, and demands that those rules have the force of law. See Syl. pt. 5, *State v. Wallace*, 205 W. Va. 155, 517 S.E.2d 20 (1999) (“The West Virginia Rules of Criminal Procedure are the paramount authority controlling criminal proceedings before the circuit courts of this jurisdiction; any statutory or common-law procedural rule that conflicts with these Rules is presumptively without force or effect.”); Syl. pt. 10, *Teter v. Old Colony Co.*, 190 W. Va. 711, 714, 441 S.E.2d 728, 731 (1994) “Under Article VIII, ... Section 3 of the Constitution of West Virginia (commonly known as the Judicial Reorganization Amendment), administrative rules promulgated by the

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<sup>29</sup> The authority of the Court to promulgate rules is also contained in Article VIII, § 8. This provision is discussed in the next section of this opinion.

Supreme Court of Appeals of West Virginia have the force and effect of statutory law and operate to supersede any law that is in conflict with them.”); Syl. pt. 1, *Bennett v. Warner*, 179 W. Va. 742, 372 S.E.2d 920 (1988), superseded by statute as stated in *Miller v. Allman*, 240 W. Va. 438, 813 S.E.2d 91 (2018) (“Under article eight, section three of our Constitution, the Supreme Court of Appeals shall have the power to promulgate rules for all of the courts of the State related to process, practice, and procedure, which shall have the force and effect of law.”).

The responsibility imposed on this Court by Section 3 was articulated in *State ex rel. Bagley v. Blankenship*, 161 W.Va. 630, 246 S.E.2d 99 (1978):

The Judicial Reorganization Amendment, Article VIII, Section 3, of the Constitution, placed heavy responsibilities on this Court for administration of the state's entire court system. The mandate of the people, so expressed, commands the members of the Court to be alert to the needs and requirements of the court system throughout the state.

*Bagley*, 161 W.Va. at 644–45, 246 S.E.2d at 107. “Not only does our Constitution explicitly vest the judiciary with the control over its own administrative business, but it is a fortiori that the judiciary must have such control in order to maintain its independence.” Syl. pt. 2, *State ex rel. Lambert v. Stephens*, 200 W.Va. 802, 490 S.E.2d 891 (1997).

In carrying out the responsibility imposed by Section 3, this Court has not been hesitant in finding statutes void when they were in conflict with any rule promulgated by this Court. See Syl. pt. 1, *Witten v. Butcher*, 238 W. Va. 323, 794 S.E.2d 587 (2016) (“The provision in W. Va. Code § 3-7-3 (1963) requiring oral argument to be held in an appeal of a contested election, is invalid because it is in conflict with the oral argument criteria of Rule 18 of the West Virginia Rules of Appellate Procedure.”); Syl. pt. 6, *State*

*Farm Fire & Cas. Co. v. Prinz*, 231 W. Va. 96, 743 S.E.2d 907 (2013) (“Because it addresses evidentiary matters that are reserved to and regulated by this Court pursuant to the Rule-Making Clause, Article VIII, § 3 of the West Virginia Constitution, West Virginia Code § 57-3-1 (1937), commonly referred to as the Dead Man’s Statute, is invalid, as it conflicts with the paramount authority of the West Virginia Rules of Evidence.”); Syl. pt. 3, *Louk v. Cormier*, 218 W. Va. 81, 622 S.E.2d 788 (2005) (“The provisions contained in W. Va. Code § 55-7B-6d (2001) were enacted in violation of the Separation of Powers Clause, Article V, § 1 of the West Virginia Constitution, insofar as the statute addresses procedural litigation matters that are regulated exclusively by this Court pursuant to the Rule-Making Clause, Article VIII, § 3 of the West Virginia Constitution. Consequently, W. Va. Code § 55-7B-6d, in its entirety, is unconstitutional and unenforceable.”); *Games-Neely ex rel. W. Virginia State Police v. Real Property*, 211 W. Va. 236, 245, 565 S.E.2d 358, 367 (2002) (“Rule 60(b) has the force and effect of law; applies to forfeiture proceedings under the Forfeiture Act; and supersedes West Virginia Code § 60A-7-705(d) to the extent that Section 705(d) can be read to deprive a circuit court of its grant of discretion to review a default judgment order.”); *Oak Cas. Ins. Co. v. Lechliter*, 206 W. Va. 349, 351 n.3, 524 S.E.2d 704, 706 n.3 (1999) (“We note, however, that to any extent that W. Va. Code § 56-10-1 may be in conflict with W. Va. R. Civ. P. Rule 22, it has been superseded.”); *W. Virginia Div. of Highways v. Butler*, 205 W. Va. 146, 150, 516 S.E.2d 769, 773 (1999) (“if W. Va. Code § 37-14-1 et seq., unambiguously prohibited anyone but a licensed or certified appraiser from testifying with regard to the value of real estate in a court proceeding, this prohibition would be

contrary to the Rules of Evidence promulgated by this Court, pursuant to article eight, section three of our Constitution, and, thus, the prohibition would be void.”); *State v. Jenkins*, 195 W. Va. 620, 625 n.5, 466 S.E.2d 471, 476 n.5 (1995) (finding W.Va. R. Evid. Rule 901 superseded W.Va. Code § 57-2-1); Syl. pt. 2, *Williams v. Cummings*, 191 W. Va. 370, 445 S.E.2d 757 (1994) (“West Virginia Code § 56-1-1(a)(7) provides that venue may be obtained in an adjoining county ‘[i]f a judge of a circuit be interested in a case which, but for such interest, would be proper for the jurisdiction of his court....’ This statute refers to a situation under which a judge might be disqualified, and therefore it is in conflict with and superseded by Trial Court Rule XVII, which addresses the disqualification and temporary assignment of judges.”); *Mayhorn v. Logan Med. Found.*, 193 W. Va. 42, 454 S.E.2d 87 (1994) (finding W.Va. Code, 55-7B-7, which outlined the qualifications of an expert in a medical malpractice case, was superseded by W.Va. R. Evid. 702); *Teter v. Old Colony Co.*, 190 W. Va. 711, 726, 441 S.E.2d 728, 743 (1994) (“a legislative enactment which is substantially contrary to provisions in our Rules of Evidence would be invalid.”); Syl. pt. 2, *State ex rel. Gains v. Bradley*, 199 W. Va. 412, 484 S.E.2d 921 (1997) (“Rule 1B of the Administrative Rules for Magistrate Courts supersedes W.Va. Code § 50-4-7 (1992), and prospectively provides there is no automatic mandatory right of a party to have a magistrate disqualified.”); *Gilman v. Choi*, 185 W. Va. 177, 178, 406 S.E.2d 200, 201 (1990), overruled on other grounds by *Mayhorn v. Logan Med. Found.*, 193 W. Va. 42, 454 S.E.2d 87 (1994) (“W.Va. Code, 55-7B-7 [1986], being concerned primarily with the competency of expert testimony in a medical malpractice action, is valid under Rule 601 of the West Virginia Rules of



Evidence.”); Syl. pt. 2, *State v. Davis*, 178 W. Va. 87, 88, 357 S.E.2d 769, 770 (1987), overruled on other grounds *State ex rel. R.L. v. Bedell*, 192 W. Va. 435, 452 S.E.2d 893 (1994) (“Rule 7(c)(1) of the West Virginia Rules of Criminal Procedure supersedes the provisions of W.Va. Code, 62-9-1, to the extent that the indorsement of the grand jury foreman and attestation of the prosecutor are no longer required to be placed on the reverse side of the indictment. Such indorsement and attestation are sufficient if they appear on the face of the indictment.”); *Hechler v. Casey*, 175 W.Va. 434, 333 S.E.2d 799 (1985) (invalidating a statute in part that was in conflict with W. Va. R.App. P., Rule 23); *State ex rel. Quelch v. Daugherty*, 172 W. Va. 422, 425, 306 S.E.2d 233, 236 (1983) (“W.Va. Code, 30-2-1, as amended, is an unconstitutional usurpation of this Court’s exclusive authority to regulate admission to the practice of law in this State.”); Syl. pt. 2, in part, *Carey v. Dostert*, 170 W. Va. 334, 294 S.E.2d 137 (1982) (“West Virginia Code, 30-2-7 and a circuit court’s common-law power to disbar are obsolete and have been superseded by ... the Judicial Reorganization Amendment of our Constitution, Article VIII.”); *State ex rel. Askin v. Dostert*, 170 W. Va. 562, 567, 295 S.E.2d 271, 276 (1982) (holding that to the extent W.Va. Code § 30-2-1 required security from attorneys to insure their good behavior, it “conflicts with the rules promulgated by this Court [and] must fall.”).

Before we address the issue of overpayment of senior-status judges, we must examine the text of the Senior-Status Clause found in Article VIII, § 8 of the Constitution of West Virginia provides as follows:

A retired justice or judge may, with his permission and with the approval of the supreme court of appeals, be recalled by the chief justice of the supreme court of appeals for temporary assignment as a justice of the supreme court of appeals, or judge of an intermediate appellate court, a circuit court or a magistrate court.

The issue of the authority of the Chief Justice to appoint judges for temporary service has been addressed in two cases by this Court. First, in *State ex rel. Crabtree v. Hash*, 180 W. Va. 425, 376 S.E.2d 631 (1988) the judge for the Fifth Judicial Circuit (consisting of Calhoun, Jackson and Roane counties) retired from office. A special judge was elected and appointed to fill the vacancy by several members of the Jackson County Bar Association, pursuant to W.Va. Code § 51-2-10.<sup>30</sup> The Administrative Director of this Court filed a writ of prohibition to prevent the newly appointed judge from holding office. The opinion succinctly held that the statute was void as follows:

W.Va. Const. art. VIII, §§ 3 and 8, and all administrative rules made pursuant to the powers derived from article VIII, supersede W.Va. Code, 51-2-10 [1931] and vest the Chief Justice of the Supreme Court of Appeals with the sole power to appoint a judge for temporary service in any situation which requires such an appointment.

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Any election conducted pursuant to W.Va. Code, 51-2-10 [1931] is void as the constitutional power to assign judges for temporary service rests with the Chief Justice of the West Virginia Supreme Court of Appeals.

*Crabtree*, 180 W. Va. at 428, 376 S.E.2d at 634. In a footnote in *Crabtree* this Court made further observations relevant to this proceeding:

W.Va. Const. art. VIII, governing the judiciary, has only been amended twice in the State's history, in 1880 and 1974. Prior to 1974, the Supreme Court of Appeals had no constitutionally derived administrative authority over the lower tribunals of the State. Instead, the legislature had substantial authority, including the power to create laws concerning special judges.

<sup>30</sup> This statute was subsequently repealed.

W.Va. Const. art. VIII, § 15 (repealed) stated: "The legislature shall provide by law for holding regular and special terms of the circuit courts, where from any cause the judge shall fail to attend, or, if in attendance, cannot properly preside."

The upshot of this authority was W.Va. Code, 51-2-10 [1931]. By virtue of former art. VIII, § 15, this Court had no constitutional authority to act in such matters.

However, as a result of the Judicial Reorganization Amendment of 1974, the legislature was divested of all administrative powers over state court judges. No provision similar to former art. VIII, § 15 exists. Instead, this Court was given "general supervisory control over all intermediate appellate courts, circuit courts and magistrate courts," and the Chief Justice, as "administrative head of all the courts," was specifically given the power of temporary assignment of circuit judges.

*Crabtree*, 180 W. Va. at 427 n.3, 376 S.E.2d at 633 n.3 (internal citations omitted).

The decision in *Stern Bros. v. McClure*, 160 W. Va. 567, 236 S.E.2d 222 (1977) addressed the issue of statutes that attempted to control assignments of judges, but were in conflict with an administrative rule of this Court. In *Stern* the defendants filed a writ of prohibition with this Court to have a substitute trial judge removed from their case. The trial judge was appointed by the Chief Justice of this Court because the original judge was disqualified. The defendants argued that the manner in which the substitute judge was appointed was inconsistent with the statutory scheme for appointing a substitute judge when the original judge is disqualified. This Court found that the administrative rule adopted by this Court for the appointment of a substitute judge invalidated the statutes. The opinion reasoned as follows:

Procedures for appointment of a substitute judge were promulgated by this Court on May 29, 1975, in an administrative rule dealing with the temporary assignment of circuit court judges where a particular judge is disqualified from handling a case...

The power to promulgate administrative rules is expressly conferred upon this Court under the Judicial Reorganization Amendment, and under

Section 8 explicit recognition is made of the inherent rulemaking power of the Court, which prior to the Judicial Reorganization Amendment had been utilized by this Court to adopt judicial rules.

Such rules have the force and effect of statutory law by virtue of Article VIII, Section 8 of the Judicial Reorganization Amendment.... Prior to the adoption of the Judicial Reorganization Amendment, there may have been some question as to this Court's supervisory powers over lower courts. It is now quite clear under the Judicial Reorganization Amendment that considerable supervisory powers have been conferred upon this Court. There was also some confusion prior to the Judicial Reorganization Amendment as to what further action a disqualified judge could take in the case. This arose partly out of the fact that there was no clear authority in the Supreme Court to temporarily assign judges in such situations.

Consequently, the disqualified judge had either to initiate the election of a special judge pursuant to W.Va. Code, 51-2-10, or to attempt to transfer the case to another circuit court in accordance with W.Va. Code, 56-9-2. The statute relating to disqualification of judges contained a proviso permitting the judge "... to enter a formal order designed merely to advance the cause towards a final hearing and not requiring judicial action involving the merits of the case." W.Va. Code, 51-2-8....

Undoubtedly, one of the reasons behind the Judicial Reorganization Amendment was to provide a more simplified system of handling the problem of securing a replacement judge where the original judge is disqualified. The former procedures were cumbersome at best. Special judge elections were constantly attacked and in many instances overturned because of some technical failure to follow W.Va. Code, 51-2-10.

The administrative rule promulgated by this Court now controls the procedure for selection of a temporary judge where a disqualification exists as to a circuit court judge. Under Article VIII, Section 8 of the West Virginia Constitution, it operates to supersede the existing statutory provisions found in W.Va. Code, 51-2-9 and -10, and W.Va. Code, 56-9-2, insofar as they relate to the selection of special judges or the assignment of the case to another circuit judge when a circuit judge is disqualified.

*Stern*, 160 W. Va. at 572-575, 236 S.E.2d at 225-227.<sup>31</sup>

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<sup>31</sup> It will be noted that the Legislature repealed W.Va. Code §§ 51-2-9 and 10 in 1992. Although W.Va. Code § 56-9-2, which was enacted in 1868 and last amended 1923, was invalidated by *Stern* the Legislature has not repealed it.

In the final analysis, the foregoing discussion instructs this Court that statutory laws that are repugnant to the constitutionally promulgated rules of this Court are void. With these legal principles in full view, we turn to the merits of the issue presented.

Two of the Articles of Impeachment brought against the Petitioner, Article IV and Article VI, charge her with overpaying senior-status judges in violation of the maximum payment allowed under W.Va. Code § 51-9-10. The Articles of Impeachment also state that the overpayments violated W.Va. Code § 51-2-13, W.Va. Const. Art. VIII, § 7, an administrative order of the Supreme Court and Canon I and II of the West Virginia Code of Judicial Conduct. The Articles also allege that the overpayments “potentially” violate two criminal statutes: W.Va. Code § 61-3-22 (falsification of accounts) and W.Va. Code § 61-3-24 (obtaining money by false pretenses).<sup>32</sup> The viability of all of the alleged violations in the two Articles hinge upon whether the Petitioner overpaid senior-status judges. The determination of overpayment is controlled by W.Va. Code § 51-9-10, which limits the payment to senior-status judges. The full text of W.Va. Code § 51-9-10 provides as follows:

The West Virginia supreme court of appeals is authorized and empowered to create a panel of senior judges to utilize the talent and experience of former circuit court judges and supreme court justices of this state. The supreme court of appeals shall promulgate rules providing for said judges and justices to be assigned duties as needed and as feasible toward the objective of reducing caseloads and providing speedier trials to litigants throughout the state: Provided, That reasonable payment shall be made to said judges and justices on a per diem basis: Provided, however, That *the*

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<sup>32</sup> We must note that “potentially” violating a criminal statute is not wrongful impeachable conduct. Therefore the language in the Articles of Impeachment that state that W.Va. Code § 61-3-22 and W.Va. Code § 61-3-24 were “potentially” violated are meaningless allegations.

*per diem and retirement compensation of a senior judge shall not exceed the salary of a sitting judge*, and allowances shall also be made for necessary expenses as provided for special judges under articles two and nine of this chapter.<sup>33</sup> (Emphasis added.)

The Petitioner does not dispute that she authorized the payment of senior-status judges, when necessary, in excess of the limitation imposed by the statute. Although the Petitioner has advanced several arguments as to why her conduct was valid, we need only address one of her arguments. That argument centers on an administrative order promulgated by the Chief Justice on May 17, 2017.<sup>34</sup> The order expressly authorized the payment of senior-status judges in excess of the limitation imposed by W.Va. Code § 51-9-10. The order stated that it was being promulgated under the authority of Article III, §§ 3, 8, and 17. The order also stated the reason for the decision to authorize payment in excess of the statutory limitation:

In the vast majority of instances, the statutory proviso [W.Va. Code § 51-9-10] does not interfere with providing essential services. However, in certain exigent circumstances involving protracted illness, lengthy suspensions due to ethical violations, or other extraordinary circumstances, it is impossible to assure statewide continuity of judicial services without exceeding the payment limitation imposed by the statutory proviso.

The Petitioner provided an illustration of a situation where it was necessary to pay a senior-status judge in excess of the statutory limitation:

For example, in 2017, the Supreme Court of Appeals suspended a newly elected circuit court judge of Nicholas County for two years because of violations of the code of judicial ethics in certain campaign advertisements. *In re Callaghan*, 238 W.Va. 495, 503, 796 S.E.2d 604, 612, cert. denied sub. nom., *Callaghan v. W. Virginia Judicial Investigation Comm'n*, 138

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<sup>33</sup> This statute was originally enacted in 1949 and was amended in 1975 and 1991.

<sup>34</sup> The Chief Justice at that time was Justice Loughry.

S.Ct. 211, 199 L.Ed.2d 118 (2017). Because the newly elected Judge was suspended for two years, and because Nicholas County is a single judge judicial circuit, an extraordinary need for temporary judicial services arose in order to provide the people of Nicholas County with court services and to avoid the unconstitutional denial of access to the speedy administration of justice. The Chief Justice appointed senior status Judge James J. Rowe to serve as the temporary circuit judge of Nicholas County. Judge Rowe travels from his home in Lewisburg each day to perform this service. Judge Rowe serves the people of Nicholas County effectively, attending to the cases on the circuit court's docket. Using one senior status judge, rather than parading multiple judges through the courthouse, allows for the efficient and consistent adjudication of the matters pending in Nicholas County.

Prior to the Reorganization Amendment, “the Supreme Court of Appeals had no constitutionally derived administrative authority over the lower tribunals of the State. Instead, the Legislature had substantial authority, including the power to create laws concerning special judges.” *State ex rel. Crabtree v. Hash*, 180 W. Va. 425, 427, 376 S.E.2d 631, 633 (1988). This authority is evident in W.Va. Code § 51-9-10 which, as noted, was enacted in 1949. We have observed as a general matter that “[t]he 1974 Judicial Reorganization Amendment to our State Constitution also recognized that previously enacted laws repugnant to it were voided.” *Carey v. Dostert*, 170 W. Va. 334, 336, 294 S.E.2d 137, 139 (1982). See W.Va. Const. Art. VIII, § 13 (“Except as otherwise provided in this article, such parts of the common law, and of the laws of this state as are in force on the effective date of this article *and are not repugnant thereto*, shall be and continue the law of this state until altered or repealed by the Legislature.”) (emphasis added). West Virginia Code § 51-9-10, in its entirety, is repugnant to Article VIII, § 3 and § 8. The statute seeks to control a function of the judicial system, appointing senior-status judges for temporary service, when Article VIII, § 8 has expressly given that

function exclusively to the Supreme Court. Moreover, the statute's limitation on payment to senior-status judges is void and unenforceable, because of the administrative order promulgated on May 17, 2017.<sup>35</sup> See Syl. pt. 4, *State ex rel. Brotherton v. Blankenship*, 157 W.Va. 100, 207 S.E.2d 421 (1973) ("The judiciary department has the inherent power to determine what funds are necessary for its efficient and effective operation."). Finally, as we have long held, "[l]egislative enactments which are not compatible with those prescribed by the judiciary or with its goals are unconstitutional violations of the separation of powers." *State ex rel. Quelch v. Daugherty*, 172 W. Va. 422, 424, 306 S.E.2d 233, 235 (1983). To be clear, and we so hold, West Virginia Code § 51-9-10 (1991) violates the Separation of Powers Clause of Article V, § 1 of the West Virginia Constitution, insofar as that statute seeks to regulate judicial appointment matters that are regulated exclusively by this Court pursuant to Article VIII, § 3 and § 8 of the West Virginia Constitution. Consequently, W.Va. Code § 51-9-10, in its entirety, is unconstitutional and unenforceable.<sup>36</sup>

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<sup>35</sup> It is not relevant that the administrative order was entered several years after the Petitioner's authorized payments. The statute was void at the time in which the Respondents sought to impeach her.

<sup>36</sup> We summarily dispense with the Articles of Impeachment's reference to the Salary Clause of Article VIII, § 7 as a source of legislative authority for regulating payments to senior-status judges. This clause does not provide such authority. The Salary Clause provides as follows:

Justices, judges and magistrates shall receive the salaries fixed by law, which shall be paid entirely out of the state treasury, and which may be increased but shall not be diminished during their term of office, and they shall receive expenses as provided by law. The salary of a circuit judge shall also not be diminished during his term of office by virtue of the



In light of our holding, the Petitioner did not overpay any senior-status judge as alleged in Article IV and Article VI of the Articles of Impeachment, therefore the Respondents are prohibited from further prosecution of the Petitioner under those Articles.

### C.

#### **The Supreme Court has Exclusive Jurisdiction to Determine whether a Judicial Officer's Conduct Violates a Canon of the Code of Judicial Conduct**

The Petitioner next contends that Article XIV of the Impeachment Articles is invalid because it is based upon alleged violations of the West Virginia Code of Judicial Conduct, which, she contends, is constitutionally regulated by the Supreme Court.<sup>37</sup> To

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statutory courts of record of limited jurisdiction of his circuit becoming a part of such circuit as provided in section five of this article.

It is clear from the plain text of the Salary Clause that it only applies to salaries of judges "during their term of office." See Syl. pt. 1, *State ex rel. Trent v. Sims*, 138 W.Va. 244, 77 S.E.2d 122 (1953) ("If a constitutional provision is clear in its terms, and the intention of the electorate is clearly embraced in the language of the provision itself, this Court must apply and not interpret the provision."). Senior-status judges are retired judges and do not hold an office. Therefore, the Salary Clause does not provide the Legislature with authority to regulate the per diem payment of senior-status judges.

<sup>37</sup> The text of Article XIV was set out as follows:

That the said Chief Justice Margaret Workman, Justice Allen Loughry, Justice Robin Davis, and Justice Elizabeth Walker, being at all times relevant Justices of the Supreme Court of Appeals of West Virginia, unmindful of the duties of their high offices, and contrary to the oaths taken by them to support the Constitution of the State of West Virginia and faithfully discharge the duties of their offices as such Justices, while in the exercise of the functions of the office of Justices, in violation of their oaths of office, then and there, with regard to the discharge of the duties of their offices, did, in the absence of any policy to prevent or control expenditure, waste state funds with little or no concern for the costs to be borne by the tax payers for unnecessary and lavish spending for various purposes including, but without limitation, to certain examples, such as; to remodel

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state offices, for large increases in travel budgets-including unaccountable personal use of state vehicles, for unneeded computers for home use, for regular lunches from restaurants, and for framing of personal items and other such wasteful expenditure not necessary for the administration of justice and the execution of the duties of the Court; and, did fail to provide or prepare reasonable and proper supervisory oversight of the operations of the Court and the subordinate courts by failing to carry out one or more of the following necessary and proper administrative activities:

- A) To prepare and adopt sufficient and effective travel policies prior to October of 2016, and failed thereafter to properly effectuate such policy by excepting the Justices from said policies, and subjected subordinates and employees to a greater burden than the Justices;
- B) To report taxable fringe benefits, such as car use and regular lunches, on Federal W-2s, despite full knowledge of the Internal Revenue Service Regulations, and further subjected subordinates and employees to a greater burden than the Justices, in this regard, and upon notification of such violation, failed to speedily comply with requests to make such reporting consistent with applicable law;
- C) To provide proper supervision, control, and auditing of the use of state purchasing cards leading to multiple violations of state statutes and policies regulating the proper use of such cards, including failing to obtain proper prior approval for large purchases;
- D) To prepare and adopt sufficient and effective home office policies which would govern the Justices' home computer use, and which led to a lack of oversight which encouraged the conversion of property;
- E) To provide effective supervision and control over record keeping with respect to the use of state automobiles, which has already resulted in an executed information upon one former Justice and the indictment of another Justice.
- F) To provide effective supervision and control over inventories of state property owned by the Court and subordinate courts, which led directly to the undetected absence of valuable state property, including, but not limited to, a state-owned desk and a state owned computer;

be blunt, Article XIV is an unwieldy compilation of allegations that culminate with the accusation that the Petitioner's conduct, with respect to the allegations, violated Canon I<sup>38</sup> and Canon II<sup>39</sup> of the Code of Judicial Conduct.<sup>40</sup> We agree with the Petitioner that this Court has exclusive constitutional jurisdiction over conduct alleged to be in violation of the Code of Judicial Conduct.

The controlling constitutional authority is set out under Article VIII, § 8 of the Constitution of West Virginia. We have held that “[p]ursuant to article VIII, section 8 of the West Virginia Constitution, this Court has the inherent and express authority to ‘prescribe, adopt, promulgate and amend rules prescribing a judicial code of ethics, and a code of regulations and standards of conduct and performances for justices, judges and

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G) To provide effective supervision and control over purchasing procedures which directly led to inadequate cost containment methods, including the rebidding of the purchases of goods and services utilizing a system of large unsupervised change orders, all of which encouraged waste of taxpayer funds.

The failure by the Justices, individually and collectively, to carry out these necessary and proper administrative activities constitute a violation of the provisions of Canon I and Canon II of the West Virginia Code of Judicial Conduct.

<sup>38</sup> Canon I states the following:

A judge shall uphold and promote the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.

<sup>39</sup> Canon II states the following:

A judge shall perform the duties of judicial office impartially, competently, and diligently.

<sup>40</sup> We will note that Article IV and Article VI of the Articles of Impeachment also contained allegations that Canon I and Canon II were violated.

magistrates, along with sanctions and penalties for any violation thereof [.]” Syl. pt. 5, *Committee on Legal Ethics v. Karl*, 192 W.Va. 23, 449 S.E.2d 277 (1994). The relevant text of Section 8 provides as follows:

Under its inherent rule-making power, which is hereby declared, the supreme court of appeals shall, from time to time, prescribe, adopt, promulgate and amend rules prescribing a judicial code of ethics, and a code of regulations and standards of conduct and performances for justices, judges and magistrates, along with sanctions and penalties for any violation thereof, and the supreme court of appeals is authorized to censure or temporarily suspend any justice, judge or magistrate having the judicial power of the state, including one of its own members, for any violation of any such code of ethics, code of regulations and standards, or to retire any such justice, judge or magistrate who is eligible for retirement under the West Virginia judges' retirement system (or any successor or substituted retirement system for justices, judges and magistrates of this state) and who, because of advancing years and attendant physical or mental incapacity, should not, in the opinion of the supreme court of appeals, continue to serve as a justice, judge or magistrate.

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When rules herein authorized are prescribed, adopted and promulgated, they shall supersede all laws and parts of laws in conflict therewith, and such laws shall be and become of no further force or effect to the extent of such conflict.

This Court's express constitutional authority to adopt rules of judicial conduct and discipline is obvious from the language of Section 8. Pursuant to this express authority, we have adopted the Code of Judicial Conduct and the Rules of Judicial Disciplinary Procedure. Under Rule 4.10 and Rule 4.11 of the Rules of Judicial Disciplinary Procedure, this Court has the exclusive authority to determine whether a justice, judge, or magistrate violated the Code of Judicial Conduct. The record does not disclose that this Court has found that the Petitioner violated Canon I or Canon II, based upon the allegations alleged in Article XIV of the Articles of Impeachment. Moreover, even if the

record had disclosed that the Petitioner was previously found to have violated the Canons in question, those violations could not have formed the basis of an impeachment charge. This is because of the limitations imposed upon the scope of a Canon violation that is found by this Court. The following is provided in Item 7 of the Scope of the Code of Judicial Conduct:

The Code is not designed or intended as a basis for civil or criminal liability. Neither is it intended to be the basis for litigants to seek collateral remedies against each other or to obtain tactical advantages in proceedings before a court.

It is quite clear that Item 7 prohibits a Canon violation from being used as the “basis” of a civil or criminal charge and, thus, could not be used as a basis for impeaching the Petitioner.<sup>41</sup> This Court observed in *In re Watkins*, 233 W. Va. 170, 757 S.E.2d 594 (2013):

Just as the legislative branch has the power to examine the qualifications of its own members and to discipline them, this Court has the implicit power to discipline members of the judicial branch. The Court has this power because it is solely responsible for the protection of the judicial branch, and because the power has not been constitutionally granted to either of the other two branches.

*Watkins*, 233 W. Va. at 177, 757 S.E.2d at 601.

It is quite evident to this Court that the impeachment proceedings under Article XIV of the Articles of Impeachment requires the Court of Impeachment to make a

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<sup>41</sup> It has long been recognized that an impeachment proceeding is civil in nature. See *Skeen v. Craig*, 31 Utah 20, 86 P. 487, 487-488 (1906) (“The question as to whether [impeachment] proceedings of this kind to remove from office a public official are civil or criminal has been before the courts of other states, and, while the decisions are not harmonious, yet the great weight of authority, and as we think the better reasoned cases hold that such actions are civil.”).

determination that the Petitioner violated Canon I and Canon II. Such a determination in that forum violates the separation of powers doctrine, because pursuant to Article VIII, § 8 of the Constitution of West Virginia, this Court has the exclusive authority to determine whether the Petitioner violated either of those Canons. In other words, and we so hold, this Court has exclusive authority and jurisdiction under Article VIII, § 8 of the West Virginia Constitution and the rules promulgated thereunder, to sanction a judicial officer for a violation of a Canon of the West Virginia Code of Judicial Conduct. Therefore, the Separation of Powers Clause of Article V, § 1 of the West Virginia Constitution prohibits the Court of Impeachment from prosecuting a judicial officer for an alleged violation of the Code of Judicial Conduct.

The Respondents have argued that “to hold that the Legislature cannot consider the Code of Judicial Conduct in its deliberation of impeachment proceedings against a judicial officer would have the absurd result of prohibiting removal from office for any violations of the Code of Judicial Conduct.” This argument misses the point. Unquestionably, the Legislature can consider in its deliberations whether there was evidence showing that this Court found a judicial officer violated a Canon. However, the Canon violation itself cannot be the basis of the impeachment charge—at most it could only act as further evidence for removal based upon other valid charges of wrongful conduct.

In light of our holding, the Court of Impeachment does not have jurisdiction over the alleged violations set out in Article XIV of the Articles of Impeachment, therefore the

Respondents are prohibited from further prosecution of the Petitioner under that Article as written.<sup>42</sup>

**D.**

**The Articles of Impeachment were Filed in Violation  
of Provisions of House Resolution 201**

Although we have determined that the Petitioner is entitled to relief based upon the foregoing, we believe that the remaining issues involving the failure to comply with two provisions of House Resolution 201 are not moot. This Court set forth a three-prong test to determine whether we should rule on the merits of technically moot issues in syllabus point 1 of *Israel by Israel v. West Virginia Secondary Schools Activities Commission*, 182 W.Va. 454, 388 S.E.2d 480 (1989):

Three factors to be considered in deciding whether to address technically moot issues are as follows: first, the court will determine whether sufficient collateral consequences will result from determination of the questions presented so as to justify relief; second, while technically moot in the immediate context, questions of great public interest may nevertheless be addressed for the future guidance of the bar and of the public; and third, issues which may be repeatedly presented to the trial court, yet escape review at the appellate level because of their fleeting and determinate nature, may appropriately be decided.

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<sup>42</sup> We must also note that even if Article XIV of the Articles of Impeachment had set out a valid basis for impeachment, it would still not pass constitutional muster on due process grounds, because it is vague and ambiguous. See *State v. Bull*, 204 W. Va. 255, 261, 512 S.E.2d 177, 183 (1998) (“Claims of unconstitutional vagueness in [charging instruments] are grounded in the constitutional due process clauses, U.S. Const. amend. XIV, Sec. 1, and W.Va. Const. art. III, Sec. 10.”). As drafted, the Article failed to specify which Justice committed any of the myriad of conduct allegations. The Petitioner had a constitutional right to be “adequately informed of the nature of the charge[.]” *State v. Hall*, 172 W. Va. 138, 144, 304 S.E.2d 43, 48 (1983). See *Single Syllabus, Myers v. Nichols*, 98 W. Va. 37, 126 S.E. 351 (1925) (“While charges for the removal of a public officer need not be set out in the strict form of an indictment, they should be sufficiently explicit to give the defendant notice of what he is required to answer.”).

We believe that there may be collateral consequences in failing to address the issues, the issues are of great public importance, and the issues may present themselves again. *State ex rel. McKenzie v. Smith*, 212 W. Va. 288, 297, 569 S.E.2d 809, 818 (2002) (“Because of the possibility that the Division’s continued utilization of this system may escape review at the appellate level, we address the merits of this case under the ... exception to the mootness doctrine.”).

The Petitioner has argued that House Resolution 201 required the House Committee on the Judiciary to set out findings of fact in the Articles of Impeachment and required the House of Delegates adopt a resolution of impeachment. The Petitioner contends that neither of these required tasks were performed and that her right to due process was violated as a consequence. We agree.

We begin by noting that “[t]he threshold question in any inquiry into a claim that an individual has been denied procedural due process is whether the interest asserted by the individual rises to the level of a ‘property’ or ‘liberty’ interest protected by Article III, Section 10 of our constitution.” *Clarke v. West Virginia Board of Regents*, 166 W.Va. 702, 709, 279 S.E.2d 169, 175 (1981).<sup>43</sup> See Syl. Pt. 1, *Waite v. Civ. Serv. Comm’n*, 161 W.Va. 154, 241 S.E.2d 164 (1977), overruled on other grounds *West Virginia Dep’t of Educ. v. McGraw*, 239 W. Va. 192, 800 S.E.2d 230 (2017) (“The Due Process Clause, Article III, Section 10 of the West Virginia Constitution, requires procedural safeguards

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<sup>43</sup> Article III, § 10 of the Constitution of West Virginia provides as follows:

No person shall be deprived of life, liberty, or property, without due process of law, and the judgment of his peers.



against state action which affects a liberty or property interest.”). We have held as a general matter that “[a]n administrative body must abide by the remedies and procedures it properly establishes to conduct its affairs.” *State ex rel. Wilson v. Truby*, 167 W. Va. 179, 188, 281 S.E.2d 231, 236 (1981). The Petitioner has both a liberty<sup>44</sup> and property<sup>45</sup> interest in having the impeachment rules followed. The Petitioner has a liberty interest in not having her reputation destroyed in the legal community and public at-large by being impeached and removed from office; and she has a property interest in obtaining her pension when she chooses to retire.

We begin by noting the record supports the Petitioner’s contention that House Resolution 201 required the Judiciary Committee to set out findings of fact, and that this was not done. Rule 3 and 4 of Resolution 201 required the Judiciary Committee to do the following:

3. To make findings of fact based upon such investigation and hearing(s);

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<sup>44</sup> See Syl. pt. 2, *Waite v. Civil Serv. Comm’n*, 161 W. Va. 154, 154, 241 S.E.2d 164, 165 (1977), overruled on other grounds *West Virginia Dep’t of Educ. v. McGraw*, 239 W. Va. 192, 800 S.E.2d 230 (2017) (“The ‘liberty interest’ includes an individual’s right to freely move about, live and work at his chosen vocation, without the burden of an unjustified label of infamy. A liberty interest is implicated when the State makes a charge against an individual that might seriously damage his standing and associations in his community or places a stigma or other disability on him that forecloses future employment opportunities.”).

<sup>45</sup> See Syl. pt. 3, *Waite v. Civil Serv. Comm’n*, 161 W. Va. 154, 154, 241 S.E.2d 164, 165 (1977), overruled on other grounds *West Virginia Dep’t of Educ. v. McGraw*, 239 W. Va. 192, 800 S.E.2d 230 (2017) (“A ‘property interest’ includes not only the traditional notions of real and personal property, but also extends to those benefits to which an individual may be deemed to have a legitimate claim of entitlement under existing rules or understandings.”).

4. To report to the House of Delegates its findings of facts and any recommendations consistent with those findings of fact which the Committee may deem proper.

The record demonstrates that the Judiciary Committee was aware that it failed to carry out the above duties, but refused to correct the error. The following exchange occurred during the proceedings in the House regarding the failure to follow Rules 3 and 4:

MINORITY VICE CHAIR FLUHARTY: Thank you, Mr. Chairman.

Counsel, I was going through these Articles. Where are the findings of fact?

MR. CASTO: Well, there--there are no findings of fact there. The Committee--

MINORITY VICE CHAIR FLUHARTY: Where?

MR. CASTO: I said, sir, there are no findings of fact.

MINORITY VICE CHAIR FLUHARTY: There are no findings of fact? All right. Have you read House Resolution 201?

MR. CASTO: I have sir, but I have not read it today.

MINORITY VICE CHAIR FLUHARTY: Well, do you know that we're required to have findings of fact?

MR. CASTO: I think, sir, that my understanding is--based upon the Manchin Articles--that the term "findings of fact" which was used at the same time, that the profferment of these Articles is indeed equivalent to a findings of fact. The--but that, again, is your interpretation, sir.

MINORITY VICE CHAIR FLUHARTY: So based upon the clear wording of House Resolution 201, it says we're "To make findings of fact based upon such investigation and hearings;" and "To report to the Legislature its findings of facts and any recommendations consistent with those findings of facts which the Committee may deem proper." I mean, you're--you're aware how this works in the legal system. You draft separate findings of fact. I'm just wondering why we haven't done that.

MR. CASTO: Because, sir, that is not the manner in which impeachment is done.

MINORITY VICE CHAIR FLUHARTY: Well, findings of fact in House Resolution 201 are referenced separate from proposed Articles of Impeachment. Am I wrong in that observation?

MR. CASTO: I don't believe that you're wrong in that.

The record also discloses that the Judiciary Committee was warned by one of its members of the consequences of its failure to follow its own rules:

MINORITY CHAIR FLEISCHAUER: Thank you, Mr.--thank you, Mr. Chairman. I think the gentleman has raised a valid point. If we look at the Resolution that empowers this Committee to act, it--it says that we are to make findings of fact based upon such investigation and hearing and to report to the House of Delegates its findings of fact and any recommendations consistent with those findings, of which the Committee may deem proper.

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And I'm just a little concerned that if we don't have findings of fact that there could be some flaw that could mean that the final Resolution by the House would be deemed to be not valid.

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So I think we--if there--there would be some wisdom in trying to track the language of the Resolution, and it would be consistent with any other proceeding that we have in West Virginia that when there are requirements of findings of fact and--in this case, it's not conclusions of law, but it's recommendations--that we should follow that.

As previously stated, the Petitioner has also asserted that the House of Delegates failed to adopt a resolution of impeachment. Rule 2 of the last Further Resolved section of Resolution 201 provides as follows:

Further resolved ... that the House of Delegates adopt a resolution of impeachment and formal articles of impeachment as prepared by the Committee; and that the House of Delegates deliver the same to the Senate in accordance with the procedures of the House of Delegates, for consideration by the Senate according to law.

A review of the Articles of Impeachment that were submitted to the Senate unquestionably shows that the House of Delegates failed to include language indicating that the Articles were adopted by the House.

We are gravely concerned with the procedural flaws that occurred in the House of Delegates. Basic due process principles demand that governmental bodies follow the rules they enact for the purpose of imposing sanctions against public officials. This right to due process is heightened when the Legislature attempts to impeach a public official.

Therefore we hold, in the strongest of terms, that the Due Process Clause of Article III, § 10 of the Constitution of West Virginia requires the House of Delegates follow the procedures that it creates to impeach a public officer. Failure to follow such rules will invalidate all Articles of Impeachment that it returns against a public officer.

We must also point out that the Petitioner was denied due process because none of the Articles of Impeachment returned against her contained a statement that her alleged wrongful conduct amounted to maladministration, corruption, incompetency, gross immorality, neglect of duty, or any high crime or misdemeanor, as required by Article IV, § 9 of the Constitution of West Virginia. This is the equivalent of an indictment failing to allege the essential elements of wrongful conduct. See Syl. pt. 1, *State ex rel. Combs v. Boles*, 151 W. Va. 194, 151 S.E.2d 115 (1966) (“In order to lawfully charge an accused with a particular crime it is imperative that the essential elements of that crime be alleged in the indictment.”).

## V.

### CONCLUSION

We have determined that prosecution of Petitioner for the allegations set out in Article IV, Article VI and Article XIV of the Articles of Impeachment violates the separation of powers doctrine. The Respondents do not have jurisdiction over the alleged violations in Article IV and Article VI. The Respondents also do not have jurisdiction over the alleged violation in Article XIV as drafted. In addition, we have determined that the failure to set out findings of fact, and to pass a resolution adopting the Articles of Impeachment violated due process principles. Consequently, the Respondents are

prohibited from proceeding against the Petitioner for the conduct alleged in Article IV and Article VI, and in Article XIV as drafted. The Writ of Prohibition is granted. The Clerk is hereby directed to issue the mandate contemporaneously forthwith.

Writ granted.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Trump, Weld, Romano, Woelfel, Karnes, Boso, Ojeda, and Blair.

Senator Ferns then moved that the Senate adjourn until subsequently called back into session by the presiding officer.

The question being on the adoption of Senator Ferns' aforestated motion, and on this question, Senator Ferns demanded the yeas and nays.

The roll being taken, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Rucker, Smith, Swope, Sypolt, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—29.

The nays were: Romano—1.

Absent: Mann, Maroney, Stollings, and Takubo—4.

So, a majority of those present and voting having voted in the affirmative, the President declared Senator Ferns' motion had prevailed.

Under authority of Senate Concurrent Resolution 201, adopted June 26, 2018, and in accordance with the foregoing motion, at 10:43 a.m., the Senate adjourned until subsequently called back into session by the presiding officer.

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## MONDAY, DECEMBER 10, 2018

Pursuant to the adjournment of October 15, 2018, under authority of

**Senate Concurrent Resolution 201**, Authorizing adjournments of Senate and House of Delegates.

The Senate reassembled in extraordinary session in its chamber in the state capitol in the City of Charleston, at 12:32 p.m., and was called to order by its President, the Honorable Mitch Carmichael.

Prayer was offered by Bishop Joe Thomas, Nondenominational Fellowship Pentecostal Ministries, Charleston, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Patricia Puertas Rucker, a senator from the sixteenth district.

Pending the reading of the Journal of Monday, October 15, 2018,

At the request of Senator Plymale, unanimous consent being granted, the Journal was approved and the further reading thereof dispensed with.

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

The Clerk presented the following communications from various state agencies as required by the provisions of law:

Chiropractic Examiners, Board of (§30-1-12)

Dentistry, Board of (§30-1-12)

Dietitians, Board of Licensed (§30-1-12)

Economic Development Authority (§31-15-29)

Environmental Protection, Department of (Oil and Gas Operating Permit and Processing Fund) (§22-6-29)

Environmental Protection, Department of (Oil and Gas Reclamation Fund) (§22-6-29)

Forestry, Division of (Outdoor Heritage Conservation Fund) (§5B-2G-6)

Medical Imaging and Radiation Therapy Technology Board of Examiners (§30-1-12)

Nursing Home Administrators Licensing Board (§30-1-12)

Occupational Therapy, Board of (§30-1-12)

Osteopathic Medicine, Board of (§30-1-12)

Professional Engineers, Board of Registration for (§30-1-12)

Professional Surveyors, Board of (§30-1-12)

Psychologists, Board of Examiners of (§30-1-12)

Public Employees Insurance Agency (Financial Plan) (§5-16-5)

Real Estate Commission (§30-1-12)

Veterinary Medicine, Board of (§30-1-12)

Water Development Authority (§22C-1-17)

The Senate proceeded to the third order of business.

### **Executive Communications**

Senator Carmichael (Mr. President) laid before the Senate the following communication from His Excellency, the Governor, consisting of executive nominations for appointees:

**Jim Justice**  
**Governor of West Virginia**

December 10, 2018

**Senate Executive Message No. 1**  
**Second Extraordinary Session 2018**

TO: The Honorable Members of the  
West Virginia Senate



Ladies and Gentlemen:

I respectfully submit the following nominations for your advice and consent:

1. For Member, Motor Vehicle Dealers Advisory Board, Dennis Sheets, Bluefield, Mercer County, for the term ending June 30, 2019.
2. For Member, Motor Vehicle Dealers Advisory Board, Larry Dawson, Winfield, Putnam County, for the term ending June 30, 2019.
3. For Member, Board of Funeral Service Examiners, Eugene T. Fahey, Wheeling, Ohio County, for the term ending June 30, 2021.
4. For Member, Board of Funeral Service Examiners, Robert C. Fields, Martinsburg, Berkeley County, for the term ending June 30, 2021.
5. For Member, Board of Funeral Service Examiners, Eric B. Nichols, Charleston, Kanawha County, for the term ending June 30, 2020.
6. For Member, Board of Funeral Service Examiners, Ronald D. Waybright, Ripley, Jackson County, for the term ending June 30, 2021.
7. For Member, Board of Control for Southern Regional Education, The Honorable Robert H. Plymale, Huntington, Wayne County, for the term ending June 30, 2022.
8. For Acting Secretary, West Virginia Department of Commerce, W. Clayton Burch, Culloden, Cabell County, to serve at the will and pleasure of the Governor.
9. For Commissioner, West Virginia Division of Corrections, Betsy Steinfeld Jividen, Wheeling, Ohio County, to serve at the will and pleasure of the Governor.

10. For Member, Environmental Quality Board, Marybeth Winters, Beckley, Raleigh County, for the term ending June 30, 2023.
11. For Member, Board of Pharmacy, Victoria Skaff, Charleston, Kanawha County, for the term ending June 30, 2023.
12. For Member, Natural Resources Commission, Thomas Owen Dotson, Lewisburg, Greenbrier County, for the term ending June 30, 2025.
13. For Member, Statewide Independent Living Council, Mark Fordyce, Charlton Heights, Fayette County, for the term ending June 30, 2021.
14. For Member, Statewide Independent Living Council, D. Scott Gossard, Petersburg, Grant County, for the term ending June 30, 2021.
15. For Member, Statewide Independent Living Council, Kevin Smith, Parkersburg, Wood County, for the term ending June 30, 2021.
16. For Member, Statewide Independent Living Council, Molly Spence, Scott Depot, Putnam County, for the term ending June 30, 2021.
17. For Member, Statewide Independent Living Council, Joshua Brown, Charleston, Kanawha County, for the term ending June 30, 2021.
18. For Member, Statewide Independent Living Council, Vanessa VanGilder, Charleston, Kanawha County, for the term ending June 30, 2021.
19. For Member, Statewide Independent Living Council, Cindy Tucker, Lewisburg, Greenbrier County, for the term ending June 30, 2021.
20. For Member, Statewide Independent Living Council, Dawn Embry-King, Charleston, Kanawha County, for the term ending June 30, 2021.

21. For Member, Statewide Independent Living Council, Michael Cogley, Wheeling, Ohio County, for the term ending June 30, 2021.
22. For Member, Statewide Independent Living Council, Ardella Cottrill, Fairmont, Marion County, for the term ending June 30, 2019.
23. For Member, Statewide Independent Living Council, Bob Waybright, Webster Springs, Webster County, for the term ending June 30, 2021.
24. For Member, Statewide Independent Living Council, Anne Weeks, Huntington, Cabell County, for the term ending June 30, 2021.
25. For Member, Statewide Independent Living Council, Odessa Williams, Huntington, Cabell County, for the term ending June 30, 2021.
26. For Member, Higher Education Policy Commission, Andrew A. Payne III, Charleston, Kanawha County, for the term ending June 30, 2022.
27. For Member, Bluefield State College Board of Governors, The Honorable William P. Cole III, Bluefield, Mercer County, for the term ending June 30, 2021.
28. For Member, Bluefield State College Board of Governors, Charles M. Cole, Bluefield, Mercer County, for the term ending June 30, 2021.
29. For Member, Aeronautics Commission, Derek Long, Buckhannon, Upshur County, for the term ending June 30, 2020.
30. For Director, Division of Justice and Community Services, Joseph C. Thornton, Culloden, Putnam County, to serve at the will and pleasure of the Governor.

31. For Member, State Rail Authority, Max G. Scott, Daniels, Raleigh County, for the term ending June 30, 2022.
32. For Member, State Rail Authority, David W. Pancake, Romney, Hampshire County, for the term ending June 30, 2022.
33. For Member, West Virginia Records Management and Preservation Board, The Honorable Charles N. Zerkle, Jr., Barboursville, Cabell County, to serve at the will and pleasure of the Governor.
34. For Member, West Virginia Parole Board, Ted A. White, Wheeling, Ohio County, for the term ending June 30, 2019.
35. For Member, Fire Commission, Martin Hess, Sand Fork, Gilmer County, for the term ending June 30, 2023.
36. For Member, Fire Commission, Doug Mongold, Moorefield, Hardy County, for the term ending June 30, 2023.
37. For Member, Fire Commission, Mark Stroop, Martinsburg, Berkeley County, for the term ending June 30, 2023.
38. For Member, Board of Funeral Service Examiners, Richard Bishoff, Charleston, Kanawha County, for the term ending June 30, 2022.
39. For Member, Board of Funeral Service Examiners, Frederick H. Kitchen, Milton, Cabell County, for the term ending June 30, 2019.
40. For Member, Election Commission, Nathan K. Tawney, Charleston, Kanawha County, for the term ending June 4, 2023.
41. For Member, Election Commission, Anthony J. Delligatti, Martinsburg, Berkeley County, for the term ending June 4, 2023.

42. For Member, Election Commission, Matthew Chapman, Wheeling, Ohio County, for the term ending June 4, 2020.
43. For Member, Bluefield State College Board of Governors, Garry D. Moore, Sr., Bluefield, Mercer County, for the term ending June 30, 2022.
44. For Member, Bluefield State College Board of Governors, J. Ronald Hypes, Bluefield, Mercer County, for the term ending June 30, 2022.
45. For Member, West Virginia Board of Education, Nancy J. White, Berkeley Springs, Morgan County, for the term ending November 4, 2022.
46. For Member, West Virginia School of Osteopathic Medicine Board of Governors, Gregory A. Burton, Charleston, Kanawha County, for the term ending June 30, 2022.
47. For Member, West Virginia School of Osteopathic Medicine Board of Governors, Steven C. Sarver, Bluefield, Mercer County, for the term ending June 30, 2022.
48. For Member, West Virginia University Board of Governors, Elmer F. Coppoolse, Bethesda, Maryland, for the term ending June 30, 2022.
49. For Member, West Virginia University Board of Governors, David Alvarez, Bridgeport, Harrison County, for the term ending June 30, 2022.
50. For Member, Southern West Virginia Community and Technical College Board of Governors, Lisa J. Haddox-Heston, Logan, Logan County, for the term ending June 30, 2022.
51. For Member, Southern West Virginia Community and Technical College Board of Governors, Janice Olive, Williamson, Mingo County, for the term ending June 30, 2022.

52. For Member, West Virginia State Board of Registration for Professional Engineers, Garth E. Thomas, Jr., South Charleston, Kanawha County, for the term ending June 30, 2023.
53. For Member, Real Estate Commission, Robert D. Kennen, Wheeling, Ohio County, for the term ending June 30, 2021.
54. For Member, West Virginia Board of Osteopathic Medicine, Andy R. Tanner, Charleston, Kanawha County, for the term ending June 30, 2023.
55. For Member, Board of Examiners in Counseling, Lisa A. Westfall, Charleston, Kanawha County, for the term ending June 30, 2023.
56. For Member, Board of Examiners in Counseling, Anthony Onorato, Morgantown, Monongalia County, for the term ending June 30, 2019.
57. For Member, Board of Examiners in Counseling, Regina A. Burgess, Morgantown, Monongalia County, for the term ending June 30, 2023.
58. For Member, Industrial Council, Michael Keener, Hurricane, Putnam County, for the term ending June 30, 2021.
59. For Member, Nursing Home Administrators Licensing Board, Rodney L. Hannah, Ripley, Jackson County, for the term ending June 30, 2023.
60. For Member, Board of Accountancy, Jean A. Bailey, Wheeling, Ohio County, for the term ending June 30, 2019.
61. For Member, Board of Accountancy, Joseph T. Holley, Barboursville, Cabell County, for the term ending June 30, 2021.

62. For Member, West Virginia Board of Professional Surveyors, Gary D. Facemyer, Sissonville, Kanawha County, for the term ending June 30, 2022.
63. For Member, West Virginia Board of Architects, Richard Forren, Bridgeport, Harrison County, for the term ending June 30, 2023.
64. For Member, West Virginia Board of Dentistry, Stanley W. Kaczkowski, Scott Depot, Putnam County, for the term ending June 30, 2023.
65. For Member, West Virginia Board of Acupuncture, Deborah Schmidt, Lewisburg, Greenbrier County, for the term ending June 30, 2021.
66. For Member, West Virginia Board of Acupuncture, Stacy L. Roman, Morgantown, Monongalia County, for the term ending June 30, 2021.
67. For Member, Board of Examiners of Psychologists, Jeffrey A. Hammond, Masontown, Preston County, for the term ending June 30, 2021.
68. For Member, Board of Examiners of Psychologists, Sandra Stroebel, Charleston, Kanawha County, for the term ending June 30, 2021.
69. For Member, Board of Examiners of Psychologists, Susannah Poe, Fairmont, Marion County, for the term ending June 30, 2020.
70. For Member, Board of Examiners of Psychologists, Beverly A. Branson, Charleston, Kanawha County, for the term ending June 30, 2019.
71. For Member, Board of Examiners of Psychologists, Charley Bowen, Culloden, Putnam County, for the term ending June 30, 2020.
72. For Member, Board of Landscape Architects, Jason Testman, Charleston, Kanawha County, for the term ending June 30, 2020.

73. For Member, Board of Landscape Architects, John Rudmann, Morgantown, Monongalia County, for the term ending June 30, 2019.
74. For Member, Board of Landscape Architects, Nathaniel C. Greene, Morgantown, Monongalia County, for the term ending June 30, 2021.
75. For Member, West Virginia Massage Therapy Licensure Board, Marsha Starr, Hamlin, Lincoln County, for the term ending June 30, 2020.
76. For Member, West Virginia Massage Therapy Licensure Board, John Skelton, Shady Spring, Raleigh County, for the term ending June 30, 2020.
77. For Director, West Virginia Lottery, John Myers, Hurricane, Putnam County, to serve at the will and pleasure of the Governor.
78. For Director, Division of Homeland Security and Emergency Management, Michael L. Todorovich, Clendenin, Kanawha County, to serve at the will and pleasure of the Governor.
79. For Member, Retail Liquor Licensing Board, Clarence Pennington, Martinsburg, Berkeley County, for the term ending December 1, 2019.
80. For Member, Retail Liquor Licensing Board, Sam Weiss, Morgantown, Monongalia County, for the term ending December 1, 2020.
81. For Member, Retail Liquor Licensing Board, Byrd E. White III, Beaver, Raleigh County, for the term ending December 1, 2021.
82. For Member, Marshall University Board of Governors, William A. Smith, Sr., Huntington, Cabell County, for the term ending June 30, 2022.



83. For Member, Marshall University Board of Governors, Geoffrey S. Sheils, Huntington, Cabell County, for the term ending June 30, 2022.
84. For Member, Marshall University Board of Governors, H. Toney Stroud, Ona, Cabell County, for the term ending June 30, 2022.
85. For Member, Eastern West Virginia Community and Technical College Board of Governors, Melinda S. Chambers, Romney, Hampshire County, for the term ending June 30, 2021.
86. For Member, Eastern West Virginia Community and Technical College Board of Governors, Shawn Dilly, Keyser, Mineral County, for the term ending June 30, 2021.
87. For Member, Eastern West Virginia Community and Technical College Board of Governors, Kimberly Sherman, Moorefield, Hardy County, for the term ending June 30, 2022.
88. For Member, School Building Authority, Victor L. Gabriel, Bridgeport, Harrison County, for the term ending July 31, 2021.
89. For Member, School Building Authority, Robert E. Holroyd, Princeton, Mercer County, for the term ending July 31, 2021.
90. For Member, School Building Authority, Christopher G. Morris, Charleston, Kanawha County, for the term ending July 31, 2021.
91. For Member, School Building Authority, Steven L. Burton, Prichard, Wayne County, for the term ending July 31, 2021.
92. For Member, School Building Authority, Sandy Hamilton, Martinsburg, Berkeley County, for the term ending July 31, 2019.

93. For Director, Office of Miners' Health, Safety and Training, Eugene E. White, Dorothy, Raleigh County, to serve at the will and pleasure of the Governor.
94. For Member, Concord University Board of Governors, Nelson Spencer, Princeton, Mercer County, for the term ending June 30, 2022.
95. For Member, West Virginia School of Osteopathic Medicine Board of Governors, David C. Romine, Fort Rucker, Alabama, for the term ending June 30, 2021.
96. For Member, Fairmont State University Board of Governors, Kevin W. Rogers, Fairmont, Marion County, for the term ending June 30, 2022.
97. For Member, West Virginia Board of Chiropractic, Terry W. Chambers, Martinsburg, Berkeley County, for the term ending June 30, 2021.
98. For Member, West Virginia Board of Chiropractic, Ruth R. Lemmon, Nitro, Kanawha County, for the term ending June 30, 2021.
99. For Member, West Virginia Board of Education, Robert W. Dunlevy, Wheeling, Ohio County, for the term ending November 4, 2027.
100. For Member, West Virginia Board of Medicine, Jonathan P. Lilly, Winfield, Putnam County, for the term ending September 30, 2023.
101. For Member, West Virginia University Board of Governors, Richard A. Pill, Martinsburg, Berkeley County, for the term ending June 30, 2021.
102. For Member, State Personnel Board, Forrest H. Roles, Charleston, Kanawha County, for the term ending June 30, 2022.
103. For Member, State Personnel Board, Kymberly Gillespie, Thornton, Taylor County, for the term ending June 30, 2021.

104. For Member, State Personnel Board, James H. Dissen, Charleston, Kanawha County, for the term ending June 30, 2022.
105. For Member and Chair, West Virginia Parole Board, Jennifer Saad, Ghent, Raleigh County, for the term ending June 30, 2023.
106. For Member, West Virginia Parole Board, Cedric R. Robertson, Beckley, Raleigh County, for the term ending June 30, 2023.

Notice of these appointments was previously provided to the appropriate legislative staff at the time the appointments were made.

Sincerely,

Jim Justice  
Governor

cc: Clerk of the Senate  
Assistant Clerk of the Senate  
Senate Confirmations Chair

Which communication was received.

At the request of Senator Boley, and by unanimous consent, the nominations hereinbefore reported were taken up for immediate consideration.

Thereupon, Senator Carmichael (Mr. President) laid before the Senate the following executive message:

**Senate Executive Message 1**, dated December 10, 2018 (*shown in the Senate Journal of today, immediately hereinbefore reported*).

Senator Boley then moved that the Senate advise and consent to all of the executive nominations referred to in Senate Executive Message 1, except the nomination of the Honorable Robert H. Plymale to the Board of Control for Southern Regional Education (being nomination number 7 in Executive Message 1).

The question being on the adoption of Senator Boley's aforestated motion.

The roll was then taken; and

On this question, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Maroney, Maynard, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Weld, Woelfel, and Carmichael (Mr. President)—30.

The nays were: None.

Absent: Boso, Mann, Ojeda, and Unger—4.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared Senator Boley's aforestated motion had prevailed and that all the executive nominations, except the nomination of the Honorable Robert H. Plymale to the Board of Control for Southern Regional Education had been confirmed.

Senator Boley then moved that the Senate advise and consent to the nomination of the Honorable Robert H. Plymale to the Board of Control for Southern Regional Education (being nomination number 7 in Executive Message 1).

Prior to the call of the roll, Senator Plymale moved to be excused from voting under Rule 43 of the Rules of the Senate, which motion prevailed.

The roll was then taken; and

On this question, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Maroney, Maynard, Palumbo, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Weld, Woelfel, and Carmichael (Mr. President)—29.

The nays were: None.

Absent: Boso, Mann, Ojeda, and Unger—4.

Excused from voting: Plymale—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared Senator Boley's motion had prevailed and the nomination of the Honorable Robert H. Plymale to the Board of Control for Southern Regional Education had been confirmed.

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Consideration of executive nominations having been concluded,

The Senate proceeded to the sixth order of business.

At the request of Senator Ferns, and by unanimous consent, Senator Ferns offered the following pre-adjourment resolution from the floor:

**Senate Resolution 206**—Raising a committee to notify His Excellency, the Governor, that the Senate is ready to adjourn *sine die*.

*Resolved by the Senate:*

That the President be authorized to appoint a committee of three to notify His Excellency, the Governor, that the Senate has completed its labors and is ready to adjourn *sine die*.

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

Under the provisions of the foregoing resolution, Senator Carmichael (Mr. President) appointed the following committee to notify His Excellency, the Governor, that the Senate was ready to adjourn:

Senators Weld, Sypolt, and Jeffries.

Senators Weld, Sypolt, and Jeffries then proceeded to the executive offices to notify His Excellency, the Governor, of imminent adjournment of this extraordinary session of the Legislature.

Subsequently, Senator Weld, from the select committee to notify His Excellency, the Governor, that the Senate had completed the business of this extraordinary session and was ready to adjourn *sine die*, returned to the chamber and was recognized by the President. Senator Weld then reported this mission accomplished.

On motion of Senator Ferns, at 12:40 p.m., the second extraordinary session of the Senate in the year two thousand eighteen adjourned *sine die*.

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*We hereby certify that the foregoing Senate record of the proceedings of the Second Extraordinary Session of the Eighty-Third Legislature, 2018, is the Official Journal of the Senate for said session.*

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*President of the Senate*

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*Clerk of the Senate*

## *Appendix – Remarks*

REMARKS OF  
HONORABLE  
RYAN W. WELD

*Tuesday, September 11, 2018*

SENATOR WELD: Thank you, Mr. President.

Given in light of what today is, Mr. President, I have been thinking today after we had had our prayer this morning about the gravity of September the eleventh and what that date means.

There's an episode of the show *Band of Brothers*, which was an HBO miniseries that dealt with Easy Company in World War II, and there's an episode called "Why We Fight". And that episode deals with the finding of concentration camps towards the end of the war. Eight years ago, on this date, I used that term "Why We Fight" as the title of an intelligence briefing that I gave to my team shortly before we left for Afghanistan. And I included with that title slide photos from 9/11 because the war in Afghanistan was because of 9/11. And what happened that day is why we fought and why people continue to fight there.

Mr. President, on that date, 2,987 people were lost in New York and Washington, D. C., and in the area of Shanksville, Pennsylvania. But, unfortunately, the casualties have still continued from that day; casualties that only occurred because of that day; casualties that happened in Afghanistan. And, unfortunately, one of West Virginia's own became a casualty of 9/11; became a casualty of the war in Afghanistan on September the third in the Logar province. And it was Command Sergeant Major Timothy Allen Bolyard of Thornton—and that's in Taylor County. He was killed in

what's called a green-on-blue attack—and that is when a member of the Afghan National Security Force, whether it be the police, the National Director of Security, the border police, the army, or someone posing as one of those members attacks and kills a member of the allied forces. And that, unfortunately, was what happened to the Command Sergeant Major. He was leaving a security meeting and he was killed by an individual wearing a security uniform.

Although he was in the Army, Mr. President, he epitomized what is a core value of the Air Force of which I'm a member of. And that is service before self. And Command Sergeant Major Bolyard had been on seven deployments—and I only went on one, and I'm very thankful that I only went on one. But there are a lot of people, Mr. President, who served on multiple; and he was one of them. Six bronze stars on seven deployments.

And I think about why we fight. And I think about this room—on a much completely different level, but everybody in this room is involved in a rhetorical, or a . . . not literal war, but for what they believe in and the way of life that made those 19 individuals do what they did on September the eleventh. And we're all here because we want to fight for what is best for the State of West Virginia, the vision that we have for the State of West Virginia, and the way of life that we want for the United States of America. And it happens here and in 49 other state capitols across the country and in Washington, D. C., as well. For a better way for West Virginia, for whatever state, for the United States of America, and that is why we fight.

In closing, I want to discuss, very briefly, one of my . . . the stories of

September eleventh that has stuck with me the most and it's 17 years since that date. And it's the story of Todd Beamer. And Mr. Beamer boarded a flight in Newark, New Jersey, bound for San Francisco. American flight 93—or United Airlines flight 93, I'm sorry. He worked at computer software, he was married, and he had two sons and a daughter that was on the way. And 46 minutes into their flight, it was hijacked. And after the hijacking occurred, a lot of the passengers were herded into the back of the plane and it was at the point and time that Mr. Beamer attempted to call his wife via the phone that was on the plane. And instead of getting through to his family, he was placed in contact with an operator. And he informed her of the situation, let her know what was going on in the plane and what had happened. And then he started having a conversation with some passengers. And his last words to the female reporter was, "If I don't make it back, please call my family and let them know how much I love them." The operator then heard him say to another passenger, "Are you ready? Okay. Let's roll." And it was at that point and time, Mr. President, that they stormed the cockpit and struggled with the hijackers and that's what led to the plane going down in that empty field near Shanksville, Pennsylvania.

A couple of weeks after 9/11 there was a quote by Teddy Roosevelt that was found in a book on Mr. Beamer's desk and that quote—and I'm going to read it because I don't want to mess it up because it is, I think, one of the best written things that I have ever read. It's a quote by Teddy Roosevelt, and it's called *The Man in the Arena* and it says "It is not the critic who counts; not the man who points out how strong man stumbles, or the doer of deeds could have done them better. The credit belongs to the man who is actually in the arena, whose face is marred by dust and sweat and blood; who strives valiantly; who errs, who comes short again and again, because there is no effort without error and shortcoming; but who does actually strive to do the deeds; who knows

great enthusiasms, the great devotions; who spends himself in a worthy cause; who at the best knows in the end the triumph of high achievement, and who at the worst, if he fails, at least fails while daring greatly, so that his place shall never be with those cold and timid souls who neither know victory nor defeat."

And on September the eleventh, Todd Beamer completed his time here on earth. His life ended while daring greatly and he did not die a cold and timid soul. And I think that is the lesson of 9/11, Mr. President, is that it was true, everyday Americans who, through selfless acts became heroes and showed just how great America truly is and how great Americans truly are. And there are plenty of reasons why we fight, Mr. President, and to each and every one of us, I think, in this room, there are many important things that we fight for. And I think that we will all continue to do so and I'm very proud to be here on a day like today, as a member of this body of people who are fighting for what they believe in.

Thank you, Mr. President.

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**REMARKS OF  
HONORABLE  
RICHARD N. OJEDA II**

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*Tuesday, September 11, 2018*

SENATOR OJEDA: Mr. President, I want to also speak a little bit about Command Sergeant Major Timothy Bolyard from Taylor County.

He was a Security Forces Assistant Team Chief. Now, as a Command Sergeant Major in the United States Army he had climbed to the top that you can climb as an enlisted man. And he had already, from what I've saw, had already spent time in positions as a Command Sergeant Major. And there's times in between when you're still in the military



where a person of his stature tries to figure out what's going to be the next step. And then this new concept come about and that was being able to go over to places like Afghanistan and serve as a combat advisor. Now, I know about this because that's what I did—and I was in the same exact spot, Logar province, where he was killed. What you need to understand is it . . . the job that he was conducting was not a job that found him surrounded by large groups of soldiers. I can guarantee you that when he was moving throughout the battlefield it was probably himself, he had an officer with him, he probably had a mechanic with him, and an interpreter. And they were responsible for equipping, preparing, and training Afghani police to protect themselves for when the Taliban come. Sadly, he found himself out there in a situation where, unfortunately, some of the people that are supposed to be our friends turn out to be our enemies. And, unfortunately, it cost him his life on September the third of this month. I want to just state that I would like everyone to please stand and let's give a moment of silence for Command Sergeant Major Timothy Bolyard who had seven deployments; six Bronze Star Medals, two with V Device for Valor; four Meritorious Service Medals; six Army Commendation Medals; nine Army Achievement Medals; one Iraqi Campaign Medal with four Campaign Stars; the Kosovo Campaign Medal; the Afghanistan Campaign Medal; the Combat Action Badge for actively engaging or being engaged by the enemy; and the Purple Heart.

Thank you, Mr. President.

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## HISTORY OF BILLS AND RESOLUTIONS CONSIDERED BY SENATE

### SENATE CONCURRENT RESOLUTIONS ADOPTED BY LEGISLATURE

201. By Sen. Weld - **Authorizing adjournments of Senate and House of Delegates**  
- Adopted 6/26/2018

### ALL SENATE BILLS INTRODUCED

2001. By Sen. Unger, Prezioso, Jeffries, Romano, Stollings, Facemire, Woelfel, Plymale, Palumbo, Beach and Ojeda - **Requiring special election following removal of WV Supreme Court justices under certain circumstances** - Introduced 8/20/2018 - To Judiciary

### ALL SENATE JOINT RESOLUTIONS OFFERED

201. By Sen. Woelfel, Unger, Baldwin, Beach and Stollings - **Supreme Court Term Length Amendment** - Introduced 8/20/2018 - To Judiciary

### ALL SENATE CONCURRENT RESOLUTIONS OFFERED

201. By Sen. Weld - **Authorizing adjournments of Senate and House of Delegates**  
- Introduced 6/26/2018 - Committee reference dispensed - Adopted by Senate 6/26/2018 - To House 6/26/2018 - Reference dispensed - Adopted by House 6/26/2018

### ALL SENATE RESOLUTIONS OFFERED

201. By Sen. Weld - **Notifying House of Delegates Senate is assembled in extraordinary session** - Introduced 6/26/2018 - Committee reference dispensed - Adopted 6/26/2018
202. By Sen. Weld - **Notifying Governor Legislature has assembled in extraordinary session** - Introduced 6/26/2018 - Committee reference dispensed - Adopted 6/26/2018
203. By Sen. Trump - **Adopting rules of Senate while sitting as court of impeachment** - Introduced 8/20/2018 - Committee reference dispensed - Adopted 8/20/2018
204. By Sen. Trump - **Publicly reprimanding and censuring Chief Justice Margaret Workman and Justice Elizabeth D. Walker of WV Supreme Court of Appeals** - Introduced 9/11/2018 - Point of order ruled well-taken; resolution ruled out of order

205. By Sen. Carmichael (Mr. President), Boso, Ferns, Gaunch, Rucker, Maroney, Blair, Cline, Takubo, Drennan, Maynard, Clements, Mann, Boley, Palumbo, Woelfel, Jeffries, Prezioso, Beach, Stollings, Facemire, Baldwin, Unger, Plymale, Trump, Ojeda, Smith, Sypolt and Romano - **Publicly reprimanding and censuring Justice Elizabeth Walker** - Introduced 10/2/2018 - Committee reference dispensed - Adopted 10/2/2018
206. By Sen. Ferns - **Notifying Governor Senate is ready to adjourn *sine die*** - Introduced 12/10/2018 - Committee reference dispensed - Adopted 12/10/2018

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2001 -	By Senators Unger, Prezioso, Jeffries, Romano, Stollings, Facemire, Woelfel, Plymale, Palumbo, Beach and Ojeda: Requiring special election following removal of WV Supreme Court justices under certain circumstances	6					6

Number	TITLE OF SENATE JOINT RESOLUTIONS	Introduced	Reported from Committee	Amended	Adopted by Senate	Adopted by House	OTHER PROCEEDINGS
201 -	By Senators Woelfel, Unger, Baldwin, Beach and Stollings: Supreme Court Term Length Amendment	7					7

Number	TITLE OF SENATE CONCURRENT RESOLUTIONS	Introduced	Reported from Committee	Amended	Adopted by Senate	Adopted by House	OTHER PROCEEDINGS
201 -	By Senator Weld: Authorizing adjournments of Senate and House of Delegates	5			5	5	5

Number	TITLE OF SENATE RESOLUTIONS	Introduced	Reported from Committee	Amended	Adopted by Senate	OTHER PROCEEDINGS
201 -	By Senator Weld: Notifying House of Delegates Senate is assembled in extraordinary session	3			3	3
202 -	By Senator Weld: Notifying Governor Legislature has assembled in extraordinary session	4			4	4
203 -	By Senator Trump: Adopting rules of Senate while sitting as court of impeachment	7			22	7-22
204 -	By Senator Trump: Publicly reprimanding and censuring Chief Justice Margaret Workman and Justice Elizabeth D. Walker of WV Supreme Court of Appeals	36				36-38
205 -	By Senators Carmichael (Mr. President), Boso, Ferns, Gaunch, Rucker, Maroney, Blair, Cline, Takubo, Drennan, Maynard, Clements, Mann, Boley, Palumbo, Woelfel, Jeffries, Prezioso, Beach, Stollings, Facemire, Baldwin, Unger, Plymale, Trump, Ojeda, Smith, Sypolt and Romano: Publicly reprimanding and censuring Justice Elizabeth Walker	41			42	42
206 -	By Senator Ferns: Notifying Governor Senate is ready to adjourn <i>sine die</i>	129			129	129

**JOURNAL  
OF  
THE SENATE  
SITTING AS A  
COURT OF IMPEACHMENT**

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TUESDAY, SEPTEMBER 11, 2018

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**THE STATE OF WEST VIRGINIA  
VS  
THE VARIOUS JUSTICES OF THE  
SUPREME COURT OF APPEALS  
OF THE STATE OF WEST VIRGINIA**

[CLERK'S NOTE: For full transcripts of the trials and copies of all documentary evidence, see the Appendix of the Journal of the Court of Impeachment.]

The Senate, sitting as a Court of Impeachment to consider proceedings against Robin Jean Davis, Retired Justice of the Supreme Court of Appeals of the State of West Virginia; Allen H. Loughry II, Justice of the Supreme Court of Appeals of the State of West Virginia; Elizabeth D. Walker, Justice of the Supreme Court of Appeals of the State of West Virginia; and Margaret L. Workman, Chief Justice of the Supreme Court of Appeals of the State of West Virginia.

Upon direction of the President of the Senate, the oath was administered to the Honorable Paul T. Farrell, Acting Chief Justice

of the Supreme Court of Appeals of the State of West Virginia, by the Honorable Lee Cassis, Clerk of the Court of Impeachment.

The Acting Chief Justice of the Supreme Court of Appeals of the State of West Virginia assumed the chair and directed the Clerk of the Court of Impeachment to administer the oath to the following members of the West Virginia Senate:

First Senatorial District: Ryan J. Ferns of the County of Ohio;

First Senatorial District: Ryan W. Weld of the County of Brooke;

Second Senatorial District: Michael J. Maroney of the County of Marshall;

Second Senatorial District: Charles H. Clements of the County of Wetzel;

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

Third Senatorial District: Michael T. Azinger of the County of Wood;

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

Fourth Senatorial District: Mark A. Drennan of the County of Putnam;

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

Fifth Senatorial District: Michael A. Woelfel of the County of Cabell;

Sixth Senatorial District: Mark R. Maynard of the County of Wayne;

Sixth Senatorial District: Chandler Swope of the County of Mercer;



Seventh Senatorial District: Ron Stollings of the County of Boone;

Seventh Senatorial District: Richard N. Ojeda II of the County of Logan;

Eighth Senatorial District: C. Edward Gaunch of the County of Kanawha;

Eighth Senatorial District: Glenn D. Jeffries of the County of Putnam;

Ninth Senatorial District: Sue Cline of the County of Wyoming;

Ninth Senatorial District: Lynne Carden Arvon of the County of Raleigh;

Tenth Senatorial District: Kenny Mann of the County of Monroe;

Tenth Senatorial District: Stephen Baldwin of the County of Greenbrier;

Eleventh Senatorial District: Robert Karnes of the County of Upshur;

Eleventh Senatorial District: Gregory L. Boso of the County of Nicholas;

Twelfth Senatorial District: Douglas E. Facemire of the County of Braxton;

Twelfth Senatorial District: Michael J. Romano of the County of Harrison;

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

Thirteenth Senatorial District: Robert D. Beach of the County of Monongalia;

Fourteenth Senatorial District: Dave Sypolt of the County of Preston;

Fourteenth Senatorial District: Randy E. Smith of the County of Tucker;

Fifteenth Senatorial District: Craig Blair of the County of Berkeley;

Fifteenth Senatorial District: Charles S. Trump IV of the County of Morgan;

Sixteenth Senatorial District: John R. Unger II of the County of Berkeley;

Sixteenth Senatorial District: Patricia Puertas Rucker of the County of Jefferson;

Seventeenth Senatorial District: Corey Palumbo of the County of Kanawha;

Seventeenth Senatorial District: Tom Takubo of the County of Kanawha.

The Presiding Officer then announced that the oath having been administered to all the Senate members present, the Senate was now organized as a Court of Impeachment to consider proceedings against the various Justices of the Supreme Court of Appeals of the State of West Virginia, and directed the Sergeant at Arms to make the following proclamation: All persons are commanded to keep silence, on pain of imprisonment, while the Senate is sitting as a Court of Impeachment.

The Presiding Officer then announced that summonses had been issued against and served upon each of the Respondents; that returns of service were made for the same; and that the summonses and returns are available for review.

The Presiding Officer then directed the Sergeant at Arms to summon the Managers, attorneys, and Respondents.

The Managers, appointed by the House of Delegates to conduct the trial of impeachment of the various Justices of the Supreme Court of Appeals of the State of West Virginia, to wit: Delegates Shott, Hollen, Foster, Byrd, and Miller (Delegate Foster, one of the said Managers, being absent) entered the Senate Chamber and took the seats assigned them.

Brian Casto, Marsha Kaufmann, and Joe Altizer, counsel for the Managers of the House of Delegates, accompanied said Managers.

Respondent Allen H. Loughry II, Justice of the Supreme Court of Appeals of the State of West Virginia, and the Respondents' counsel entered the Senate Chamber and took the seats assigned them.

The Presiding Officer recognized Delegate Shott, Chair of the Managers appointed by the House of Delegates, for a presentation concerning the proposed agreement between the Managers and Elizabeth D. Walker, Justice of the Supreme Court of Appeals of the State of West Virginia, and Margaret L. Workman, Chief Justice of the Supreme Court of Appeals of the State of West Virginia.

The Presiding Officer then recognized Delegate Byrd, one of the Managers appointed by the House of Delegates, to read the *Stipulation and Agreement of the Parties*.

**IN THE WEST VIRGINIA SENATE*****IN THE MATTER OF IMPEACHMENT PROCEEDINGS AGAINST  
RESPONDENTS CHIEF JUSTICE MARGARET WORKMAN AND JUSTICE  
ELIZABETH WALKER***

Honorable Paul T. Farrell  
Acting Justice of the  
Supreme Court of Appeals of West Virginia  
Presiding Officer

**STIPULATION AND AGREEMENT OF PARTIES**

Respondents Chief Justice Margaret L. Workman and Justice Elizabeth D. Walker (the "Respondents"), together with the Board of Managers of the West Virginia House of Delegates for the impeachment trials pending in the West Virginia Senate (the "Board of Managers"), jointly agree and stipulate as follows:

1. The Respondents acknowledge indefensible spending by the Supreme Court of Appeals of West Virginia (the "Court"), as well as the absence of Court policies and practices that likely would have prevented that indefensible spending.
2. The Respondents accept full responsibility for all spending on renovations to their personal offices over which they exercised or should have exercised spending oversight and approval.
3. The Respondents acknowledge the need for changed policies and practices to correct the failures identified in Article XIV of the Articles of Impeachment and rebuild public trust in the Court.
4. The Respondents have begun and will continue to implement reforms to improve the administration of the Court and prevent future inappropriate expenditures, and to ensure compliance with all applicable laws and regulations governing the conduct of the Court.

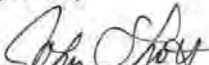
5. The Respondents and the Board of Managers therefore agree to:

a. Jointly recommend that the Senate adopt a resolution of censure with respect to the Respondents, which is included with this Stipulation and Agreement of Parties; and

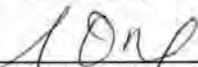
b. Upon passage of such a resolution of censure, jointly move to dismiss the Articles of Impeachment with respect to the Respondents.

6. The Respondents and the Board of Managers further agree that if the Senate does not dismiss the Articles of Impeachment with respect to the Respondents, no part of this Stipulation and Agreement of Parties may be used in any trial of the Articles of Impeachment.

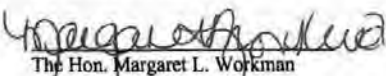
Agreed to by:

  
\_\_\_\_\_  
The Hon. John Shott  
For: Board of Managers

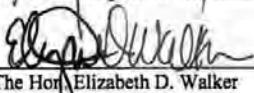
Dated: 9/11/18

  
\_\_\_\_\_  
The Hon. Andrew D. Byrd  
For: Board of Managers

Dated: 9/11/18

  
\_\_\_\_\_  
The Hon. Margaret L. Workman

Dated: 9/11/18

  
\_\_\_\_\_  
The Hon. Elizabeth D. Walker

Dated: 9/11/18

**SENATE RESOLUTION \_\_\_\_\_**

Publicly reprimanding and censuring Chief Justice Margaret L. Workman and Justice Elizabeth D. Walker of the Supreme Court of Appeals of West Virginia.

Whereas, Chief Justice Margaret Workman was named in Articles IV and VI of the Articles of Impeachment, which allege overpayment of senior status judges;

Whereas, Chief Justice Workman and Justice Walker were named in Article of Impeachment XIV, which alleges that the Justices of the Supreme Court of Appeals generally and collectively failed to provide or prepare policies and reasonable supervisory oversight of the operations of the Court and in the absence of such policies and oversight, wasted state funds on unnecessary renovations, travel, computers for home use, lunches, and the framing of personal items, and;

Whereas, the House of Delegates also adopted House Resolution 203 censuring all then-sitting Justices related to their conduct concerning, among other things, the spending on their personal offices;

Whereas, Chief Justice Workman and Justice Walker have accepted full responsibility for all spending on renovations to their personal offices over which they exercised or should've exercised spending oversight and approval;

Whereas, Chief Justice Workman and Justice Walker have previously and publicly acknowledged indefensible spending by the Court and the absence of appropriate policies and practices that likely would have prevented that indefensible spending;

Whereas, Chief Justice Workman and Justice Walker have publicly acknowledged the need for changed policies and practices to rebuild public trust in the Court;

Whereas, Chief Justice Workman and Justice Walker have begun and will continue to implement reforms to improve the administration of the Court and prevent future inappropriate expenditures and to ensure compliance with all applicable laws and regulations governing the conduct of the Court;

Whereas, Justice Walker has not served as Chief Justice over the Court or Judicial Branch in the time that she has served on the Supreme Court of Appeals;

Whereas, Chief Justice Workman and Justice Walker support increased legislative oversight, transparency, and accountability of the Supreme Court of Appeals;

Whereas, Chief Justice Workman and Justice Walker accept personal and institutional responsibility for the Court's failure to enact certain specific policies as described in Article XIV in the Articles of Impeachment; therefore, be it

*Resolved by the Senate:*

That Chief Justice Workman and Justice Walker be hereby publicly reprimanded and censured for and because of the aforementioned conduct; and be it

*Further Resolved,* That the Clerk is hereby directed to forward a copy of this resolution to Chief Justice Workman and Justice Walker.

Delegate Byrd presented the *Stipulation and Agreement of the Parties* document to the Clerk of the Court of Impeachment.

The Presiding Officer then recognized Ben Bailey, counsel for Margaret L. Workman, Chief Justice of the Supreme Court of Appeals of the State of West Virginia, to address the Court of Impeachment concerning the *Stipulation and Agreement of the Parties*.

The Presiding Officer next recognized Mike Hissam, counsel for Elizabeth D. Walker, Justice of the Supreme Court of Appeals of the State of West Virginia, to address the Court of Impeachment concerning the *Stipulation and Agreement of the Parties*.

On motion of Senator Ferns, at 10:54 a.m., the Court of Impeachment to consider proceedings against the various Justices of the Supreme Court of Appeals of the State of West Virginia adjourned until 2:30 p.m. today.

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The Rules of the West Virginia Senate While Sitting as a Court of Impeachment During the Eighty-Third Legislature and the Articles of Impeachment Against the Various Justices of the Supreme Court of Appeals of the State of West Virginia are inserted into the Journal of the Court of Impeachment as follows:

**RULES OF THE WEST VIRGINIA SENATE  
WHILE SITTING AS A COURT OF IMPEACHMENT  
DURING THE EIGHTY-THIRD LEGISLATURE**

**1. Definitions**

(a) “Articles of Impeachment” or “Articles” means one or more charges adopted by the House of Delegates against a public official and communicated to the Senate to initiate a trial of impeachment pursuant to Article IV, Section 9 of the Constitution of West Virginia.